

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 16, 2009 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:

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| 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 – Council Member Curtis Haverty

C. PRESENTATIONS

1. Recognize Mrs. Imo Sappington for her volunteer work with the City of Jersey Village Police Department.

Mayor Hamley and Chief of Police Charles Wedemeyer presented Mrs. Imo Sappington a certificate in honor of her years of volunteer work with the City of Jersey Village Police Department.

D. CITIZENS COMMENTS

1. 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.

Carolyn Venable, 8014 Argentina, Jersey Village, Texas (713) 956-1400 – Ms. Venable spoke to Council about the trash bag ordinance. She is opposed to the changes requiring trash bags and wants to have the ordinance changed so that cans are permitted. She likes having back door services. She thinks it is a service the community wants and wants a compromise on the service. She referred to the Mayor's November Newsletter and the costs outlined for this service. She also was concerned about heavy trash pickup and felt that the regulations for trash are petty.

Russell Stevens, 15506 Lakeview Drive, Jersey Village, Texas (713) 466-9488 – Mr. Stevens spoke to Council about the garbage ordinance. He is in favor of a "nice looking" environment, but does not believe that using trash bags as opposed to trash cans is the

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solution. He stated that there will be an issue with bags breaking and animals getting into the trash, causing the trash to be strewn up and down the streets.

Mary Ormston, 39 Parkway Place, Jersey Village, Texas (932) 467-4997 – Ms. Ormston spoke in favor of the new ordinance. She told Council that she believes that there are too many cans on the streets and the cans are not attractive. She is not in favor of backdoor service and is not willing to pay for the added cost of having this service.

Janice Crowley, 16201 Crawford Street, Jersey Village, Texas (713) 937-9236 – Ms. Crowley spoke to Council about the garbage ordinance. She read a prepared letter stating that she is in favor of recycling and that using the garbage bags does not promote recycling. She mentioned the costs associated with having to use garbage bags and that they will break, giving animals easy access to the trash. She does not believe that using the bags will make the city more “eye appealing.” She asked the City to pay for the bags if the ordinance is not changed back to permit the use of trash cans.

Eddie Thompson, 15810 Seattle, Jersey Village, Texas (713) 983-9114 – Mr. Thompson spoke to Council about the trash bag issue. He is opposed to the change and cannot understand why Council is not focused on more important issues. He also spoke to the traffic problems on Seattle. He told Council about the speeders and the through traffic which includes 18-wheelers.

Jill L’Abbate, 15814 Tahoe, Jersey Village, Texas (713) 896-9985 – Ms. L’Abbate is opposed to having to use trash bags and agrees with all that has been said. She too raised the issue of animals having access to broken trash bags.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0403 – Mr. Maloy spoke to Council about a recent traffic count that was conducted on the Toll Road Feeder and the results of that count. Traffic is increasing and is expected to increase in the future. He also talked about noise readings that he took for the area and the effects of these readings. He states his noise readings as a reason for Council to ask TXDOT to re-surface the roads with noise abatement material. Mr. Maloy outlined several other noise abatement methods for Council to consider.

Meg and Charlie Crady, 15321 Jersey Drive, Jersey Village, Texas (713) 466-4598 – Mr. and Mrs. Crady wanted to tell Council thank you for the policing efforts. They have noticed a motorcycle officer patrolling near their home and they just wanted to say thank you.

Bill Phillips, 15805 Juneau, Jersey Village, Texas (713) 937-0228 – Mr. Phillips spoke to Council about the vacant house located next door to his home. He told Council that this home has been vacant for at least 12 years, and he wants to know if there is an ordinance on how long a house can be vacant.

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He also spoke about the garbage issue and while he does not have any issues with the ordinance changes, he would like to know why the City decided to change from cans to bags.

2. **Receipt of comments from CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas' (CenterPoint) regarding agenda item G. 3, relating to CenterPoint's requested rate increase.**

Although present, no one from CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex or CenterPoint Energy Texas Gas' had any comments.

E. CITY MANAGER'S REPORT

1. **Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Quarterly Investment Report, and Governmental Funds Report.**
2. **Departmental Request Report and Open Records Request and Solicitor's Permit Requests**
3. **Fire & Emergency Services Departmental Report**
4. **Police Activity Report, Crime Prevention Unit, Warrant Report, Investigations/Calls for Service Report and Red Light Camera Summary 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 and North Tahoe Construction Update**
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 Oak 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 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 Work Session Meeting held on October 12, 2009, for the Special Session Meeting held on October 17, 2009 and for the Regular Session Meeting held on October 19, 2009.**
2. **Consider Resolution No. 2009-69, authorizing a contract with Brooks and Sparks, Inc. for engineering services related to the addition of the Crawford Street Drainage Project to the 2007-2008 Street Bond Project.**

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RESOLUTION NO. 2009-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A CONTRACT WITH BROOKS AND SPARKS, INC. FOR ENGINEERING SERVICES RELATED TO THE ADDITION OF THE CRAWFORD STREET DRAINAGE PROJECT TO THE 2007-2008 STREET BOND PROJECT.

3. **Consider Resolution No. 2009-70, authorizing an agreement with Jones and Carter, Inc. for engineering services relating to year 3 of the Storm Water Management Program.**

RESOLUTION NO. 2009-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH JONES AND CARTER, INC. FOR ENGINEERING SERVICES RELATING TO THE STORM WATER MANAGEMENT PROGRAM.

4. **Consider Resolution No. 2009-71, authorizing the City Manager to enter into a contract with Insituform Technologies, Inc., to perform the repair and rehabilitation of the sanitary sewer lines throughout the City for FY 2009-2010.**

RESOLUTION NO. 2009-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INSITUFORM TECHNOLOGIES, INC., FOR THE REPAIR AND REHABILITATION OF THE SANITARY SEWER LINES THROUGHOUT THE CITY FOR FY 2009-2010.

5. **Consider Resolution No. 2009-72, authorizing the City Manager to engage Urettek USA, Inc. to perform street raising work throughout various locations in the City of Jersey Village.**

RESOLUTION NO. 2009-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENGAGE URETEK USA, INC. TO PERFORM STREET RAISING WORK THROUGHOUT VARIOUS LOCATIONS IN THE CITY OF JERSEY VILLAGE.

6. **Consider Resolution No. 2009-73, which revises Resolution No. 2009-32, and permits the Chief of Police to apply for, accept, reject alter or terminate a grant with the Office of the Governor, Criminal Justice Division on behalf of the City of Jersey Village Police Department.**

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RESOLUTION NO. 2009-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

7. **Consider Resolution 2009-74, authorizing the Mayor to sign all necessary documents required to exempt CenterPoint Energy personnel from mandatory evacuation requirements issued pursuant to Texas Government Code Section 418.185.**

RESOLUTION NO. 2009-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE EXEMPTING CENTERPOINT ENERGY EMPLOYEES FROM MANDATORY EVACUATION REQUIREMENTS ISSUED PURSUANT TO TEXAS GOVERNMENT CODE SECTION 418.185.

8. **Consider Resolution No. 2009-75, authorizing a joint resolution with Harris County establishing a Harris County Emergency Management organization consisting of City and the County officers, and authorizing an interlocal agreement between the City and Harris County for Mutual Aid.**

RESOLUTION NO. 2009-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A JOINT RESOLUTION WITH HARRIS COUNTY ESTABLISHING A HARRIS COUNTY EMERGENCY MANAGEMENT ORGANIZATION CONSISTING OF CITY AND THE COUNTY OFFICERS, AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND HARRIS COUNTY FOR MUTUAL AID.

9. **Consider Resolution No. 2009-76, reviewing and adopting the Investment Policy and investment strategies used for city funds in compliance with the Texas Government Code.**

RESOLUTION NO. 2009-76

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, REVIEWING AND APPROVING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES USED FOR CITY FUNDS IN COMPLIANCE WITH THE TEXAS GOVERNMENT CODE.

10. **Consider Resolution No. 2009-77, casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District.**

RESOLUTION NO. 2009-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,

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TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

Council Member Berube moved to approve items 1 through 10 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.

G. REGULAR AGENDA

1. Consider Ordinance No. 2009-55, amending Ordinance 2009-50 of the City of Jersey Village, Texas, to permit the use of trash cans for residential trash collection.

Background information on this item is as follows: On September 14, 2009 Council approved Ordinance No. 2009-50 which implemented a new Chapter 54. Among other things, this new ordinance required that all residential household garbage and grass clippings be placed in a plastic garbage bag effective January 1, 2010.

During the October 19, 2009 Council discussed the passage of Ordinance No. 2009-50, and Council Member Berube moved to revise Ordinance 2009-50 to make the change to provide for the use of trash cans and to bring this ordinance back for Council's review during the November meeting.

Council Member Berube told Council that she asked that this item be brought for a review of Ordinance No. 2009-50 and a vote on implementing changes that provide for the use of trash cans. She addressed the issue of back door garbage pick-up stating the cost for same and how it works differently now that it worked under the old system. She explained that there is not enough support for this service to re-implement it in the City.

Council Member Berube moved to approve Ordinance No. 2009-55, amending Ordinance 2009-50 of the City of Jersey Village, Texas, to permit the use of trash cans for residential trash collection. Council Member English seconded the motion.

Discussion continued about what is meant by the amendment. City Manager Castro explained that the amendment makes it permissible for residents to use both trash cans and trash bags. Additionally, Mr. Castro explained that heavy trash pick-up is the same as it always has been and he clarified that there were never any changes to this section to the code.

There was discussion about the amendment including language for a time of day in which residents must have the trash cans off the street after trash pick-up. The amendment did not provide for same. Therefore, Council Member Berube moved to amend her motion on the floor by moving to approve Ordinance No. 2009-55, amending Ordinance 2009-50

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of the City of Jersey Village, Texas, to permit the use of trash cans for residential trash collection and that the trash cans will be removed from the street by 7 a.m. the following morning after trash is collected. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Discussion continued about the cost of back door service. City Manager Castro told Council that the current vendor has no interest in performing this service and has declined participation in such a program. As a result, should the City consider implementing such a program, it would have to be bid for prospective vendors. City Manager Castro reminded Council that the reason the current waste contract was extended for a three year period was because the other vendor contract prices were so much higher than those offered by WCA. He cautioned that going out for bids would probably result in higher costs for regular garbage collection, resulting in over-all higher costs for the back-door service than is currently being discussed.

Mayor Hamley then called for a vote on the original motion on the floor as amended. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2009-55

AN ORDINANCE AMENDING ORDINANCE 2009-50 OF THE CITY OF JERSEY VILLAGE, TEXAS, WHICH ENACTED A NEW CHAPTER 54 OF THE CODE OF ORDINANCES, TO PERMIT THE USE OF TRASH CANS FOR RESIDENTIAL COLLECTION; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

2. Consider with possible action authorizing staff to seek Competitive Sealed Proposals for the Police Department Expansion Project.

Michael Brown, Director of Parks and Recreation explained the item to Council. He told them in September 2007, City Council authorized HBL Architects to prepare a Master Plan for the expansion of the Police Department Building, and 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.

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Mr. Brown explained that the Project Manual, included in the council packet, contains all the spec sheets and requirements for bidding the project as well as a section on the Competitive Sealed Proposal Evaluation Criteria. If approved, the competitive sealed proposal process will begin in mid December, with advertising in the Houston Chronicle, followed by a Pre-Proposal Conference on January 12, 2010 at 2:00 PM. Sealed proposals will be opened on January 26, 2010 at 2:00 PM, at 16327 Lakeview, City of Jersey Village. The estimated cost for the build out is as follows:

| | |
|---------------------|---|
| \$600,000.00 | 2500 sq ft addition |
| <u>\$150,000.00</u> | Allowances (additional carpet, panting, moving computers, recording systems and additional cameras) |
| \$750,000.00 | Total |

Council engaged in discussion about the criteria and the proposal process. Bill Hall with HBL, fielded these questions and answered accordingly.

Council Member Berube moved to authorize staff to seek Competitive Sealed Proposals for the Police Department Expansion Project. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein
Nays: None

The motion carried.

- 3. Consider Resolution No. 2009-78, finding after reasonable notice and hearing, that CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas' (CenterPoint) requested increases to its natural gas rates and charges within the city should be denied; providing for recovery of rate case expenses; preserving regulatory rights of the city; resolving other provisions related to the subject matter hereof; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel.**

City Attorney, Martha Williams explained this item. On July 31, 2009 CenterPoint Energy Resources Corporation d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas filed with the City of Jersey Village their Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas Served by the Houston Division.

The summary letter accompanying the Statement of Intent basically stated that the overall average increase for a residential customer using 35 Ccf will be \$4.09 per month exclusive of revenue related taxes. The proposed effective date of the rate change was September 4, 2009.

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Council at its August 17, 2009 meeting agreed to join forces with the cities served by the Houston Division of CenterPoint who had formed a coalition to address concerns and protect their interests. The coalition hired the law firm Lloyd Gosselink. Attorney and representative of the firm, Thomas Brocato was present at the August 17, 2009 meeting. He presented the coalition's recommendations to Council on this issue and Council agreed to suspend the effective date of CenterPoint's rate increase for 90 days in order to allow the City time to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

The legal limits of the 90 day deadline are approaching and Cities have until December 3 to act upon CenterPoint's rate request. The coalition is recommending a resolution to deny the rate increase. The deadline for passing the resolution is December 3 and failure to take action by that date will result in CenterPoint's full rate request going into effect within Jersey Village.

With limited discussion on this item, Council Member Haverty moved to approved Resolution No. 2009-78, finding after reasonable notice and hearing, that CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas' (CenterPoint) requested increases to its natural gas rates and charges within the city should be denied; providing for recovery of rate case expenses; preserving regulatory rights of the city; resolving other provisions related to the subject matter hereof; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel. 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. 2009-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS' (CENTERPOINT) REQUESTED INCREASES TO ITS NATURAL GAS RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PRESERVING REGULATORY RIGHTS OF THE CITY; RESOLVING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

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4. Consider Ordinance No. 2009-56, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for addition of the Crawford Street Drainage Project to the 2007-2008 Street Bond Project.

Danny Segundo, Director of Public Works explained that Council has approved the engineering and construction costs associated with Change Order No. 5, which pertains to drainage repair work on Crawford Street, and has added this project into the 2007-2008 Street Bond Project with approval of consent item number two.

Accordingly, this item is to request for the allocation of funds for this project in the 2007-2008 Street Bond Project and to provide funds for the construction work.

Mr. Segundo explained that the funds will be allocated for engineering fees (Brooks & Sparks) in the amount of \$8,500.00 and paving and drainage construction cost (SER) \$89,367.00. Funding will allow for the installation of storm sewer inlets on Crawford Street to alleviant street flooding. The funds will be taken out of the 2007 street bond fund balance.

Council engaged in discussion about the problem to be solved and what initially caused this problem. City Engineer, Frank Brooks and City Manager, Mike Castro explained the issues surrounding the Crawford Street drainage problem and the steps that will be taken to address the problem. In short, the inlets along Crawford Street are not sufficient to handle to flow and increasing the size of these inlets should resolve the issue.

Council Member Haverty moved to approve Ordinance No. 2009-56, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for addition of the Crawford Street Drainage Project to the 2007-2008 Street Bond Project. 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. 2009-56

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.

5. Consider Resolution No. 2009-79, adding the Crawford Street Drainage Project to the 2007-08 Street Bond Program and approving Change Order No. 5 with SER Construction, Inc.

Danny Segundo, Director of Public Works explained that this agenda item will address the drainage problem at the intersection of Crawford Street and Carlsbad Street. The

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drainage at this location consists of three small inlets constructed by city crews over fifteen years ago. All three inlets are connected to a six inch PVC pipe that drains into a storm sewer inlet approximately 450 feet away.

These inlets are inadequate and simply cannot handle the amount of rain water received after a 10 to 15 minute rainfall. Street flooding occurs and water rises over the curbs in this area, rendering the intersection impassible to residents living on Crawford.

The installation of 24-inch reinforced concrete pipe (RCP) and four new storm sewer inlets will aid in alleviating the problem and allow for proper drainage along Crawford Street.

Council Member Berube moved to approve Resolution No. 2009-79, adding the Crawford Street Drainage Project to the 2007-2008 Street Bond Program and approving Change Order No. 5 with SER Construction, Inc. 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. 2009-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ADDING THE CRAWFORD STREET DRAINAGE PROJECT TO THE 2007-08 STREET BOND PROGRAM AND APPROVING CHANGE ORDER NO. 5 WITH SER CONSTRUCTION, INC.

6. Receive Update on Red Light Camera Accident Statistics.

Chief of Police, Charles Wedemeyer told Council that a yearly report, as outlined in the State Laws for cities operating red light camera, must be submitted to the Texas Department of Transportation this month. The report outlines statistics *prior* to the installation of red light cameras and *after* the installation of red light cameras for the nine cameras placed at specific intersections in the City. The report reflects a decrease in the total number of accidents at these intersections.

7. Receive Update from the Chief of Police concerning the License Plate Recognition Program.

Chief of Police, Charles Wedemeyer explained that the Police Department has received information from the vendor on November 3, 2009 concerning the License Plate Recognition Program. This vendor has mobile cameras on police cars and demonstrated a car to Jersey Village for the department to preview. The Chief told Council that the vendor mentioned that they are not clear on fixed surveillance cameras. The department

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is continuing to pursue this program, and the receipt of this information from the vendor is helpful.

Discussion was had about the need to have these cameras at the entrances to the City rather than on the cars. The differences between the two approaches were discussed and the Chief explained the pros and cons of each approach (mobile cameras vs. stationary cameras). While no proposals have been received for the stationary cameras, the operational costs for said cameras may make such a program cost prohibitive.

The police department is gathering more information on this program and will continue to update Council as information becomes available. No further action is required on this item at this time.

8. Discuss and take appropriate action on the Police Department's Plan for enforcing traffic laws within the residential areas of the City of Jersey Village.

Chief of Police, Charles Wedemeyer explained that during the October Council Meeting, the City Manager was directed to work with the Police Chief to develop a plan for enforcing traffic within the residential areas of Jersey Village.

In response to this directive, Chief Wedemeyer told Council that beginning in September, he directed the shift sergeants to add an additional patrol unit to the East District of the City for the purpose of traffic enforcement. That assignment appears to be effective, as projected enforcement should raise the yearly number of citations issued to approximately 1,000 over the number issued in 2008. In addition to this staffing change, the Department is bring two new officers out of training, has hired a new motorcycle officer, and expects to hire the two in-training reserve officers by January of 2010.

These additions should fill most of the open positions and make a significant addition to the police department staff, making more officers available for traffic enforcement. Accordingly, the Chief told Council that he expects to increase the number of assigned officers in the East District by one or two on both the Day and Evening Shifts.

With the changes mentioned, the Chief stated that he expects a higher visibility and enhanced traffic enforcement in the single-family home portion of Jersey Village. He recommends monitoring the plan for 90 days and then re-evaluating it for effectiveness.

Discussion was had about the effectiveness of speed trailers and the idea of purchasing additional speed trailers as an alternative to using police officers for enforcing speed laws. The consensus was that the trailers do help to slow drivers on the streets where they are operational and the trailers provide useful data; however, once the trailer is re-located, the speeding problem returns.

Council also discussed cell phone signage in school zones as a deterrent to speeders.

No official action was taken on this item.

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9. Consider Ordinance No. 2009-57, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for the provision of Consultant Services.

Charles Wedemeyer, Chief of Police explained that a consulting firm is required to inventory the property room at the Police Department. The funds are available because of savings due to the Traffic Safety Fund. However, a budget transfer is needed to hire a consulting firm to inventory the property room at the Police Department.

The Chief told Council that circumstances that surround this item are part of an on-going investigation with the Harris District Attorney's Office and the City of Jersey Village Police Department. As a result of this investigation, he is limited in his comments and in answering questions.

With limited discussion on this item, Council Member English moved to approve Ordinance No. 2009-57, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for the provision of Consultant Services. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2009-57

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.

10. Consider Resolution No. 2009-80, authorizing an agreement with Property and Evidence Consultant, Kolene Dean for Consultant Services for the review of the City of Jersey Village Police Department Evidence Room.

Chief of Police, Charles Wedemeyer explained that a consulting firm is required to inventory the property room at the Police Department. There are a number of active cases with the Harris County District Attorney's Office in the police department property room that will require verification. This is a requirement by the Harris County District Attorney's Office due to a joint investigation with the police department to maintain the integrity of the evidence. This is in conjunction with the resignation of the supervisor responsible for the property room management.

The Chief explained that this item is to accept the proposal of Kolene Dean, Property & Evidence Consultant, to reorganize and inventory the police department property room.

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The Chief told Council that circumstances that surround this item are part of an on-going investigation with the Harris District Attorney's Office and the City of Jersey Village Police Department. As a result of this investigation, he is limited in his comments and in answering questions.

With limited discussion on this item, Council Member Berube moved to approve Resolution No. 2009-80, authorizing an agreement with Property and Evidence Consultant, Kolene Dean for Consultant Services for the review of the City of Jersey Village Police Department Evidence Room. 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. 2009-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH PROPERTY AND EVIDENCE CONSULTANT, KOLENE DEAN FOR CONSULTANT SERVICES FOR THE REVIEW OF THE CITY OF JERSEY VILLAGE POLICE DEPARTMENT EVIDENCE ROOM.

- 11. Discuss and take appropriate action to consider directing staff to seek information from TXDOT and the Harris County Toll Road Authority to see if it is feasible to continue coating the Toll Road feeder area, abutting Jersey Village from the By-pass Channel to Hwy 290 and to coat the newly planned road surface on the Senate and Jones Road feeders with the noise deterrent substance to be used for noise abatement.**

Council Member Berube introduced this item stating the need to discuss the feasibility of asking TXDOT to coat the Toll Road feeder lanes from the By-pass Channel to Hwy 290 and the feeder Roads along Senate and Jones Road with the noise deterrent substance to be used for noise abatement.

City Manager, Mike Castro gave an update on activities that staff has undertaken to promote noise abatement in the city. He stated that many steps have been taken toward noise abatement in conjunction with the Hwy 290 expansion project. Staff has met with the Hwy 290 TXDOT team on many occasions and the concerns for noise abatement has been mentioned each time as well as the other traffic concerns of the city such as the affects that the expansion will have on businesses, signage, drainage and of course the noise. Mr. Castro explained that as part of the expansion project, TXDOT holds public hearings to receive comments. These public hearings were held and during same, the City voiced its concerns. TXDOT must give formal feedback on all comments received. This feedback has not been received yet.

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Discussion was had that the steps taken in conjunction with the 290 expansion are good, but TXDOT will soon begin resurfacing parts of the Harris County Toll Road. It will be important to get in a request to see if it is feasible to apply the noise abatement material to the feeder roads during the resurfacing of the main lanes, and when making this request to also put in a request for the feeder roads along Senate and Jones Road. There was also discussion about the different types of noise abatement techniques mentioned by Mark Maloy during citizen comments.

Council Member Haverty moved that the City Manager write TXDOT a letter formally requesting that the noise deterrent substance to be used for noise abatement be applied to the Toll Road feeder from the By-pass Channel to Hwy 290 and the Senate and Jones Road feeders. Council Member Berube seconded the motion.

There was further discussion about what should be included in the letter. It was the consensus of Council that the letter should address the noise abatement items stated in the motion and the City Manager should come back with a plan on how to move forward with the other options and areas discussed.

The vote follows:

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

Nays: None

The motion carried.

12. Discuss and take appropriate action to consider directing staff to seek information from TXDOT and the Harris County Flood Control District to see if it is feasible to build an earthen berm on the Toll Road feeder, abutting the Jersey Village High School, with the dirt excavated from the 43 acre detention pond.

Council Member Berube introduced this item stating the need to discuss the feasibility of asking TXDOT to build an earthen berm on the Toll Road feeder, abutting the Jersey Village High School with the dirt excavated from the 43 acre detention pond.

Discussion was had about the dirt that would come from the detention pond and that this dirt would be subject to the contract made by Harris County. Mention was made of the discussion Council had with Harris County Flood Control when they were told that it is the County's practice to offer the dirt to the contractors as part of the contract in order to keep costs down.

Further discussion was had on the area in question. It was the consensus of Council that additional information is needed on the types of noise abatement before this item can be properly addressed.

No action was taken on this item.

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13. Discuss and take appropriate action about the feasibility of adding an addendum to the City sign ordinance in order to allow political candidate signs to be posted during "early voting" and on "Election Days" on City property.

Council Member Berube introduced this item stating the need to discuss the feasibility of adding an addendum to the City sign ordinance in order to allow political candidate signs to be posted during "early voting" and on "Election Days" on City property. Council Member Berube explained that our current ordinance does not permit the posting of these signs and that while in the past the ordinance has been relaxed, during the most recent electing, the ordinance was enforced.

City Manager Castro gave background information concerning the ordinance. He explained that it is correct that the ordinance does not provide for the posting of signs on public property, including political signs during elections. He explained that during the most recent election it became a problem because of the Fire Department Open House which has life flight land and the signs become a safety issue.

Discussion was had about an amendment and how such an amendment might be applied. There was discussion about the signs and the problems with the Fire Department Open House which is always held during early voting.

It was the consensus of Council that political signs should be permitted on the "City Hall" property and that staff should present an ordinance for consideration.

14. Discuss and take appropriate action regarding the property and open spaces surrounding the Golf View Garden Homes on Village Drive.

City Manager, Mike Castro presented the background information on this item as follows. He told Council that staff has concluded its research of the Golf View Garden Homes Open Spaces issue and has found an issue on the plat that only named Northwest Village III LTD as the owners of the open spaces in blocks 10 and 11 but not block 9. Accordingly, a call was placed to the Harris County Appraisal District (HCAD) and discussion was had with regard to the ownership of block 9.

After its investigation, HCAD found that a correction should be made to the legal description to include block 9. The change will show Northwest Village III LTD as the owner of the open spaces in block 9. The values and acreage will also change, but will not be recorded with HCAD until 2010.

The ongoing discussion surrounds the concerns raised regarding parking on the street and problems associated with limited sight issues, being that Village Drive is a highly traveled street. There has been discussion on how to alleviate this issue.

Council previously directed staff to determine ownership of the parcel in question and make contact with the land owner, which has been done.

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City Attorney Williams addressed the question concerning the ability to use public funds to construct a parking lot on the property in question. She stated that public funds could be used for such a project as long as the funds were used for a public purpose. She explained that if an individual, in this case the homeowner, happen to benefit from the public purpose, it would still be permissible.

Discussion was had that the parking lot is needed in this area to promote safety. Having parked cars along this area of Village Drive is not safe, and providing alternative parking in the open space would promote safety.

Discussion was had about moving forward on pursuing the title to the land across from the Golf View Garden Homes. The City Manager cautioned that since there is no appraised value on this property with the appraisal district comparable values will need to be used to determine the value of the property. He reminded Council of the limited expertise on staff and the need to make arrangements for the help of an appraiser and title person in order to come back with a negotiated value on this property. If this outside assistance requires a budget amendment, he will bring same back for council approval.

Council Member Haverty moved to direct the City Manager to negotiate acquiring the property for the benefit of the City. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

15. Discuss and take appropriate action regarding incentive pay for Jersey Village Police Officers.

Council Member Haverty introduced the item. He told Council that he wanted to discuss this issue because there have been multiple openings in the city police department for many months. It has become increasingly more difficult to fill these positions. Council Member Haverty believes that the problem with filling the positions is one of quality applicants.

The Council packets contained information outlining the incentive pay for Jersey Village Police Officers compared to the incentive pay of other municipalities and entities. In reviewing this information, Council Member Haverty told Council that Jersey Village offers incentive pay that is 2 to 5 times less for high quality talent, which puts our police department at a competitive disadvantage. He mentioned that our police officers work many hours of overtime in order to bring their salaries into the competitive range. This wears on morale.

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Discussion was had that it would take \$80,000 to bring the incentive pay of the City's police officers in line with Harris County officers and that this kind of an increase would affect the tax rate by \$0.01.

In discussing the packet information, it was noted that the Jersey Village Police Department's incentive pay package is in line with other cities of comparable size.

There was also discussion about police department recruiting practices, the police department's large overtime budget, and if filling the vacant positions would decrease the need for overtime. The Council discussed increasing incentive pay options at a rate of \$40,000 as opposed to \$80,000.

City Manager Castro stated that a police department benefits program may not be the answer if the problem is pay. He reminded Council that licensed police officers received a pay increase beginning October 1 well above other city employees and the City has not had an opportunity to see the effects of this increase.

It was the consensus of Council that the Chief add a monthly staffing/recruiting report for review. No action was taken on this item.

H. CLOSE THE REGULAR SESSION

Close the Regular Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 for Consultation with our Attorney.

I. EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.701 to discuss a proposed settlement agreement for ongoing litigation in *Sign-Ad Ltd. vs. City of Jersey Village and Jersey Village Board of Adjustment*, C.A. No. 4:09-cv-01260 in the United States District Court for the Southern District of Texas, Houston Division.**

Mayor Hamley inquired if the Executive Session was necessary at this time. City Attorney Williams explained that should any members of Council have any questions concerning the agreement that need to be asked and answered that doing so in Executive Session protects the attorney-client privilege. With no members having a need to ask questions, Mayor Hamley moved to Item K on the agenda.

J. ADJOURN EXECUTIVE SESSION

K. CONVENE REGULAR SESSION

- 1. Consider Resolution No. 2009-81, authorizing a settlement agreement with Sign-Ad Ltd in the Sign-Ad Ltd. Vs. City of Jersey Village and Jersey Village Board of Adjustment, C.A. No. 4:09-CV-01260 in the United States District Court for the Southern District of Texas, Houston Division.**

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Council Member Berube moved to approve Resolution No. 2009-81, authorizing a settlement agreement with Sign-Ad Ltd in the Sign-Ad Ltd. Vs. City of Jersey Village and Jersey Village Board of Adjustment, C.A. No. 4:09-CV-01260 in the United States District Court for the Southern District of Texas, Houston Division. 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. 2009-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A SETTLEMENT AGREEMENT WITH SIGN-AD LTD IN THE SIGN-AD LTD. VS. CITY OF JERSEY VILLAGE AND JERSEY VILLAGE BOARD OF ADJUSTMENT, C.A. NO. 4:09-CV-01260 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION.

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:55 p.m.

Lorri Coody, City Secretary