

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON APRIL 19, 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; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer by: Michael Brittain, Chaplain, American Legion Post #324
2. Pledge by: Jimmy Baughman, Commander of American Legion Post #324

C. PRESENTATIONS

1. Presentation of Police Department Employee of the First Quarter, 2010.

Jimmy Baughman, Commander, and Howard Mead, Past Commander of American Legion Post #324, along with Mayor Hamley, presented the Police Department Employee of the Quarter, 2010 awarded to Dispatcher, Kim Flenoury.

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.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713-461-1430) – Mr. Maloy spoke to Council about the Harris County Toll Road Authority (HCTRA) Resurfacing Project and the goal of that project to reduce noise in Jersey Village. He spoke about the results of a recent study about noise abatement and how this study has impacted Jersey Village. He told Council that the HCTRA will not resurface further sections of Toll Road in Jersey Village because the resurfacing did not reduce the noise levels as much as expected. However, Mr. Maloy believes that the project was a success and is asking Council to intervene by asking the HCTRA to proceed with the original Resurfacing Project as planned.

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D. CITY MANAGER’S REPORT

The City Manager presented in presenting his report, pointed out that the work by the Harris County Flood Control on the By-Pass Channel is basically done and the channel is functioning.

Discussion was had by Council about the status of the exposed area of the Channel where prior discussions were had about placing trees or fencing in these areas. City Manager Castro explained that staff is still working with Flood Control on the fencing and have been informed by Flood Control that it will be best to wait on a fencing project until the ground in the channel is more stable. As far as the trees and vegetation, stable ground is a must before the planting can begin.

Council engaged in discussion about the “earthen bridge” that was created by the construction and how this “bridge” has created a problem with giving 4-wheelers the ability to cross the channel.

Council also had questions about the investment report and the open records report which were addressed by Finance Director, Isabel Kato and City Secretary, Lorri Coody respectively.

The remainder of the City Manager’s Report follows:

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, Budget Projections as of March 2010, and Quarterly Investment Report – March 2010.
2. Departmental Request Report and Open Records Request, CD 2009-2010 Open Records Requests, and Solicitor’s Permit Requests
3. Fire & Emergency Services Departmental 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 Up-Date Detail Report 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

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

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by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

- 1. Consider approval of the Minutes for the Regular Session Meeting held on March 15, 2010.**
- 2. Consider Resolution No. 2010-16, authorizing the City Manager to enter into a contract with Harris County, Texas to provide fire protection services to Fire Protection Zone 38.**

RESOLUTION NO. 2010-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARRIS COUNTY, TEXAS TO PROVIDE FIRE PROTECTION SERVICES TO FIRE PROTECTION ZONE 38.

- 3. Consider Ordinance No. 2010-18, correcting and amending Ordinance No. 2007-39 adopted October 15, 2007 pertaining to Chapter 34 of the Code of Ordinances requiring that food service establishments have grease traps.**

ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, CORRECTING AND AMENDING ORDINANCE NO. 2007-39 ADOPTED OCTOBER 15, 2007 PERTAINING TO CHAPTER 34 OF THE CODE OF ORDINANCES; REQUIRING THAT FOOD SERVICE ESTABLISHMENTS HAVE GREASE TRAPS.

Council Member English moved to approve items 1 through 3 on the consent agenda. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

G. REGULAR AGENDA

- 1. Consider Resolution No. 2010-17, awarding the bid and authorizing the City Manager to enter into a contract for the Jones Road Street, Drainage, Water, and Sanitary Sewer Improvements Project ((U.S. Highway 290 to FM 529) Road Log No. 42086-12, Apin No. 0510400098, Harris County, Texas).**

Danny Segundo, Director of Public Works introduced the item. He told Council about the interlocal agreement that was approved by both the City of Jersey Village and Harris County for the construction and extension of Jones Road from US 290 to FM 529.

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We received a total of 10 bids on April 13, 2010. The bids were evaluated by the Pate Engineers who recommends the low bidder - Pace Services for the award of this contract in the amount of \$4,031,758.85.

Mr. Segundo explained to Council that this item is to award the bid based upon the recommendation from Pate Engineers and authorize the City Manager to enter into a contract for the extension of Jones Road Street, Water, and Sanitary Sewer Improvements, subject to acceptance of the bid and release of funds by Harris County.

Council engaged in discussion about the experience of Pace Services. Mr. Segundo told Council that he does not have any personal experience with the company, but his research shows that they are a reputable company.

Paul Wallick, an Engineer with Pate Engineering told Council that his firm has worked with Pace Services on subdivision projects and had good experiences. He also told Council that Harris County Pct. 4 had a project with this company and gave a good report for the work that was completed.

Discussion was had about the funding for the project. City Manager Castro explained that the project is funded by Harris County and the City of Jersey Village. The City will be responsible for Contract Administration and On-Site Inspection. The City's portion also includes utilities and storm water drainage for Jones Rd. The County will pay for the 4 lane concrete roadway. The City's portion will be paid from a combination of the 2003 Street Bond Funds and the Utility Funds.

Mr. Castro advised the Council that the City Attorney has stated that this is an acceptable project for the 2003 Street Bond funds. City Attorney Williams confirmed that the 2003 Bond funds can be used legally for this project.

Council Member English moved to approve Resolution No. 2010-17, awarding the bid and authorizing the City Manager to enter into a contract for the extension of Jones Road Street, Water, and Sanitary Sewer Improvements, subject to the acceptance of the bid and release of funds by Harris County. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2010-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE EXTENSION OF JONES ROAD STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS.

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2. **Consider Resolution No. 2010-18, authorizing the City Manager to enter into an agreement with Kensinger Properties Limited, granting permission for the City of Jersey Village to utilize the utility easements owned by Kensinger Properties Limited, and also allow for the installation of a sanitary sewer force main in connection with the Jones Road Extension Project.**

Danny Segundo, Director of Public Works told Council that during discussions with Pate Engineers and Kensinger Properties Limited owners of lots 1D, 2C, 3A, 4, and 5 along the 290 feeder, it was determined that Kensinger owned an easement behind the lots that would allow the access for the placement of the sanitary sewer force main needed for the Jones Road extension.

The agreement will allow for the city to utilize the easement and also allow for the installation of a sanitary sewer force main. The agreement will also allow for Kensinger Properties to tie onto for existing buildings and any possible future development.

Council Member Berube moved to approve Resolution No. 2010-18, authorizing the City Manager to enter into an agreement with Kensinger Properties Limited, granting permission for the City of Jersey Village to utilize the utility easements owned by Kensinger Properties Limited, and also allow for the installation of a sanitary sewer force main in connection with 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

The motion carried.

RESOLUTION NO. 2010-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KENSINGER PROPERTIES LIMITED, GRANTING PERMISSION FOR THE CITY OF JERSEY VILLAGE TO UTILIZE THE UTILITY EASEMENTS OWNED BY KENSINGER PROPERTIES LIMITED, AND ALSO ALLOW FOR THE INSTALLATION OF A SANITARY SEWER FORCE MAIN IN CONNECTION WITH THE JONES ROAD EXTENSION PROJECT.

3. **Consider Resolution No. 2010-19, setting compensation for Gene W. Frohbieter, as presiding Municipal Court Judge, and setting compensation for Don R. Byrnes and Martin Halick as Municipal Court Judges.**

Isabel Kato, Finance Director introduced the item. Background information provided in the in the Council Packet included the following:

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In October 2009 with the opening of the 2009-2010 budget year, the Prosecutors compensation for the Municipal Court was adjusted from \$100.00 per hour to \$250.00 per docket. Compensation for the Judges was not adjusted in October, but was reviewed by Council during the December 21, 2009 Council Meeting. During that meeting, Council did not make a decision. Staff was asked to gather additional information, particularly statistics on the number of new cases filed and how these cases are being handled by the new crimes ticket writer system. The new system changes the way defendants appear in Court which impacts court activity and may affect the Court's dockets.

The finance department gathered information from its own court docket, from its financial system, from neighboring cities, and from the State of Texas in order to present Council with a benchmark to aid in making a justified compensation decision.

Ms. Kato presented Council with a power point presentation to demonstrate the findings gathered over the past 90 days. She told Council that the item on tonight's agenda is to make a fair and equitable recommendation concerning the Judges' compensation for our Municipal Court. She asked that Council consider adjusting the compensation of the City of Jersey Village Municipal Court Judges from \$125.00 per hour to \$275.00 per docket and from \$125.00 per hour for jail visits to \$100.00 per jail visit effective May 1, 2010.

Council engaged in discussion about an email they received from the Presiding Judge and his comments about citizens having to wait in Court for many hours for their cases to be heard due to lengthy dockets. Ms. Kato responded by telling Council that the statistics gathered over the past 90 days reflect that the Court is processing fewer cases in Court due to a change in the ticket system, and the tickets that are being processed in Court are being handled more efficiently as fewer hours are being recorded for Judges and Prosecutors.

There was also discussion about our Court compared to other cities. Council was told that we currently pay our Judges the 2nd highest out of six cities reviewed. Additionally, it was noted that most cities pay on a per docket basis as opposed to an hourly basis. Accordingly, staff recommends this method of payment.

Council Member Berube moved to approve Resolution No. 2010-19, setting compensation for Gene W. Frohbieter, as presiding Municipal Court Judge, and setting compensation for Don R. Byrnes and Martin Halick as Municipal Court Judges. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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RESOLUTION NO. 2010-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING COMPENSATION FOR GENE W. FROHBIETER, AS PRESIDING MUNICIPAL COURT JUDGE, AND SETTING COMPENSATION FOR DON R. BYRNES AND MARTIN HALICK AS MUNICIPAL COURT JUDGES.

4. Discuss and take appropriate action concerning the License Plate Recognition Program.

Michael Brown, Director of Parks and Recreation gave background information on this program and information about prior council meetings when this item was considered. He also presented Council with a power point presentation. Mr. Brown explained how the License Plate Recognition System works and how the camera records and captures data. He showed Council a map depicting 10 locations where the cameras could be located if this type of system were purchased for the city. These locations would cover entrances to the city. The one-time cost for purchasing and installing the cameras is \$844,576.

Mr. Brown also presented Council with on-going annual costs of this program. He explained these costs as follows:

Utilities	\$30,000
Replacement Program (5 Years)	\$60,000
Yearly Maintenance	<u>\$ 7,000</u>
TOTAL:	\$97,000

Discussion was had about the installation costs. Mr. Brown explained what is needed in order to install a camera. He explained the problems with getting electrical service to each location and how the cameras need to communicate. He explained that the process is more intricate than meets the eye and in some instances will require burrowing under the roadway pavement to install the connectivity for the cameras.

Mr. Brown explained that he spoke to three vendors to get prices for this project. Council engaged in a lengthy discussion on this program and its costs. There was discussion about:

1. The placement of the cameras, why there was a need to place a camera on both an in-bound and out-bound lane of traffic
2. Cameras for police cars as opposed to stationary cameras,
3. Placement of cameras on buildings
4. The possibility of getting a demo model
5. The possibility of reducing the number of cameras being installed to reduce the costs, and
6. Can the cameras be placed only in the heavily traveled areas as opposed to the 10 locations chosen?

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Council would like to discuss this topic further during the budget workshop retreat. No action was taken on this item.

5. Discuss and take appropriate action concerning the need for specific zoning and/or ordinances to govern the repair, maintenance, and beautification of property along the Jones Road corridor.

Rod Erskine, Council Member introduced the item. He told Council that this topic was considered by Council on March 15, 2010. At that time, there was concern about the development along Jones Road once the extension is complete. As a result, suggestions were made that the city be proactive in passing an ordinance to insure that the right kind of development happens, not only for new development but for the development of existing businesses as they change hands along the Jones Road corridor. Perhaps an ordinance to regulate new businesses in terms of type and beautification criteria would be appropriate.

During the March 15, 2010 meeting, Council Member Erskine stated that the concern is not only for the used car lots; but for all the existing businesses that may close and re-open. He wanted to see businesses be given direction in the form of an ordinance on what needs to happen to clean up their properties in order to make the Jones Road corridor more appealing.

Because Council did not have enough information about what the existing Code offered as a solution for this item, staff was asked to research the current codes and bring back information on this topic.

Council Member Erskine explained that this item is to discuss the information provided in the Council packet on the City's current Ordinances that apply to this issue and to explore the topic in further detail.

Danny Segundo, Director of Public Works, explained that his department had reviewed the City's current ordinances and they do not provide for addressing the current businesses operating under non-conforming use. Mr. Segundo explained that under this policy, if a business is operating as a used car lot and the used car lot goes out of business, under the current code, a new used car lot can be established on that property under non-conforming use. He told Council that there is a landscaping ordinance for new construction and there is a health ordinance that regulates maintenance and high weeds, but there do not appear to be any ordinances that are helpful in enforcing the desires of Council in this area.

City Attorney Williams explained that in regulating non-conforming use, it might be possible to amortize the non-conforming use. The process would be similar to the amortization in the bill board ordinance with the use expiring after a period of time when the owner must bring the property into compliance.

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Council would like clarification about non-conforming use and how that is currently being applied. City Manager Castro explained that the Planning and Zoning Commission has the responsibility of looking at the zoning ordinances for areas in the city and for reviewing the land uses. At any rate, any changes in the zoning laws would affect new businesses and not existing businesses.

Council Member Erskine moved to request the Planning and Zoning Commission look at reworking the zoning ordinance for used car lots on Jones Roads and to come back to Council with a Zoning Ordinance that will prohibit used car lots in that area in the future. Council Member Haverty seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- 6. Consider Resolution No. 2010-20, ratifying and approving the filing of the protest on behalf of the city in TABC Docket SOAH # 458-10-3147 against the renewal of the liquor license for Coaches Pubs, Inc., D/B/A Coaches Sports Bar & Grill, located at 17460 Northwest Freeway, Jersey Village, Texas 77040-1999.**

Martha Williams, City Attorney explained that on April 15, 2009, the city's police department, through Detective Sergeant Shawn Horton, filed a protest against the renewal of the liquor license for Coaches Pubs, Inc., D/B/A Coaches Sports Bar & Grill, located at 17460 Northwest Freeway, Jersey Village, Texas 77040-1999, which protest has been docketed by the Texas Alcoholic Beverage Commission as SOAH # 458-10-3147. In preparation for the hearing to be held on this protest set for May 21, 2010, it is necessary that City Council affirm and ratify the protest filed by on behalf of the City in order to eliminate any question of the authority of Detective Sergeant Horton to file the protest, saving valuable time and public resources.

This item is to provide for that affirmation and ratification.

Council engaged in discussion about the number of police and EMS calls made to this establishment. Discussion was also had about what the owners were doing to correct the problems. Chief of Police Wedemeyer explained the background information concerning his department's discussions with the owners to correct the issues at this establishment. He told Council that a solution was reached with the owners, but the activities surrounding the solution did not last. The Chief told Council that there is gang activity at this bar and problems exist.

Council Member Berube moved to approved Resolution No. 2010-20, ratifying and approving the filing of the protest on behalf of the city in TABC Docket SOAH # 458-10-3147 against the renewal of the liquor license for Coaches Pubs, Inc., D/B/A Coaches

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Sports Bar & Grill, located at 17460 Northwest Freeway, Jersey Village, Texas 77040-1999. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2010-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RATIFYING AND APPROVING THE FILING OF THE PROTEST ON BEHALF OF THE CITY IN TABC DOCKET SOAH # 458-10-3147 AGAINST THE RENEWAL OF THE LIQUOR LICENSE FOR COACHES PUBS, INC., D/B/A COACHES SPORTS BAR & GRILL, LOCATED AT 17460 NORTHWEST FREEWAY, JERSEY VILLAGE, TEXAS 77040-1999.

H. CLOSE THE REGULAR SESSION

Mayor Hamley closed the Regular Session at 8:45 p.m. to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.072 – Value/Transfer of Real Property.

I. EXECUTIVE SESSION

- 1. Deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Open Meetings Act.**

J. ADJOURN EXECUTIVE SESSION

Mayor Hamley adjourned the Executive Session at 9:07 p.m. and reconvened the Regular Session, stating that no official business was taken during the Executive Session.

K. CONVENE REGULAR SESSION

- 1. Discuss and take appropriate action concerning Resolution No. 2010-21, authorizing the city manager to obtain survey and title to Tract # 114-035-009-0009, a certain 0.2534-acre tract located on Village Drive, within the City of Jersey Village.**

Council received information in the Council Packet relating to the appraisal of a certain tract of property owned by Mr. Aubrey M. Farb. Staff has not contracted for title on the property, or for a survey of the property. The approximate cost to complete the survey and title report is approximately \$ 4,000. Both of these actions must be completed prior to an actual purchase of the property.

Should council not desire to purchase the property, no action is required.

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Mayor Hamley called for a motion on this Resolution. Receiving no motion, the Resolution died for lack of a motion and Mayor Hamley adjourned the meeting as follows:

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:11 p.m.

Lorri Coody, City Secretary