

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 15, 2008 AT 7:00 P.M. IN THE FIRE STATION, 16501 JERSEY DRIVE, JERSEY VILLAGE, TEXAS.

(The Meeting was posted to be held in the Civic Center located at 16327 Lakeview Drive, Jersey Village, Texas. Due to Hurricane Ike and storm damage, the meeting had to be moved to the Fire Station, 16501 Jersey Drive, Jersey Village, Texas. Official Notices were posted accordingly.)

The meeting was called to order at 7:55 p.m. (after the Emergency Meeting) 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 Secretary, Lorri Coody

City Attorney, Ken Wall was not present at this meeting.

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 – Mayor Hamley

FISCAL 2008-2009 MUNICIPAL BUDGET ITEMS

1. Conduct a public hearing on the City of Jersey Village municipal budget for fiscal year 2008-2009.

Mayor Hamley opened the public hearing at 7:57 p.m. in order to give all interested parties the right to appear and be heard on the proposed fiscal year 2008-2009 Municipal budget.

With two persons having signed up to speak at this hearing, the Mayor called:

Mark Maloy, 7803 Hamilton, Jersey Village, Texas 713-937-0408 – Mr. Maloy stated that in order to know what is going on with the budget citizens must attend the Council Meetings. He wants people to know how important it is to regularly attend these meetings.

Greer Kenworthy, 16305 Koester, Jersey Village, Texas 832-771-2118 – Ms. Kenworthy had questions on the budget concerning the legal services line item. She wanted to know why this item had increased so drastically. Isabel Kato, Finance Director for the City explained that the increases on this line item are due to transfers and are connected to the

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Crime Control and Prevention District Budget. The ½ sales tax is used to fund the police department budget and the money is transferred from this line item, thus the increase.

With no other persons signing up to speak on the Municipal budget, Mayor Hamley closed the public hearing at 8:05 p.m. and called the next item on the agenda.

2. Ordinance No. 2008-28 adopting the City of Jersey Village municipal budget for fiscal year 2008-2009.

Council Member Berube moved to approve Ordinance No. 2008-28 adopting the City of Jersey Village municipal budget for fiscal year 2008-2009. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2008- 28

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; MAKING APPROPRIATIONS AS REFLECTED IN SAID BUDGET; MAKING CERTAIN FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

3. Conduct a separate vote to ratify the property tax increase of 4.25% reflected in the newly adopted budget and places the adoption of this tax rate increase on a future meeting agenda as an action item.

Council Member Holden moved to ratify the property tax increase of 4.25% reflected in the newly adopted municipal budget for fiscal year 2008-2009 and that the adoption of this tax rate increase be placed on a future meeting agenda as an action item. Council Member Wubbenhorst seconded the motion. The record vote follows:

Council Member Klein: Aye
Council Member English: Aye
Council Member Berube: Aye
Council Member Holden: Aye
Council Member Wubbenhorst: Aye

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Mayor Hamley, although present, did not vote.

The motion carried.

4. Resolution No. 2008-32 setting time, date and place for two Public Hearings on the Proposed Tax Rate.

Council Member Wubbenhorst moved to approve Resolution No. 2008-32 setting time, date and place for two Public Hearings on the Proposed Tax Rate. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2008-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING TWO PUBLIC HEARINGS ON THE PROPOSED TAX RATE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

PROCLAMATIONS

1. Proclamation recognizing Tuesday, October 7, 2008 as National Night Out in Jersey Village and provide a unique opportunity for the City of Jersey Village to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts.

Mayor Hamley announced the Proclamation.

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.

Steve Moore, 8518 Argentina, Jersey Village, Texas 713-896-7123 – Mr. Moore talked with Council about the sidewalk work being done on Argentina and how this work is affecting his large oak trees. He told Council that when the sidewalk is replaced the roots of the trees will

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have to be cut and this process is going to kill the trees, but he has talked to the Contractor who is laying the sidewalk and there is an alternative to killing the trees and that is to move the sidewalk 5 feet. As a result, he would like Council to consider this alternative to save his trees. Curtis Haverty, 15405 Ashburton, Jersey Village, Texas 713-896-8408 – Mr. Haverty told Council that he is an Emergency Volunteer and he has been helping out during the Hurricane Ike crisis. He has worked with City staff and he wants Council and all the citizens at the meeting to know that the City staff, Mike Castro, Mark Bitz and the Chief of Police all have done an excellent job. He has seen hard work and excellent leadership skills and would like to commend all involved for their effort.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 713-937-0403 – Thanked City Council for their hard work and reminded those in attendance to come back to the next meeting.

CITY MANAGER’S REPORT

City Manager Castro announced the hiring of Mike Bunn as Fire Inspector and asked City Council to welcome him to our staff. Council accepted the City Manager’s Report.

1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report and Property Tax Collection 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, Construction Update Summary, 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. Report from Code Enforcement
10. Capital Improvements Projects Report

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.

Mayor Hamley asked that item 1 be removed and placed for consideration on the September 29, 2008 agenda. He also noted that the Resolution on item 3 contained blanks for submitting the

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names of representatives to be appointed to the General Assembly. Accordingly, this item was removed from the consent agenda and handled separately.

1. Minutes of the August 18, 2008 Regular City Council Meeting, Minutes from the Joint Work Session Meeting held on September 2, 2008, and Minutes from the Special Meeting held on September 3, 2008.

This item was removed from consent and placed on the September 29, 2008 Council agenda for consideration.

2. Resolution No. 2008-33, authorizing a Contract with Harris County, Texas to provide Fire Protection Services to fire protection zone 38.

RESOLUTION NO. 2008-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO A CONTRACT TO PROVIDE FIRE PROTECTION SERVICES TO FIRE PROTECTION ZONE 38.

3. Resolution No. 2008-34, designating a City Representative and an Alternate Representative to the Houston-Galveston Area Council's 2009 General Assembly.

Council Member Holden moved to appoint Jill Klein as the 2008-2009 representative and Council Member Ernie English as the 2008-2009 Alternate Representative. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2008-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DESIGNATING A CITY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE HOUSTON-GALVESTON AREA COUNCIL'S 2009 GENERAL ASSEMBLY.

4. Resolution No. 2008-35, appointing Interim Municipal Court Clerk.

RESOLUTION NO. 2008-35

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING INTERIM MUNICIPAL COURT CLERK OF THE CITY OF JERSEY.

5. Resolution No. 2008-36, approving the application of the Interim Municipal Court Clerk's appointment of Deputy Clerks.

RESOLUTION NO. 2008-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE INTERIM MUNICIPAL COURT CLERK'S APPLICATION FOR APPOINTMENT OF DEPUTY CLERKS.

6. Resolution No. 2008-37, approving the Investment Policy used for City Funds.

RESOLUTION NO. 2008-37

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE INVESTMENT POLICY USED FOR CITY FUNDS.

7. Consider with possible action authorization of staff to seek proposals for group medical insurance.
8. Receive the Jersey Village Tax Assessor's statutory certifications, submissions and calculations under Section 26.04 of the Tax Code.

Council Member Berube moved to remove items 1 and 3 from consent and approve items 2, and 4 through 8. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

REGULAR AGENDA

1. Resolution No. 2008-38, authorizing a letter agreement with Null-Lairson Certified Public Accountants, P.C. For Auditing Services.

Council Member English moved to approve Resolution No. 2008-38 authorizing a letter agreement with Null-Lairson Certified Public Accountants, P.C. for Auditing Services. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2008-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH NULL-LAIRSON CERTIFIED PUBLIC ACCOUNTANTS, P.C. FOR AUDITING SERVICES.

2. Discuss and consider proposals for a Franchise Agreement with CenterPoint Energy for the provision of electrical service.

Due to Hurricane Ike, the City Attorney was not present at the meeting to field questions posed by Council pertaining to this item; therefore, this item will be placed on the next Council Agenda.

3. Consider on first reading Ordinance No. 2008-29, granting a Franchise Agreement with CenterPoint Energy for the provision of electrical service.

Due to Hurricane Ike, the City Attorney was not present at the meeting to field questions posed by Council pertaining to this item; therefore, this item will be placed on the next Council Agenda.

4. Resolution No. 2008-39, reappointing members to the Planning and Zoning Commission, the Board of Adjustment, the Building Board of Adjustment, the Recreation and Events Committee, and the Golf Course Advisory Committee.

Discussion was had concerning re-appointment of members to the Golf Course Advisory Committee. Discussion centered on the need to continue this committee. As a result, re-appointments to the Golf Course Advisory Committee were not addressed with this Resolution and were asked to be placed on the next Council agenda for consideration.

Council Member Holden moved to approve Resolution No. 2008-39, excluding the reappointment of members to the Golf Course Advisory Committee. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

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The motion carried.

RESOLUTION NO. 2008-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, REAPPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION, ZONING BOARD OF ADJUSTMENT, BUILDING BOARD OF ADJUSTMENT and the RECREATION & EVENTS COMMITTEE.

5. Consider with possible action the updated report from Jim Pulliam, Chairman of the Parks Review Committee.

Jim Pulliam, Chairman of the Parks Review Committee gave the updated report to Council. He thanked everyone for the work that they did with the Committee and asked Council if there was anything more that they wanted the Committee to accomplish. The Mayor told Mr. Pulliam that the work that was assigned thus far has been completed and that an item concerning the continuance of this Committee will be placed on the next Council agenda for consideration.

6. Discuss with possible action tree removal at 8518 Argentina.

Danny Segundo, Director of Public Works, told Council that replacing sidewalks is a part of the Street Rehabilitation Project. During the removal of the old sidewalk on Argentina, the contractors and Project Manager observed tree roots needing removal in order to replace the sidewalk and have it remain uniform with project specifications. The resident has requested that an alternative method be sought since disturbing the tree's roots will result in possible death of the tree. Mr. Segundo told Council that many other residents have requested deviations from the project plans and have been denied. His concern with granting this request is with the response of those residents that have been previously denied.

Council engaged in discussion about those previously denied and the reason for the denial. It was determined that the sidewalk could be moved and compliance requirements would still be met. It was stated that trees are an important factor to the beautification factor of the Village.

Council Member Berube moved that the roots of the trees not be removed and the sidewalk be moved in order to preserve the trees. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

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The motion carried.

7. Discussion regarding Transit Oriented Development within Jersey Village.

Due to Hurricane Ike, this item will be placed on the next Council Agenda.

8. Receive Project Update Regarding the Street Rehabilitation.

Due to Hurricane Ike, this item will be placed on the next Council Agenda.

9. Discuss with possible action the incident at Post Elementary occurring on September 8, 2008.

Due to Hurricane Ike, this item will be placed on the next Council Agenda.

10. Discuss with possible action City activities associated with Hurricane Ike.

This item was addressed during the Emergency Meeting.

11. Consideration and possible action – personnel matters regarding annual evaluation of the City Manager.

Mayor Hamley stated that City Manager Mike Castro has elected to receive his 2007-2008 annual evaluation in a public forum. He explained that each year the City Manager receives an evaluation and can elect to have the evaluation in executive session or in public forum. Mayor Hamley stated that each Council Member previously had been given a performance evaluation sheet for this process. He then called each Council Member to make comments concerning Mr. Castro's performance.

Council Member Klein stated that Mr. Castro that he has done a great job in improving the financial status of the City. She believes that Mike is a good financial steward and that he made a good choice in Isabel Kato. Council Member Klein believes that Mr. Castro could improve his communication with Council in order to prepare them to answer and address questions posed to them by the residents of the community.

Council Member English agreed with Council Member Klein. He feels that Mr. Castro brings professionalism and the appropriate urgency to the City. He leads his Staff well. As far as areas of improvement, Council Member English stated he would like to see Mr. Castro be more direct in areas that are not so clear cut or black and white. He mentioned that when addressing "delicate matters" Mr. Castro has a tendency or hesitancy to address the matter and have Council pass and ordinance or make the decision.

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Council Member Berube agreed with what has been stated by previous Council Members. She stated problem solving, knowledge of the position, and fiscal management as Mr. Castro's strengths. Council Member Berube would like to see Mr. Castro be more professional in his handling of the Code Enforcement issues that the City is currently facing.

Council Member Holden is please with Mr. Castro's performance. Most notably, Council Member Holden believes that Mr. Castro has done an excellent job in taking the comments and suggestions he has received and using them to improve both himself and the City. He has done an excellent job in the past 4 days demonstrating strong leadership skills and the ability to develop a team in a good working environment. In response to Council Member English's comments about Mr. Castro being more direct in areas that are not so black and white, Council Member Holden expressed that the input of the City Manager is very important because he is on the City scene daily. He, as a City Council Member, values and appreciates Mr. Castro's input and expertise.

Council Member Wubbenhorst concurs with all that has been stated thus far. She would add that Mr. Castro brings a professional atmosphere to the City, the staff and the Council. She told Mr. Castro that he has always implemented all the ideas and plans that Council has asked of him. She applauds him on his emergency management skills. She also told Mr. Castro that she likes his vision, and the fact that he brings Council new ideas to consider like the Transit Oriented Development that is currently being explored.

Mayor Hamley admires Mr. Castro for his management and leadership skills. His background has helped him tremendously in these areas. He told Mr. Castro that the City is in excellent financial shape and he keeps them well informed. The downside is that Mayor Hamley believes that Mr. Castro can be too military at times. This is a civilian world and Mr. Castro needs to spend more time with our citizens and with staff. He needs to have more empathy and be able to listen to their problems.

12. Consideration and possible action – determine rate of pay for the City Manager for budget year 2008-2009.

Discussion was had concerning a rate of pay increase for the City Manager for the budget year 2008-2009. After limited discussion, Council Member English moved that the City Manager's base compensation of \$104,000 for the budget year 2008-2009 be adjusted by a 3% Cost of Living Adjustment and a 3% merit increase. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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COUNCIL MEMBERS' COMMENTS

Council Member Wubbenhorst thanked everyone for all the hard work done thus far in connection with Hurricane Ike.

Council Member Holden commended City Staff for their work in connection with Hurricane Ike. He apologized for the manner in which he conducted himself earlier in the meeting.

Council Member Berube stated that the City has magnificent staff and she is proud to be a part of this City.

Council Member English thanked everyone for their hard work and stated how fortunate he is to live in Jersey Village.

Council Member Klein appreciates staff and the volunteers. She stated that she got to see firsthand how hard everyone worked she served as a volunteer during Hurricane Ike. She told all in attendance at the meeting that everyone needs to be patient and that in the grand scheme of things we are just a small part of the whole.

MAYOR'S COMMENTS

Mayor Hamley stated he is proud and privileged to live in Jersey Village. We have tremendous leadership and character.

ADJOURN

There being no further business on the Emergency Agenda the meeting was adjourned at 9:05 p.m.

Lorri Coody, City Secretary