

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JUNE 21, 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, Mark Maloy	
Council Member, Jill Klein	

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Michelle Yi, Assistant Director of Finance; and Michael Brown, Director of Parks. Isabel Kato, Director of Finance, was not present at this meeting.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by: Council Member, Curtis Haverty

C. 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.

There were no Citizen Comments.

D. CITY MANAGER'S REPORT

City Manager, Mike Castro presented the following reports in his Manager's Report calling special attention to an error in the Police Department Fraud Report and the Notes from the Meeting with the Gulf Coast Rail District (GCRD) on June 4, 2010.

Council engaged in discussion on the Notes from the GCRD meeting. City Manager Castro fielded questions and answered accordingly. There was focused discussion on when and if the commuter rail will go into downtown Houston. The information carried away from the GCRD meeting was that while everyone involved with this project believes it will happen there are no definitive plans and there is no funding for the line to continue into downtown.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, and Budget Projections as of May 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

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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 Court Proceeds 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
12. Notes from Meeting with the Gulf Coast Rail District on June 4, 2010
13. Overview of Council Calendar – Important Budget Meeting Dates

E. 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.

1. **Consider approval of the Minutes for the Regular Session Meeting held on May 17, 2010 and the Work Session Meeting held June 1, 2010.**
2. **Consider Resolution No. 2010-29, appointing an Emergency Management Coordinator and an Assistant Emergency Management Coordinator for the City of Jersey Village.**

RESOLUTION NO. 2010-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING AN EMERGENCY MANAGEMENT COORDINATOR AND AN ASSISTANT EMERGENCY MANAGEMENT COORDINATOR

3. **Consider Resolution No. 2010-30, making clerical corrections and non-substantive changes to Resolution No. 2010-18 which authorizes the City Manager to enter into an Agreement with Kensinger Properties Limited and James M. Easterling, Jr., grants permission for the City of Jersey Village to utilize the utility easements to be granted by Kensinger Properties Limited and James M. Easterling, Jr., and also allows for the installation of a sanitary sewer force main in connection with the Jones Road Extension Project.**

RESOLUTION NO. 2010-30

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS MAKING CLERICAL CORRECTIONS AND NON-SUBSTANTIVE CHANGES TO

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RESOLUTION NO. 2010-18 WHICH AUTHORIZES THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KENSINGER PROPERTIES LIMITED AND JAMES M. EASTERLING, JR., GRANTS PERMISSION FOR THE CITY OF JERSEY VILLAGE TO UTILIZE THE UTILITY EASEMENTS TO BE GRANTED BY KENSINGER PROPERTIES LIMITED AND JAMES M. EASTERLING, JR., AND ALSO ALLOWS FOR THE INSTALLATION OF A SANITARY SEWER FORCE MAIN IN CONNECTION WITH THE JONES ROAD EXTENSION PROJECT.

- 4. Consider Resolution No. 2010-31, declaring the 1989 John Deere Backhoe as surplus equipment and authorizing disposition by the City Manager in accordance with the City's Administrative Procedures.**

RESOLUTION NO. 2010- 31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DECLARING THE 1989 JOHN DEERE BACKHOE AS SURPLUS EQUIPMENT AND AUTHORIZING DISPOSITION BY THE CITY MANAGER IN ACCORDANCE WITH THE CITY'S ADMINISTRATIVE PROCEDURES.

- 5. Receive the Golf Course Advisory Committee Report.**

Council Member Berube moved to approve items 1 through 5 on the consent agenda. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

F. REGULAR AGENDA

- 1. Consider Ordinance No. 2010-26, amending Section 70-77 of the Code of Ordinances to allow for a 3.6 percent water rate increase.**

Danny Segundo, Director of Public Works introduced the item. He told Council that the City of Houston increased the water rate by 16 percent effective January 1, 2010, and as a result, the City is now paying \$2.19 per thousand gallons used. The previous cost was \$1.88 per thousand gallons used. While City Council did approve an 8% increase in January of 2010 to help offset these costs, staff has since learned that the City of Houston intends to increase contract pricing another 13% beginning in January of 2011.

Mr. Segundo reminded Council that during the annual budget retreat meetings and during last month's city council meeting, Council discussed the possibility of proposing a water rate increase that would pass the additional costs through to the city's customers. In preparing for tonight's item, he told Council that the Finance Department had prepared an analysis concluding that a 3.6% rate increase is necessary to maintain a healthy operating

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utility fund balance. He also told Council that an effort to educate the public on any further water rate increases has been addressed by staff with articles being published in the JV Star and sent out in the May and July issues.

Council engaged in limited discussion on this matter. Discussion that was had centered on insuring that the increase would cover only the additional costs for the water and would not result in any additional revenue.

Council Member Haverty moved to approve Ordinance No. 2010-26, amending Section 70-77 of the Code of Ordinances to allow for a 3.6 percent water rate increase. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2010-26

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING SECTION 70-77 OF THE CODE OF ORDINANCES OF SAID CITY; ESTABLISHING RATES FOR WATER SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

2. Discuss and take appropriate action regarding Update on Slab Elevations within the City.

Danny Segundo, Director of Public Works introduced the item. He told Council that Staff has reviewed the issues associated with building in the flood plain areas of the City. Mr. Segundo explained the problem as it relates to the regulations that require new homes to be built to higher elevation standards, which is causing drainage issues (water runoff) for neighboring older homes that were built to pre-existing standards.

Currently, FEMA regulations require that homes in the floodplain be built to the Base Flood Elevation (BFE) as designated on the FEMA Flood Maps. Our City Ordinance requires that the homes be built one foot above BFE. This means that depending upon the elevation where the home is to be built; the new home could be built as high as 2 to 4 feet above a home built before the 2007 FEMA maps were adopted, thus causing the drainage issues.

Factors that are contributing to the issue are:

- City ordinance requiring homes to be built one foot above BFE. (Sec.14-225)(h)(1))
- City ordinance requiring slab to be at least 8 inches higher than grade. (Sec.14-88(a) and Sec. 14-333)
- City ordinance requiring lots to drain from back to front. (Sec.14-88 and Sec.14-333)

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Staff suggested that an option for resolving issue would be to hire a consultant with experience in building standards and flood plain issues to review the slab elevation standards and make a recommendation for moving forward.

Council engaged in discussion about the drainage problems. Mr. Segundo explained that the problem is that those properties that are built up to comply with the new elevation standards are draining into neighboring property owner's lots, causing problems.

Council discussed a need for a consultant to study the problem. Christian Somers-Kuenzel, the City's Building Official, told Council that building permits are only being issues for these type properties with an engineering analysis/certificate.

Council discussed that due to the length of time it takes to construct some homes, it might be that there is a need to have some type of temporary drainage for these lots during the construction period. There was also discussion about other remedies such as the installation of gutters routed into the drain spouts.

Council Member Haverty moved to allow the City Manager to seek a consultant to assist the City of Jersey Village with creating or modifying the current residential code concerning residential home construction that affects the storm water runoff into neighbor's property. Included in the code changes should be a provision that adequate storm water drainage be included during actual construction. Council Member Erskine seconded the motion.

Council engaged in discussion about what should happen to resolve this problem. The motion was read aloud and the vote followed:

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

Nays: None

The motion carried.

Council continued to discuss the matter after the vote. Staff assured Council that all permits issued for construction on the lots in question would require an engineering analysis. Council also discussed the possibility of issuing a moratorium on the issuance of such permits and asked the City Attorney to research same. Council would also like the City Attorney to report if the City will be at risk to the property owners if it cannot issue a moratorium on the issuance of such permits until this is resolved.

3. Consider Ordinance No. 2010-27, allowing budgetary amendments to the FY 2009-10 budget for the Jones Road Street, Drainage, Water, and Sanitary Sewer Improvements Project.

Danny Segundo, Director of Public Works introduced the item. He outlined for Council the background information concerning this amendment and the need for same. Basically, he told Council that the bid for the project came in for more than what was

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budgeted during the 2009-2010 budget year and this item is to approve the funds to cover the difference of the amount budgeted and the bid proposal and to move the funds into the project line items in order that the project can begin.

Council Member Berube moved to approve Ordinance No. 2010-27, allowing budgetary amendments to the FY 2009-10 budget for the Jones Road Street, Drainage, Water, and Sanitary Sewer Improvements Project. Council Member Erskine seconded the motion. The vote follows:

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

Nays: Maloy

The motion carried.

ORDINANCE NO. 2010-27

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE 2003 STREET BOND BUDGET AND THE UTILITY FUND BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

4. Consider Resolution No. 2010-32, authorizing the City to apply for a grant from the Department Of Justice, Community Oriented Policing Services, COPS Hiring Recovery Program (CHRP).

Charles Wedemeyer, Chief of Police introduced the item. He told Council that his department had received notification from the U.S. Department of Justice, Community Oriented Policing Services, that granting was available on a complete basis under the COPS Hiring Recovery Program (CHRP). In this, the DOJ will 100% fund a position for three years with a requirement that the city agree to accept and fund the position for a one year period following closeout of grant. If approved, the grant will provide 100% funding of incentives to include Social Security, TMRS, unemployment, insurance, uniform allowance, certification, educational and other fringe benefits for the entire term of the grant. The granting application is for one (1) entry level police officer position.

Council Member Berube moved to approve Resolution No. 2010-32, authorizing the City to apply for a grant from the Department Of Justice, Community Oriented Policing Services, COPS Hiring Recovery Program (CHRP). Council Member Maloy seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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RESOLUTION NO. 2010-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES, COPS HIRING RECOVERY PROGRAM (CHRP).

5. Consider Resolution No. 2010-33, appointing a member to fill the unexpired term for position six on the Planning and Zoning Commission.

Lorri Coody, City Secretary, introduced the item. She told Council on June 16, 2010, via email, David Paul, who serves in position six for this Commission, tendered his resignation. Mr. Paul has sold his home and will be moving away from Jersey Village. Mr. Paul has served on this Commission since December of 1996 and his current term expires September 30, 2010. This item is to appoint a member to fill his unexpired term.

Ms. Coody told Council that the applications of those qualified candidates who have expressed interest in serving on this Commission were included in the packet.

Council Member Berube moved to appoint Justin Ray as Commissioner to fill the unexpired term ending September 30, 2010 for Position Six on the Planning and Zoning Commission. Council Member Klein seconded the motion.

Accordingly, Mayor Hamley called for a vote to approve Resolution No. 2010-33, appointing Justin Ray to fill the unexpired term for position six on the Planning and Zoning Commission. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2010-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING A MEMBER TO FILL THE UNEXPIRED TERM FOR POSITION SIX ON THE PLANNING AND ZONING COMMISSION.

G. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:00 p.m.

Lorri Coody, City Secretary