

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 17, 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 7:03 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: Pastor Muchow, Epiphany Lutheran Church**
- 2. Pledge by: James Dankworth, Resident and Eagle Scout**

PRESENTATIONS

- 1. Receive presentation of Asset Forfeiture Funds in the amount of \$32,674.67 from Harris County District Attorney Kenneth Magidson for the purchase of law enforcement equipment for the City of Jersey Village.**

Council received the presentation of \$32,674.32 from District Attorney, Kenneth Magidson. Mayor Hamley and Chief of Police Charles Wedemeyer accepted the check and thanked the District Attorney for this contribution from the Asset Forfeiture Funds.

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.

Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713-466-0804) – Mr. Fields addressed Council about Code Enforcement. He stated that there are private vehicles being parked in City parking lots, specifically a Dodge 4X4. He does not think this is appropriate and if there is not an ordinance prohibiting this he would like for Council to consider approving or passing one. Mr. Fields also told Council that he recently attended the Planning and Zoning Commission

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Meeting and was not able to give Public Comment as there was not Public Comment Session listed on the agenda. He believes that there should be public participation at every committee meeting or board meeting held pertaining to public business. He also addressed the use of variances to fix the lack of code enforcement and stated his position on this issue.

Dorothy Starkey, 16206 Saint Helier Street, Jersey Village, Texas (713-896-7911) – Ms. Starkey told Council about the upcoming Holiday in the Park celebration on December 7, 2008 from 1:00 to 4:00 p.m.

William Ensell, 16110 Crawford Street, Jersey Village, Texas (832-230-0480) – Mr. Ensell addressed Council about Code Enforcement issues. He expressed his pleasure with the City's handling of the emergency management clean up with Ike, but he had complaints about some code enforcement issues. He presented Council with several photographs depicting examples of problem areas in the City that he would like to have addressed by Code Enforcement.

CITY MANAGER'S REPORT

City Manager, Mike Castro made note of the Monthly Code Enforcement Report which is part of his monthly report to Council. He also told Council that there is a new Code Enforcement Report which contains updates to citizens' comments made at Council Meetings.

Chief Wedemeyer introduced a newly hired police officer, Eric Lerma to the Council.

City Manager Castro gave an update on Hurricane Ike activities and the reporting to FEMA.

Council Member English gave comments concerning Code Enforcement stating that Council does receive updated reports on active code enforcement within the City and the efforts of the Code Enforcement Department are documented. He thanked staff for their efforts.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, and Governmental Funds 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. Capital Improvements Projects Report**

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- 10. Code Enforcement Monthly Report**
- 11. Code Enforcement Follow Up to Citizen Comments**
- 12. Introduction of Officer Eric D. Lerma**
- 13. 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. Consider approval of the Minutes of the Regular Session of the City Council Meeting held on October 20, 2008 and the City Council Minutes for the Work Session Meeting held on October 20, 2008.**
- 2. Consider Resolution No. 2008-50, designating Council Member Jill Klein as Council Liaison for the Golf Course Advisory Committee.**

RESOLUTION NO. 2008-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DESIGNATING COUNCIL MEMBER JILL KLEIN AS COUNCIL LIAISON FOR THE GOLF COURSE ADVISORY COMMITTEE.

- 3. Consider Resolution No. 2008-51, appointing Harold F. Smith, Jr. to the Golf Course Advisory Committee.**

RESOLUTION NO. 2008-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING HAROLD F. SMITH, JR. TO THE CITY OF JERSEY VILLAGE GOLF COURSE ADVISORY COMMITTEE.

Council Member Wubbenhorst moved to approve the Consent Agenda items 1 through 3 as submitted. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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REGULAR AGENDA

1. Consider Resolution No. 2008-52 entering into a contract with Texas Municipal League for employee health benefits.

Dick Hillyer, Health Benefits Consultant, gave a presentation to Council outlining the employee health benefits information. He gave background information on the history of coverage at Jersey Village and the increase in cost of benefits that have been experienced over the years. He explained the claims from last year and the different proposals for coverage that were received. Mr. Hillyer explained that the best proposal came from Texas Municipal League who offers a self funded trust product in a network that is a competitive PPO since they have contracted with United Health Care. The TML proposal is a 10% reduction in rates over last year.

Council engaged in a question and answer session about the proposals and the differences in health care benefits between the proposals. Mr. Hillyer fielded the questions and answered accordingly.

Karen Farris, Personnel Generalist for the City also responded to Councils' questions. She also asked if Council would be agreeable to reducing the employees' contribution. Council stated that this topic should be added to a future agenda for consideration.

Council Member Holden moved to approve Resolution No. 2008-52 as submitted. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2008-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO A CONTRACT WITH TEXAS MUNICIPAL LEAGUE FOR EMPLOYEE HEALTH BENEFITS.

2. Receive Jones Road Extension, Project Update.

Council received the update from Paul Wallick, Project Manager, with Pate Engineers, Inc. concerning the Jones Road Extension. Mr. Wallick told Council that the plans are complete and have been sent to Harris County. Currently the project is at a point where many entities are involved – Railroads, CenterPoint Energy, Environmental Companies, the County, and Corporate Pipeline Companies – and each entity's part is progressing. Mr. Wallick gave

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Council a brief update concerning each entity's piece of the project. He also explained the revisions to the Council Packet that were presented as a handout to the Council and are connected with Resolution 2008-53.

3. Consider Resolution No. 2008-53, authorizing a contract with Pate Engineers, Inc. for additional services relating to the extension of Jones Road.

City Manager Castro explained that the City of Jersey Village is responsible for administration and oversight of the Engineering costs associated with the Jones Road extension project. Through the course of this project, the city has incurred additional engineering costs and on September 23, 2008, the city received a request from Pate Engineers for three additional items relating to the project. The amount of the proposal from Pate is \$ 23,356.83 as amended and explained earlier by Paul Wallick.

The work on this request is resultant from additional wetlands determination studies requested by the Corps of Engineers. The additional services include 1) Surveying and delineation of the modified detention basin; 2) Delineation of potential wetlands sites within the modified basin; and 3) Additional Pate Engineers field work associated with the items listed above. This work could not be reasonably foreseen at the onset of the project.

Council Member Holden moved to approve Resolution No. 2008-53 as amended. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2008-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A CONTRACT WITH PATE ENGINEERS, INC. FOR ADDITIONAL SERVICES RELATING TO THE EXTENSION OF JONES ROAD.

4. Consider Ordinance No. 2008-38, allowing a budgetary amendment to the 2008-09 budget (Street Bond Fund (Fund 13) for the Jones Road Engineering Services).

City Manager Castro explained that there will be additional engineering work associated with the construction of a sanitary sewer line traversing from the intersection of Jones Rd. and Hwy 290, to a lift station northwest of this intersection. The additional amount requested incorporates the sewer line work in addition to the Corps of Engineers requirements. Mr. Castro explained that this additional work and the work approved with Resolution 2008-53 require this budgetary amendment.

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Council Member Berube moved to approve Ordinance No. 2008-38 as amended.
Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Wubbenhorst and Klein
Nays: None

The motion carried.

ORDINANCE NO. 2008-38

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS,
AMENDING STREET BOND FUND (FUND 13) BUDGET OF SUCH CITY
FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING
SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

5. Discussion and consider Resolution No. 2008-54 pertaining to designation of an agent to work with Trees for Houston, discuss proposal from Trees for Houston for planting of trees in Jersey Village, and discuss tree planting in the community in general.

City Manager, Mike Castro explained that at its October regular meeting, City Council discussed the possibility of contracting with Trees for Houston for the planting of trees along the hike and bike trail on the eastern boundary of Jersey Village. Resolution No. 2008-54 designates Ms. Nancy Bond as the city's agent to work with Trees for Houston and other entities, as required, to bring this project to fruition. However, Mr. Castro explained to Council that Ms. Bond will need to secure Council approval before committing city resources to any proposed planting project as the Resolution gives her the authority to develop a proposal for tree planting.

City Manager Castro also discussed with Council the prospect of forming a separate non-profit organization whose purpose would be the planting and maintenance of trees within Jersey Village. He told Council that at this point, the formation of a non-profit is conceptual in nature, and would be based upon similar entities that exist for this purpose nation-wide. As conceived of, the non-profit would stand as a separate legal entity from the City of Jersey Village. Mr. Castro presented the basics of the non-profit program as follows:

- The scope of the non-profit would be determined by its governing body.
- The city might contract with the non-profit to affect the planting of trees within city rights of way, or within city properties.
- The board of the non-profit would be comprised of community members that have an expressed interest in the maintenance, preservation, and expansion of the tree population within Jersey Village.

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Council engaged in discussion about the non-profit program as presented by the City Manager, asking questions which were fielded by Mr. Castro. Nancy Bond gave a short presentation about the Trees for Houston Program. She also spoke to the non-profit program addressing the “pros” and “cons” of this type of a setup for the planting of trees.

Council Member Holden moved to approve Resolution 2008-54 as submitted.
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. 2008-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DESIGNATING NANCY BOND AS THE CITY’S AGENT TO WORK WITH TREES FOR HOUSTON REGARDING THE PLANTING OF TREES WITHIN JERSEY VILLAGE

Mayor Hamley suggested that an article be placed in the JV Star Newsletter and on the City’s website explaining the non-profit tree planting organization in order to determine what resident interest there might be in this type of program.

Additionally, Council discussed committing \$15,000 to the tree planting program, which would be over and above the \$50,000 previously allotted to Parks by the Park Review Committee in the Parks Master Plan Report. Council asked to have an item on the next agenda for consideration.

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

Council received the second reading of Ordinance No. 2008-35, granting a Franchise Agreement with CenterPoint Energy for the provision of electrical service. The caption of this Ordinance was read aloud as required by the City’s Charter.

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

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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 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.

7. Consider Ordinance No. 2008-39, allowing a budgetary amendment to the 2008-09 budget (completion of projects delayed by Hurricane Ike).

Isabel Kato, Finance Director explained that due to Hurricane Ike the completion of the following City projects were not possible by September 20, 2008, which resulted in the need for these budget amendments to the City's 2008-09 budget in the following amounts:

Police Dept.	01-21-6572	AFIS Customer Desk	\$ 2,300.00
Communication Dept.	01-23-6598	Telephone equipment for adapters for Golf Course and Dispatch	\$ 2,000.00
Information Technology	01-13-6573	Installation of Strix Wireless Network	\$21,500.00

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2003 Street Bond Project	13-92-7101	Jones Road Engineering Expenditure	\$90,400.00
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Council Member Berube moved to approve Ordinance No. 2008-39 as submitted.
Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2008-39

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS,
AMENDING VARIOUS FUND BUDGETS OF SUCH CITY FOR THE
FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING
SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

8. Consider Ordinance No. 2008-40, amending Section 70-77 of the Code of Ordinances and establishing rates for water and wastewater service.

Danny Segundo, Director of Public Works explained that the City of Houston notified the City of Jersey Village that a water rate and waste water rate increase of 1.8 percent would take effect April 1, 2008. The City will now pay \$1.79 per thousand gallons used. The previous cost was \$1.76 per thousand gallons. This will increase our annual water purchase budget by \$12,726. Accordingly, staff recommends that the Council amend the ordinance to increase the water and wastewater rates by 1.8 percent, effective December 1, 2008.

Council Member Holden moved to approve Ordinance No. 2008-40 as submitted.
Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2008-40

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 AND WASTEWATER

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SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL;
AND PROVIDING AN EFFECTIVE DATE.

9. Consider Ordinance No. 2008-41, allowing a budgetary amendment to the 2008-09 budget (Fund 15 – The Red Light Camera Fund)

Isabel Kato, Finance Director explained that the City of Jersey Village enforced the Red Light Camera program towards the end of Fiscal Year 2007-2008. During the budget preparation process for fiscal year 2008-2009 the Finance Department did not have enough information on Revenues and Expenditures linked to this program in order to accurately prepare our projections. In the attached Exhibits A thru F the Finance Department is projecting the Revenues (\$1,200,000), and Expenditures (\$620,500) for the Red Light Camera fund based on actual collections during the first months of Fiscal Year 2008-2009 and expenditures incurred in relation to this program.

Council Member Berube moved to approve Ordinance No. 2008-41 as submitted.
Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2008-41

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE FUND 15 – RED LIGHT CAMERA BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

10. Consider Resolution No. 2008-55, appointing members to the Planning and Zoning Commission.

City Secretary, Lorri Coody explained the two vacancies created on the Planning and Zoning Commission by the resignations of Commissioners Keith Ormston and Darcy Mingoia and the need to fill these two unexpired terms. Ms. Coody pointed out that there were several qualified candidates have expressing interest in serving on this Commission and the applications were presented for Councils' review.

Council Member Holden moved to approve the appointment of Harry Beckwith - Position One for the term which began October 1, 2007 and will expire September 30, 2009 and John Adriance - Position Two for the term which began October 1, 2007 and will expire September 30, 2009. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2008-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION.

11. Discuss feedback and direction for the Golf Course Advisory Committee.

Council Member Klein gave feedback from the Golf Course Advisory Committee meeting that was held on November 10, 2008. She reported that the Committee met and selected a new Chair and Vice Chair and that one position on the Committee still remains open. Council Member Holden stated that he too attended the meeting and he maintains his opinion that while the Committee has achieved many accomplishments over the years; the Committee has reached a point where its purpose has been served. He also stated that the concerns Council once had in establishing a charge for this Committee may need to be re-evaluated to determine if there are still valid concerns that this Committee should be addressing. Both Council Member Holden and Council Member Klein agreed that the Committee needs direction from Council. With this in mind, staff was directed to bring this item back on the December agenda for Council to provide a charge/direction for this Committee.

MAYOR'S COMMENTS

1. Consider an update from Mayor Hamley concerning information received at the Texas Municipal League Conference he attended during the month of October, 2008.

Mayor Hamley gave a report containing information he received during his attendance at the Texas Municipal League Conference. He stated that the conference was an "eye opener" for him in terms of the big picture. By comparison, our City does not have much to talk because we do not have problems with crime, debt, unresolved hurricane issues, or staffing problems. On the contrary, we have resolved our hurricane issues; we have a healthy fund balance, low crime and a wonderful staff. Nonetheless, there were things to learn at the conference such as funding ideas for large projects that the City may be facing down the road and there was also information on how to improve. The Mayor stated that it is very important that we not stay static.

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:20 p.m.

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Lorri Coody, City Secretary