

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 15, 2010 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order by Mayor Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Joyce Berube	City Secretary, Lorri Coody
Council Member, Rod Erskine	City Attorney, Martha Williams
Council Member, Curtis Haverty	
Council Member, Ernie English	
Council Member, Jill Klein	

Staff in attendance: Mark Bitz, Fire Chief; Sgt. Shawn Horton; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

Charles Wedemeyer, Chief of Police was not present at this meeting.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

- 1. Prayer and Pledge by Cadet/2Lt. Joshua Campbell – Jersey Village HS Air Force JROTC**

C. PROCLAMATIONS

- 1. Proclamation encouraging all citizens to participate in the 2010 Census count and a call for all citizens of the City of Jersey Village to join in helping ensure a full and accurate count in 2010.**

Mayor Russell Hamley presented the Proclamation encouraging all citizens to participate in the 2010 Census count and calling for all citizens of the City of Jersey Village to join in helping ensure a full and accurate count in 2010 to Ida Love, Partnership Specialist with the U.S. Census Bureau. Ms. Love accepted the Proclamation and told those present that the Census is:

- Safe – Your responses are protected;
- Important – \$400 Billion will be allocated as a result of the responses; and
- Easy – There are only 10 questions and it takes only 10 minutes.

D. CITIZENS COMMENTS

Citizens who have signed a card and wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and City Council Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy. Citizens are limited to five (5) minutes for their presentation to the City Council.

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Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0408 – Mr. Maloy spoke to Council about the purpose of the Bond Election held in 2002. He stated that the citizens of the Village voted at that time to pass the 2003 bond issue and intended that the funds be used for certain projects. He told Council that there were monies left over from these projects that Council is now going to use on the Jones Road Extension Project. He feels that the use of the 2003 bond monies for the Jones Road Extension Project is not appropriate and believes that the City should hold an election in order that the citizens can decide how the left over funds should be spent.

Mr. Maloy also told Council that he is concerned about the future of the City. The decisions made today will need to be financially supported by the citizens tomorrow. As a result, he believes that any long-term capital projects should be voted on by the citizens.

E. CITY MANAGER'S REPORT

City Manager, Mike Castro presented the following reports in his Manager's Report calling special attention to the Racial Profiling Report.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, and Governmental Funds Report.
2. 2009-2010 Open Records Requests, CD 2009-2010 Open Records Requests and Solicitor's Permit Requests
3. Fire Department Monthly Report
4. Police Activity Report, Warrant Report, Investigations/Calls for Service Report, Red Light Camera Summary Report, and Staffing/Recruitment Report.
5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Report Graphs, and Revenue Comparison Report.
6. Public Works Departmental Report, Permit Departmental Report, Construction Update – Detail and Construction Update Summary
7. Combined Monthly and Annual Mileage Report
8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report
9. Report from Code Enforcement
10. Capital Improvements Projects Report
11. White Oaks Bayou Capital Improvements Projects Report
12. 2009 Racial Profiling Report

F. CONSENT AGENDA

The following items are considered routine in nature by the City Council and will be enacted with one motion and vote. There will not be separate discussion on these items unless requested by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

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1. **Consider approval of the Minutes for the Special Session Meetings held on January 12, 2010 at 1:30 p.m., January 12, 2010 at 7:00 p.m., January 13, 2010, and January 14, 2010 and the Regular Session Meeting held on January 18, 2010.**
2. **Consider Ordinance No. 2010-05, ordering a general election on May 8, 2010 for the purpose of electing three (3) council members (Place 1, Place 4, and Place 5).**

ORDINANCE NO. 2010-05

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 8, 2010, FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

3. **Consider Ordinance No. 2010-06, approving a revised Records Management Plan and adopting the use of the TX State Library's Retention Schedules.**

ORDINANCE NO. 2010-06

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING A REVISED RECORDS MANAGEMENT PLAN, ADOPTING THE USE OF THE TX STATE LIBRARY'S RETENTION SCHEDULES, AND PROVIDING FOR SEVERABILITY.

4. **Consider Ordinance No. 2010-07, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010 for the purchase of three radar units and related equipment for two Motorcycle Units and One Traffic Safety Unit for the Jersey Village Police Department.**

ORDINANCE NO. 2010-07

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

Council Member Berube moved to approve items 1 through 4 on the consent agenda. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

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G. REGULAR AGENDA

1. Consider Resolution No. 2010-08, receiving the recommendation of the Proposal Review Committee and authorizing the City Manager to enter into a contract for the Police Department Expansion Project.

Michael Brown, Director of Parks and Recreation introduced the item. The background information on this item is as follows:

In September 2007, City Council authorized HBL Architects to prepare a Master Plan for the expansion of the Police Department building. Bill Hall, with HBL Architects, presented this plan for expansion in February 2008. After reviewing the report Council accepted the plan and directed staff to add the expansion to the Capital Improvement Program for FY 2009-2010 budget.

The Proposal Process began in mid December with advertising in the Houston Chronicle followed by a Pre-Proposal meeting on January 12, 2010 at 2:00 PM. The Proposal opening was held on January 26, 2010 at 2:00 PM in the Civic Center located at 16327 Lakeview in the City of Jersey Village.

A total of 14 Proposals were received on Tuesday, January 26, 2010. The proposals were evaluated by the review committee for price, qualifications, financial stability, experience in constructing municipal projects, proposed work plan, and safety record.

Mr. Brown told Council that the review committee unanimously recommends JC Stonewall Constructors, L.P. for the award of this contract in the amount of \$633,000.

Discussion was had on the methods used by the review committee to evaluate the references. Mr. Brown explained that all the proposals were reviewed and references were called. Any input from references was discussed by the committee as a whole. Therefore, the outcome is a representation of the recommendation.

Discussion was also had on the amount of the documentation from the proposal process that will be public record. Mr. Brown explained that the information provided in the Council packet will be public record.

Council engaged in discussion about any recourse that has been built into the contract process that will protect the City for unexpected problems resulting during and after the project. Mr. Brown explained that there will be a warranty which varies by component; however, standard maintenance issues are not covered under the warranty and will be addressed by the City. He explained that no monies will be withheld at project completion for unexpected problems.

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Mr. Brown was asked if other city records were used when reviewing the local offeror's proposal. He told Council that all proposals were reviewed equally, giving no preference to local offerors.

There was discussion about the amount of monies that were discussed during the 2009-2010 budget hearings for this project. Mr. Brown told Council that we had budgeted \$700,000 and expect that we will need to come back to Council next month for a budget amendment.

There was discussion about the bid price of \$633,000 and if it had any contingencies built into the price. Mr. Brown explained that the price had allowances built in for such items as furniture but there were not contingencies.

City Manager Castro explained that of the \$700,000 budgeted in the 2009-2010, \$100,000 was for architect fees and \$600,000 for the construction of the building. It did not include a budget for allowances such as furniture. Therefore, considering that the proposal includes the allowances if one were to deduct those out, the base proposal would be in the neighborhood of \$433,000.

The project is expected to take 8 months from start to finish.

Council discussed the experience of JC Stonewall Constructors, L.P. Frank Brooks, the City's Engineer addressed Council. He told Council that in reviewing all of the proposals, this contractor had the most experience with municipal projects.

Council Member Klein moved to approve Resolution No. 2010-08, receiving the recommendation of the Proposal Review Committee and authorizing the City Manager to enter into a contract for the Police Department Expansion Project. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2010-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE RECOMMENDATION OF THE PROPOSAL REVIEW COMMITTEE, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE POLICE DEPARTMENT EXPANSION PROJECT.

- 2. Consider Resolution No. 2010-09, authorizing the City Manager to enter into a contract with Pate Engineers, for the re-design of the Jones Road Lift Station, in connection with the extension of Jones Road.**

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Danny Segundo, Director of Public Works explained that the purpose of the re-design of the Jones Road Lift Station is to accommodate the anticipated future wastewater loading in the proposed Transit Orient Development area south of Highway 290. The previous design would not have the capability of handling the potential increase. The re-design will increase from a duplex (2 pump) lift station to a triplex (3 pump) lift station.

Staff is requesting approval of a contract agreement with Pate Engineers to furnish the necessary engineering services in relation to the re-design of the Jones Road Lift Station as more specifically described in the attached proposal. The re-design will be completed within six (6) weeks after notice-to-proceed is received from the City of Jersey Village.

Discussion was had about the re-design and what the increased capacity will mean in terms of increased construction costs. Paul Wallick with Pate Engineers, Inc. addressed Council in connection with the question. He told Council that while the capacity is increasing by 1/3rd the costs will not increase by 1/3rd; rather he believes the costs will increase from \$275,000 to around \$300,000. He told Council that the 3rd pump is needed for whatever development might happen in that area, whether it is the Transit Oriented Development or some other type of development. This re-design is simply planning for the future.

Council Member Berube moved to approve Resolution No. 2010-09, authorizing the City Manager to enter into a contract with Pate Engineers, for the re-design of the Jones Road Lift Station, in connection with the extension of Jones Road. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2010-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATE ENGINEERS, FOR THE RE-DESIGN OF THE JONES ROAD LIFT STATION, IN CONNECTION WITH THE EXTENSION OF JONES ROAD.

- 3. Consider Ordinance No. 2010-08, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010 in order to allow for the allocation of \$18,000 from the 2003 Street Bond fund to fund 13-92-7107 for engineering services in connection with the re-design of the Jones Road Lift Station.**

Danny Segundo, Director of Public Works explained that this item is the budget amendment associated with the previous item. The amendment is necessary to appropriate additional funds to allow for the engineering services in connection with the re-design of the Jones Road Lift Station.

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As a result of the Citizen Communication comment earlier in the evening, discussion was had about the leftover monies from the 2003 bond project and if this allocation is appropriate. City Manager Castro explained that during the 2002 election, the citizens voted to use the monies for certain “types” of projects. The re-design of the Jones Road Lift Station is in line with the intended usage or type of project that was voted on in 2002. He told Council that the expenditure will be a one-time cost and not a recurring cost.

Discussion was had about the 2003 bond project fund balance. Public Works Director, Danny Segundo reported the balance to be \$321,241.72.

Council Member English moved to approve Ordinance No. 2010-08, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010 in order to allow for the allocation of \$18,000 from the 2003 Street Bond fund to fund 13-92-7107 for engineering services in connection with the re-design of the Jones Road Lift Station. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2010-08

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

4. Consider with possible action authorizing the City Manager to advertise for public bid the Jones Road Extension Project.

Danny Segundo, Director of Public Works introduced the item. He told Council that Staff is requesting permission to place the Jones Road Extension project out for public bid. He explained that all bid documents and bid specifications are to be handled by Pate Engineers and that the Jones Road Project has been a part of the city’s Capital Improvement Plan for several years. After selection of a contractor the City will ask Harris County to release the remaining portion of funding to pay for the construction cost of Jones Road.

Council Member Berube moved to authorize the City Manager to advertise for public bid the Jones Road Extension Project. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

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The motion carried.

5. Consider with possible action authorizing the City Manager to advertise for public bid the City of Jersey Village Honolulu Paving, Storm Sewer, and Water Line Improvements.

Danny Segundo, Director of Public Works introduced the item. He told Council that Staff is requesting permission to place the Honolulu Street Rehabilitation project out for public bid. He explained that all bid documents and bid specifications will be handled by Brooks & Sparks, Inc.

City Council met in a work session in April of 2009 to discuss the possibility of adding additional streets to the 2007-2008 Street Bond Project. It was determined that street/drainage and waterline repairs to Honolulu Street would be added. The funds will come from the fund balance of the current 2007-2008 Street Bond Project.

Discussion was had that the project would be located from Lakeview to Hawaii. There was concern about the poor quality of road near Welwyn. City Engineer Brooks stated that this section might be worked in as a change order should there be any project overage.

Council Member Haverty moved to authorize the City Manager to advertise for public bid the Honolulu Street Rehabilitation project. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

6. Consider Ordinance No. 2010-09, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010, allowing for the transfer of \$70,697 from Jones Road fund balance to 14-93-7102 – Engineering Design.

Danny Segundo, Director of Public Works introduced the item. He told Council that the City of Jersey Village received \$70,697 on April 15, 2009 from Harris County to cover additional engineering cost associated with the Jones Road Project. Since this check was received in the previous fiscal year, the funds are available in the Jones Road fund balance. Staff is requesting that this amount be allocated with the approval of city council to line item 14-93-7102 (Engineering Design). The allocation of these funds will allow staff to pay any additional engineering services related to the Jones Road extension.

Council Member English moved to approve Ordinance No. 2010-09, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September

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30, 2010, allowing for the transfer of funds from Jones Road fund balance to 14-93-7102 – Engineering Design. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

7. Consider Resolution No. 2010-10, appointing a Commissioner to fill the unexpired term ending September 30, 2011 for Position Three on the Planning and Zoning Commission.

Lorri Coody, City Secretary introduced the item. She explained that the Planning and Zoning Commission is a seven member Commission appointed by the Mayor with approval of the Council. Each member shall be a resident of the city and shall be appointed to serve a term of two years. Should a vacancy occur, the Mayor, with approval of the Council, shall appoint a person to complete the unexpired term for the position.

On January 11, 2010, via email, John Hanley, who serves in position three on this Commission tendered his resignation due to health reasons. Mr. Hanley has served on this Commission since June of 2004 and his current term expires September 30, 2011.

The applications of those qualified candidates who have expressed interest in serving on this Commission are attached for Council's review.

Council was pleased with the amount of interest from the citizens in this open position. Discussion was had on the applicants. Applicant Justin Ray was present and addressed Council. He stated his interest and background. Applicant Joe Pennington was also present.

Council Member English moved to appoint Justin Ray as Commissioner to fill the unexpired term ending September 30, 2011 for Position Three on the Planning and Zoning Commission. The motion died for lack of a second.

Council Member Haverty moved to appoint Barbara Freeman as Commissioner to fill the unexpired term ending September 30, 2011 for Position Three on the Planning and Zoning Commission. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

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Nays: None

The motion carried.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 7:50 p.m.

Lorri Coody, City Secretary