

Andrew Mitcham, Mayor
Drew Wasson, Council Position No. 1
Greg Holden, Council Position No. 2
Bobby Warren, Council Position No. 3
James Singleton, Council Position No. 4
Gary Wubbenhorst, Council Position No. 5



Austin Bless, City Manager
Lorri Coody, City Secretary
Justin Pruitt, City Attorney

Jersey Village City Council – Special Session Meeting Agenda

Notice is hereby given of a Special Session Meeting of the City Council of the City of Jersey Village to be held on Thursday, March 4, 2021, at 5:30 p.m. via videoconferencing. All agenda items are subject to action. The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public will not be allowed to be physically present at this Special Session of the City Council of the City of Jersey Village, Texas, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate via telephone. To attend the meeting via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 841 8177 1204. If you do not wish to participate actively in the meeting, you can view a live broadcast of the meeting on YouTube at <https://www.jerseyvillagetx.com/page/city.livestream>.

Any person interested in speaking during the public comment item on the agenda must submit his/her request via email to the City Secretary at lcoody@jerseyvillagetx.com. The request must include the speaker's name, address, topic of the comment and the phone number that will be used for teleconferencing. The request must be received no later than 12:00 p.m. on March 4, 2021.

The following will be observed by the public participating in the meeting:

- Callers will be called upon to speak by the Mayor.
- Once called upon for public comment, speakers should state their name and address before speaking.
- Callers will mute their phone unless called upon to speak (*to eliminate background noise*).
- Callers should use handsets rather than speakerphone whenever possible.

The agenda packet is accessible to the public at the following link: https://www.jerseyvillagetx.com/page/city.ags_mins_current_year.

For more information or questions concerning the teleconference, please contact the City Secretary at 713-466-2102. The agenda items for this meeting are as follows:

- A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**
- B. CITIZENS’ COMMENTS**

Any person who desires to address City Council regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the City Council.

- C. Consider Ordinance No. 2021-10, amending the Jersey Village Code of Ordinances, Chapter 70, Article II, Section 70-78, providing for water bill adjustments for a declared emergency; providing for severability; providing for repeal; and providing an effective date. *Austin Bless, City Manager***

D. ADJOURN

CERTIFICATION

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: March 1, 2021 at 3:00 p.m. and remained so posted until said meeting was convened.

Lorri Coody, City Secretary

In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodations must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at www.jerseyvillagetx.com

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."



B. CITIZENS' COMMENTS

Any person who desires to address City Council regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the City Council.

CITY COUNCIL - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: March 4, 2021

AGENDA ITEM: C

AGENDA SUBJECT: Consider Ordinance No. 2021-10, amending the Jersey Village Code of Ordinances, Chapter 70, Article II, Section 70-78, providing for water bill adjustments for a declared emergency; providing for severability; providing for repeal; and providing an effective date.

Department/Prepared By: Austin Bless, City Manager **Date Submitted:** February 28, 2021

EXHIBITS: [Ordinance No. 2021-10](#)

BUDGETARY IMPACT:	Required Expenditure:	\$
	Amount Budgeted:	\$
	Appropriation Required:	\$

BACKGROUND INFORMATION:

During the recent winter storm event there were a large number of homes that had broken water pipes. This caused a lot of water to go through the water meter and the residents will be charged that amount, unless a bill adjustment is made.

The City currently offers a water bill adjustment if people submit a notarized form saying they had a leak, it was repaired, and the repairs can be documented. While the City could utilize that way of adjusting bills for this event, Staff feels this is a lot of paperwork for Staff to manage, track and proceed, and a burden on the residents to complete while dealing with the damage to their homes.

Staff is proposing an amendment to the Ordinance to allow the Finance Director, after both an issuance of a disaster declaration by the Mayor and approval from the City Manager, to adjust bills because of a leak that was caused by a natural or man-made disaster. The bill would be adjusted to the average water usage of the customer. This is the same way it is calculated if a person were to request a bill adjustment due to a leak.

This ordinance is similar to the one in our fee schedule that authorizes the City Manager to waive permit fees for buildings that need to be repaired after they are damaged by a natural or man-made disaster.

RECOMMENDED ACTION:

To approve Ordinance No. 2021-10, amending the Jersey Village Code of Ordinances, Chapter 70, Article II, Section 70-78, providing for water bill adjustments for a declared emergency; providing for severability; providing for repeal; and providing an effective date.

RECOMMENDED MOTION:

To approve Ordinance No. 2021-10, amending the Jersey Village Code of Ordinances, Chapter 70, Article II, Section 70-78, providing for water bill adjustments for a declared emergency; providing for severability; providing for repeal; and providing an effective date.

SPECIAL SESSION CITY COUNCIL MEETING PACKET FOR THE MEETING TO BE HELD ON MARCH 4, 2021

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF JERSEY VILLAGE, TEXAS; AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY ADDING SUBSECTION G TO SECTION 78 OF ARTICLE II, CHAPTER 70, WITH SUCH SUBSECTION PROVIDING FOR WATER BILL ADJUSTMENTS RELATED TO A STATE OF EMERGENCY IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND, PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the Mayor (the “Mayor”) of the City of Jersey Village, Texas (the “City”) may, pursuant to Texas Health and Safety Code 418.108, declare a state of disaster for the City under certain circumstances; and

WHEREAS, the City Council of the City (the “Council”) desires to amend the Code of Ordinances of the City (the “Code”) to allow the City Manager to approve an adjustment by the City Finance Director of citizens’ bills for water usage and wastewater treatment after a state of disaster has been declared by the Mayor; and

WHEREAS, through this Ordinance, the Council desires to amend Chapter 70-78 of the Code, entitled “Computation of water usage and wastewater treatment” by adding a new subsection (g) to provide for the adjustment described in these Recitals; **NOW THEREFORE**,

THE CITY COUNCIL OF JERSEY VILLAGE, TEXAS HEREBY ORDAINS:

SECTION 1. THAT the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. THAT the Code of Ordinances, City of Jersey Village, Texas is hereby amended by adding a new section, to be numbered 70-78 (g), which section reads as follows:

“(g) Within ninety (90) days of the issuance of a Disaster Declaration by the Mayor, the Finance Director, upon approval from the City Manager, is hereby authorized to adjust bills for water usage and wastewater treatment if a water customer has experienced a loss of water due to a leak or other issue that is directly related to the Disaster Declaration. An adjustment provided under this subsection shall not prohibit a water customer from receiving an adjustment under subsection (c) of this section. A previously granted adjustment under subsection (c) of this Section shall not prohibit a water customer from receiving an adjustment under this subsection. The bill shall be revised by subtracting the amount of water consumption shown thereon in excess of the applicant's average water usage, which adjustment shall be accomplished in the following manner:

(1)The applicant's average water usage for a previous, like-period of time shall be determined. If the applicant has not been a customer for a sufficient length of time to make

such a determination, then the average water usage for a like-period of time for city water customers in the same class as the applicant shall be used.

(2) From the total water usage shown on the bill, the average water usage will be deducted; and the resulting figure is the excess usage.

(3) The regular rate will be applied to the average usage.”

SECTION 3. THAT all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

SECTION 4. THAT in the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance, or the application of the same, to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the Council, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. THAT this ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this 4th day of March 2021.

Andrew Mitcham, Mayor

ATTEST:

Lorri Coody, City Secretary

