

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 20, 2008 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

The meeting was called to order by Mayor Hamley at 7:05 p.m. with the following present:

Mayor, Russell Hamley
Mayor Pro-Tem, Ernie English
Council Member, Joyce Berube
Council Member, Greg Holden
Council Member, Frances Wubbenhorst
Council Member, Jill Klein

City Manager, Mike Castro
City Attorney, Ken Wall
City Secretary, Lorri Coody

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.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer by: Jimmie Baughman, Chaplain, American Legion Post #324
2. Pledge by: Howard Mead, Commander of American Legion Post #324

PRESENTATIONS

1. **Presentation of Police Department Employee of the Quarter Certificate by Howard Mead, Commander of American Legion Post #324.**

Commander of the American Legion Post #324, Howard Mead made the presentation of the Police Department Employee of the Quarter to Officer Chris Zermeno.

Mayor Hamley thanked Commander Mead and the American Legion for their work and for making these presentations. Council Member Wubbenhorst congratulated and thanked Officer Zermeno for his contributions to the community.

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 (713-937-0408) – Mr. Maloy gave Council an update about the Toll Road Noise Abatement Program. He told the Council that the study for the rubberized asphalt surfacing program had been completed and the Toll Road

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Authority had an item on the Harris County Commissioner's Court to have the surfacing project bided. Mr. Maloy stated that once the bids are awarded and the surfacing is complete, the community should experience some relief from the noise.

Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713-466-0804) – Mr. Fields addressed his concerns with Council about code enforcement issues. He stated that in his opinion, there are still many unaddressed code enforcement issues in the City and that City staff is lax in enforcing the codes. He cited examples and stated that enforcement is important to property values. He wants City property inspected, codes enforced and enforcement policies reviewed periodically.

Cindy Hillman, 16218 Congo Lane, Jersey Village, Texas (281-617-7895) – Ms. Hillman made comments about the recent changes in City Code concerning the parking of trailers in yards. She stated that she moved to Jersey Village so she could park her trailer in her yard and now she cannot. She would like to have Council reconsider these changes. She would like to be able to park her trailer in her back yard where it is out of view from the public and behind a fence. She also believes that there should be some kind of "grandfather" clause.

Charlie Daniel, 16101 Crawford, Jersey Village, Texas – Mr. Daniel addressed Council concerning the Golf Course Advisory Committee on which he is a serving member. He gave Council a short presentation of this Committee's accomplishments over the years of its existence and stated that they use to give a quarterly report to Council to keep them informed as to the Committee's activities; but this practice was stopped awhile back when a Council liaison was appointed to the Committee.

He told Council that the Committee's job was to make recommendations to Council about the Golf Course. Mr. Daniels stated that at one time this input was needed and helpful because there was no one on staff with Golf Course Management experience and the Committee helped fill this void; however, he believed that the current situation was such that the Committee could probably accomplish the things that it is currently accomplishing without a formal committee. He did tell Council that the Committee would continue to work at the pleasure of Council if that was their desire.

CITY MANAGER'S REPORT

City Manager, Mike Castro gave an update on Hurricane Ike activities. He outlined the various contracts and the status of each contract. City Manager Castro informed Council that the City's insurance provider TML had inspected the facilities of the City, twice and that paperwork for reimbursement representing 80% of all costs and expenses have been turned into FEMA as of October 20, 2008. The Hurricane Ike After Action Report is scheduled for October 23, 2008 and 20 key city staff members participated in NIMS training on October 1 and 2, 2008.

Council Member English noted that there were quite a few letters received from citizens in the Village concerning the excellent work of City Staff and he too is pleased with the knowledge and skill of our staff during this event.

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Council Member Wubbenhorst also noted the work of the volunteers, the open house that will take place this coming Saturday and she wished the two CERT trainees well in their upcoming training.

Council received the following items on the City Manager's Report.

1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report and Investment Report.
2. Departmental Request Report and Open Records Request
3. Fire & Emergency Services Departmental Report
4. Police Activity Report, Crime Prevention Unit, Warrant Report, and Investigations/Calls for Service Report.
5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Detailed Report, and Revenue Comparison Report.
6. Public Works Departmental Report, and Construction Update Detail
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. Capital Improvements Projects Report
10. WCA Waste Corporation Notice of Rate Increase
11. Update on Hurricane Ike Activities

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. **Minutes of the October 6, 2008 6:00 p.m. Special Session City Council Meeting and Minutes of the October 6, 2008 7:00 p.m. Special Session City Council Meeting.**

Council Member Wubbenhorst moved to approve the Consent Agenda item one, removing item two for discussion. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

2. **Consider on first reading Ordinance No. 2008-35, granting a Franchise Agreement with CenterPoint Energy for the provision of electrical service.**

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City Manager, Mike Castro explained that this item was on the agenda in accordance with Charter requirements that the Caption of the Ordinance be read aloud. Accordingly, Mayor Hamley asked that City Manager Castro read aloud the Caption of Ordinance No. 2008-35. The Ordinance Caption was read aloud.

Council Member Wubbenhorst moved to grant the first reading of Ordinance No. 2008-35, a Franchise Agreement with CenterPoint Energy. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2008-35

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, GRANTING TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE, FOR A PERIOD OF THIRTY (30) YEARS, TO CONDUCT AN ELECTRIC DELIVERY BUSINESS AND TO ERECT, CONSTRUCT, MAINTAIN, OPERATE, USE, EXTEND, REMOVE, REPLACE AND REPAIR IN, UNDER, UPON, OVER, ACROSS, AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE PUBLIC ROADS, HIGHWAYS, STREETS, AND ALLEYS OF THE CITY, AND OVER AND ACROSS ANY STREAM OR STREAMS, BRIDGE OR BRIDGES, AND/OR EASEMENT, NOW OR HEREAFTER OWNED OR CONTROLLED BY THE CITY, A SYSTEM OF POLES, POLE LINES, TOWERS, TRANSMISSION AND DISTRIBUTION LINES, WIRES, GUYS, GAS AND OTHER PIPELINES, FIBER OPTIC AND OTHER CABLES, CONDUITS, METERS AND OTHER DESIRABLE EQUIPMENT, FACILITIES, INSTRUMENTALITIES, AND APPURTENANCES (INCLUDING FACILITIES FOR THE GRANTEE'S OWN USE) NECESSARY OR USEFUL FOR THE TRANSMISSION, DISTRIBUTION, FURNISHING AND/OR SELLING OF ELECTRICITY FOR LIGHT, POWER, AND HEAT, AND FOR ANY OTHER PURPOSE FOR WHICH ELECTRICITY AND OTHER RELATED SERVICES PROVIDED BY GRANTEE MAY BE USED, TO THE CITY AND ITS INHABITANTS, AND FOR ANY OTHER BUSINESS PURPOSE AS THE COMPANY MAY DESIRE FROM TIME TO TIME, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, THE GRANTING OF ACCESS TO THOSE FACILITIES FOR THE DELIVERY BY THIRD PARTIES OF BROADBAND THROUGH POWER LINES OR SIMILAR SERVICE; PROVIDING CONDITIONS CONTROLLING THE USE OF PUBLIC THOROUGHFARES AND EXTENSIONS THEREIN; ESTABLISHING STANDARDS OF SERVICE; PROVIDING FOR ACCEPTANCE; PROVIDING FOR COMPENSATION TO BE PAID TO THE CITY; PROVIDING THAT THE FRANCHISE GRANTED BY THIS ORDINANCE SHALL NOT BE

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EXCLUSIVE; PROVIDING THE GRANTEE'S OBLIGATION TO FURNISH EFFICIENT ELECTRICAL SERVICE AT RATES SPECIFIED IN THE TARIFF FOR ELECTRICAL SERVICES BETWEEN THE GRANTEE AND THE CITY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR OTHER MATTERS RELATING TO THE SUBJECT.

REGULAR AGENDA

1. Receive Final Report on the progress of committee and master parks plan from Parks Review Committee Chairman Jim Pulliam and disband Committee.

Jim Pulliam, Chairman of the Parks Review Committee gave the final report to Council. He told Council that the Committee has completed its work as requested by Council in its original charge and has prepared and submitted to Council a Master Parks Plan. In doing so, the committee realizes that it is no longer empowered/charged with any duties at this time; however it would like Council to consider a new project. With this in mind, Mr. Pulliam introduced Committee Member Nancy Bond who presented Council with the Trees for Houston/Schools Program for consideration. Ms. Bond explained the program requirements and how the Parks Review Committee could be involved if Council would approve same.

Upon completing her presentation, the Mayor stated his approval of the Committee's work and their Master Parks' Plan. Discussion was had by Council on the allocation of the \$50,000 that was approved during the budget work sessions and the possibility of allocating these monies toward the tree program. After discussing the issue further, it was recalled that during the budget work sessions, the \$50,000 allocated for year one was for the items listed in the Park Review Committee Plan and for Park safety issues. The consensus of Council on the spending of the \$50,000 was that staff should review the Park's Review Committee Master Parks Plan and formulate a budget in accordance with the monies allocated in the budget work sessions to accommodate same.

Council Member English moved to disband the Parks Review Committee. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, and Klein

Nays: Council Member Berube

The motion carried.

2. Discuss and consider approval of a motion to set the tax rate for debt service for tax year 2008.

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Council Member Holden moved to set the Debt Service tax rate at \$0.2744 per \$100 value for the year 2008. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

3. Discuss and consider approval of a motion to set the tax rate for maintenance and operation for tax year 2008.

Council Member Berube moved to set the Maintenance and Operation tax rate at \$0.4681 per \$100 value for the year 2008. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

4. Consider Ordinance No. 2008-36, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2008.

Council Member Klein moved that property taxes be increased by the adoption of a tax rate 0.7425. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2008-36

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES BY THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE YEAR 2008; PROVIDING FOR THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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5. **Consider Ordinance No. 2008-37, approving the request of the Board of Directors of the Crime Control and Prevention District to amend the District's fiscal year 2008-2009 budget for the Police Department Expansion Project.**

Council Member Wubbenhorst moved to approved Ordinance No. 2008-37 as submitted. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2008-37

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE REQUEST OF THE BOARD OF DIRECTORS OF THE CRIME CONTROL AND PREVENTION DISTRICT TO AMEND THE DISTRICT'S FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

Mayor Hamley called items 8 and 9 out of order as follows:

8. **Consider Resolution No. 2008-48, discontinuing the Golf Course Advisory Committee.**

This item was placed on the agenda because the Council Liaison felt that while the Committee had achieved many accomplishments over the years, the Committee had reached a point where its purpose had been served. The Council packet included minutes and agendas from several of the past meetings and the items do not appear to address the concerns as stated in Council's initial charge for this Committee.

Council engaged in discussion about the desire to continue the charge of this Committee and what that charge might be. The Mayor gave a brief summary of the history of the Committee and why it was established stating the need for golf course management expertise since there was no expertise among staff. However, discussion was that staff now possessed this experience and the current Committee agendas are not substantive. Discussion continued on the importance of this Committee reviewing both the pros and cons. Council engaged in discussion about reassigning the Council Liaison for this Committee to Council Member Jill Klein. Under the advisement of the City Attorney, the City Secretary was directed to place this item on the next Council agenda for consideration.

Council Member Holden moved to approve the Resolution as submitted. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, and Wubbenhorst

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Nays: Council Members English, Berube and Klein

The motion failed.

Consideration should be given to review this item again after the next Golf Course Advisory Committee Meeting, at which a Council Member will attend and report the results of the meeting to Council.

9. Consider Resolution No. 2008-49, reappointing members to serve another term on the Golf Course Advisory Committee.

Council Member Wubbenhorst moved to approve Resolution No. 2008-49. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members English, Wubbenhorst, Berube and Klein

Abstain: Council Member Holden

Nays: None

The motion carried.

Mayor Hamley returned to item 6 and resumed the order of the original agenda as posted.

6. Consider Resolution No. 2008-46, appointing Deborah Anne Haun as Municipal Court Clerk of the City of Jersey Village for the remainder of the unexpired term ending December 31, 2009.

Council Member Wubbenhorst moved to approve Resolution No. 2008-46. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2008-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING DEBORAH ANNE HAUN AS MUNICIPAL COURT CLERK OF THE CITY OF JERSEY VILLAGE.

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7. Consider Resolution No. 2008-47, appointing members to the Building Board of Adjustment and Appeals.

Council Member Holden moved to appoint Ari Fleitman to Position Five for the term which began on October 1, 2007 and will expire on September 30, 2009. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Wubbenhorst, Berube and Klein

Nays: None

The motion carried.

Council Member Berube moved to appoint Newton Douglas Warren to Position One for the term which began on October 1, 2008 and will expired on September 30, 2010. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members English, Wubbenhorst, Berube and Klein

Nays: Council Member Holden

The motion carried.

RESOLUTION NO. 2008-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,
TEXAS, APPOINTING MEMBERS TO THE BUILDING BOARD OF ADJUSTMENT
AND APPEALS.

10. Discuss and consider additional debris removal services.

Mayor Hamley explain that since the City conducted its last debris removal collection, he had received a few calls from residents who still needed debris picked up and are requesting that consideration be given to a third collection removal. City staff reported that there are six (6) locations within the City where there is still debris on the curb that has been marked for code violations.

Discussion was had about the debris removal and the fact that the Contractor used by the City is no longer in this area. There was also discussion about the cost for these services as well as the issues that may arise from those residents that have missed the debris pickup and have already paid to have their debris removed.

No action was taken on this item.

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ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:52 p.m.

Lorri Coody, City Secretary