

MINUTES OF THE SPECIAL SESSION MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 8, 2021 AT 7:00 P.M. PURSUANT TO SECTION 418.016 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 was not allowed to be physically present at this Special Session of the City Council of the City of Jersey Village, Texas, but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 893 9752 9747.**

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order by Mayor Mitcham at 7:35 p.m. with the following present:

Mayor, Andrew Mitcham	City Manager, Austin Bless
Council Member, Drew Wasson	City Secretary, Lorri Coody
Council Member, Greg Holden	City Attorney, Justin Pruitt
Council Member, Bobby Warren	
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

Staff in attendance: Kirk Riggs, Chief of Police; Mark Bitz, Fire Chief; and Bob Blevins, IT Director.

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.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430: Mr. Maloy spoke to City Council about the sales tax property tax relief program. He read a definition for sales tax for property tax relief from a TML publication. He read from the publication information about how a sales tax relief program reduces property tax. He feels that some Council Members are stating that a reallocation of sales tax revenue to a newly created FCPMSD will not affect the amount of property taxes that residents pay. However, during past City Council meetings when this topic was discussed, the City's Finance Director has stated that a reallocation from the sales tax property tax relief to the FCPMSD could affect the amount that residents pay for property taxes. He went on to give financial information from sales tax revenues in prior years. He also addressed his concern that City Council has chosen not to accept the Charter Reviews Commission's recommendation concerning the need for City Council Members will need to resign their current positions on the Council in order to run for the position of Mayor. He does not believe that the City Council should be able to make the choice to not go forward with the Commission's recommendation. He believes that City Council does not want the recommended change because City Council want to make an appointment should a vacancy exist.

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

C. Review Ordinance 2021-02, which was approved on January 18, 2021, calling the General Election for a Mayor and two (2) Councilmembers and calling a Special Charter Election, Eliminating Sections 1.08 and 1.09, Amending Sections 2.01 and 2.12 and providing for gender-neutral language; and, if necessary, take appropriate action.

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

On January 18, 2021, City Council considered Ordinance No. 2021-02, (I) ordering a General Election to be held on May 01, 2021, for the purpose of electing a Mayor and electing two (2) Councilmembers for Places 2 and 3; (II) calling a Special Election to be held on May 01, 2021, for the purpose of submitting to the voters propositions to amend the City of Jersey Village City Charter regarding: (a) eliminating Sections 1.08 and 1.09 related to the use of red light cameras, (b) amending Section 2.01 related to the number, selection, and term of office for the City Council; (c) amending Section 2.12 related to the publication of ordinances; and, (d) amending Sections 2.03, 3.01, 3.03, 4.09, 4.10, 5.01, 9.04, and 9.07 to reflect gender-neutral language; (III) providing for ballots; (IV) designating the time and place of holding such elections; (V) providing appointment of election officials and their compensation; (VI) providing for notices; (VII) providing for publication; (VIII) providing for a runoff election, if required; (IX) providing for severability; and, (X) providing an effective date.

After discussion, Ordinance 2021-02 was approved with amendments to Section 3, Proposition B as follows:

Proposition B

Amending Section 2.01 of the City Charter related to the number, selection, and term of office the members of the City Council of the City of Jersey Village.

SHALL THE JERSEY VILLAGE CHARTER BE AMENDED BY AMENDING “ARTICLE II – THE COUNCIL”, SECTION 2.01, “NUMBER, SELECTION AND TERM OF OFFICE”, IN ORDER TO REFLECT GENDER NEUTRAL LANGUAGE AND TO REQUIRE A MAJORITY VOTE FOR A CANDIDATE FOR CITY COUNCIL OR FOR MAYOR TO BE ELECTED?

YES

NO

In the event of the approval of this proposition, Article II, Section 2.01 of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

“Sec. 2.01. – Number, selection and term of office.

The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until ~~his~~ a successor has been elected and installed. The members of the council, other than the mayor, shall

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

be elected to and occupy a place on the council, such places being numbered One, Two, Three, Four and Five, respectively. Places One, Four and Five on the council shall be filled by ~~popular~~ **majority** vote each even-numbered year, and places Two and Three on the council shall be filled by ~~popular~~ **majority** vote each odd-numbered year. The office of mayor shall be filled by ~~popular~~ **majority** vote each odd-numbered year.

No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall count in calculating the total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

This item is to review the amended language made to Ordinance 2021-02 by City Council on January 18, 2021.

City Council reviewed the language. There was discussion about comments made during Citizens Comment and how they were not exactly correct. City Council cares. This option will be put before the voters for them to have a voice to vote it up or down. City Council has a high level of care for the City and the residents who live here. Members make themselves available to speak with residents. Members are volunteers for public service. There are provisions for amending the charter.

No further action was taken on the item.

D. CITY OF JERSEY VILLAGE FIRE CONTROL PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT

1. Receive the adopted two-year plan and two-year budget from the Jersey Village Fire Control Prevention and Emergency Medical Services District (FCPEMSD).

Lorri Coody, City Secretary introduced the item. Background information is as follows: In accordance with Section 344.061 of the Local Government Code, the Fire Control Prevention and Emergency Medical Services Temporary Board shall develop and adopt a two-year fire control prevention and emergency medical services plan and a two-year budget.

Once the two-year plan and two-year budget have been adopted by the Fire Control Prevention and Emergency Medical Services District Board, the Board, in accordance with LGC Section 344.204, must submit the approved plan and budget to City Council.

Once submitted to the City Council, the City Council shall hold a public hearing on the two-year plan and the two-year budget.

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

After the public hearing, the City Council shall approve or reject the two-year plan and two-year budget submitted by the Board.

This item is to receive the adopted two-year plan and two-year budget from the Jersey Village Fire Control Prevention and Emergency Medical Services District.

With no further action, the Mayor shall announce that the adopted two-year plan and two-year budget of the FCPEMSD Board is received.

2. Conduct a public hearing on the adopted two-year plan and adopted two-year budget for the Jersey Village Fire Control Prevention and Emergency Medical Services District.

Mayor Mitcham called to order the public hearing at 7:47 p.m., giving all interested parties the right to appear and be heard on the adopted Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget.

With no one desiring to speak at the public hearing concerning the adopted Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget, Mayor Mitcham closed the public hearing at 7:48 p.m.

3. Consider Resolution No. 2021-08, adopting the Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget.

Andrew Mitcham, Mayor introduced the item. Background information is as follows:

Council has receive the City of Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget and has conducted a public hearing on same.

This item is for City Council to consider adopting the Jersey Village Fire Control Prevention Emergency Medical Services District's two-year plan and two-year budget.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2021-08, adopting the Jersey Village Fire Control Prevention and Emergency Medical Services District's two-year plan and two-year budget. Council Member Wasson seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2021-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,
TEXAS, ADOPTING THE JERSEY VILLAGE FIRE CONTROL PREVENTION AND

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

EMERGENCY MEDICAL SERVICES DISTRICT'S TWO-YEAR PLAN AND TWO-YEAR BUDGET.

4. **Consider Ordinance No. 2021-04, pertaining to a Joint Order of the Temporary Board of Directors (the "Temporary Board") of The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the "District") and the City Council (the "Council") of the City of Jersey Village (the "City"), ordering a Special Election to be held on May 1, 2021 (the "Special Election"), for the purpose of submitting to the qualified voters of the District and the City a ballot proposition that serves as a Confirmation Election Order for the District, and abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief and concurrently adopting a sales and use tax to fund the District at a rate of one-half of one percent (0.5%), with such tax dedicated to Fire Control, Prevention, and Emergency Medical Services Programs, pursuant to Chapter 344 of the Texas Local Government Code, as amended; providing for a ballot proposition to be included in the Special Election designating that the Council and City Manager of the City may, by resolution, be appointed to serve as the Permanent Board of Directors of the District; providing a summary of the Proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan for the District; providing for the approval of a Joint Contract for Election Services with the City; providing details relating to the holding of the Special Election; and, providing an effective date.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

The City of Jersey Village Fire Control Prevention and Emergency Medical Services District (FCPEMSD) has heretofore considered and ordered a joint special election with the City of Jersey Village to be held on May 01, 2021 for the purpose of:

- holding a confirmation election, abolishing a sales and use tax of one-half of one percent (.05%) currently dedicated for property tax relief;
- adopting a sales and use tax of one-half of one percent (.05%) to be dedicated to FCPEMS programs;
- appointing the City Council to serve as the permanent board for the FCPEMSD and
- approving a joint election agreement.

Since it is the responsibility of City Council to call that portion of the special election that relates to abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief, this item is for City Council to consider the proposed Ordinance for approval.

Additionally, since the City will be conducting its general election on May 1, 2021, this item also considers a Joint Election Agreement with the FCPEMSD.

Council was reminded of the updates made to the Proposition A language and the Joint Election Agreement that were discussed during the Fire Control Prevention and Emergency

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

Medical Services District Meeting wherein the City Attorney explained that there were a few changes in the Proposition A language since the posting of the meeting packet and agenda. The changes were made in accordance with recommendations by the State Comptroller. He read from the meeting packet the language and then read the suggested change for the Proposition A language. Corrections were also note for the Joint Election Agreement wherein the percent to fund the District were stated incorrectly at 1.5% when it should be .5%.

With limited discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2021-04, pertaining to a Joint Order of the Temporary Board of Directors (the “Temporary Board”) of The Jersey Village Fire Control, Prevention, and Emergency Medical Services District (the “District”) and the City Council (the “Council”) of the City of Jersey Village (the “City”), ordering a Special Election to be held on May 1, 2021 (the “Special Election”), for the purpose of submitting to the qualified voters of the District and the City a ballot proposition that serves as a Confirmation Election Order for the District, and abolishing a sales and use tax for the City at a rate of one-half of one percent (0.5%) dedicated to property tax relief and concurrently adopting a sales and use tax to fund the District at a rate of one-half of one percent (0.5%), with such tax dedicated to Fire Control, Prevention, and Emergency Medical Services Programs, pursuant to Chapter 344 of the Texas Local Government Code, as amended; providing for a ballot proposition to be included in the Special Election designating that the Council and City Manager of the City may, by resolution, be appointed to serve as the Permanent Board of Directors of the District; providing a summary of the Proposed Budget Plan and Fire Control, Prevention, and Emergency Medical Services Plan for the District; providing for the approval of a Joint Contract for Election Services with the City; providing details relating to the holding of the Special Election; and, providing an effective date, with the amendments discussed during the Fire Control Prevention and Emergency Medical Services District Meeting. Council Member Warren seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2021-04

AN JOINT ORDER OF THE TEMPORARY BOARD OF DIRECTORS (THE “TEMPORARY BOARD”) OF THE JERSEY VILLAGE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT (THE “DISTRICT”) AND THE CITY COUNCIL (THE “COUNCIL”) OF THE CITY OF JERSEY VILLAGE (THE “CITY”), ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 1, 2021 (THE “SPECIAL ELECTION”), FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT AND THE CITY A BALLOT PROPOSITION THAT SERVES AS A CONFIRMATION ELECTION

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

ORDER FOR THE DISTRICT, AND ABOLISHING A SALES AND USE TAX FOR THE CITY AT A RATE OF ONE-HALF OF ONE PERCENT (0.5%) DEDICATED TO PROPERTY TAX RELIEF AND CONCURRENTLY ADOPTING A SALES AND USE TAX TO FUND THE DISTRICT AT A RATE OF ONE-HALF OF ONE PERCENT (0.5%), WITH SUCH TAX DEDICATED TO FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PROGRAMS, PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR A BALLOT PROPOSITION TO BE INCLUDED IN THE SPECIAL ELECTION DESIGNATING THAT THE COUNCIL AND CITY MANAGER OF THE CITY MAY, BY RESOLUTION, BE APPOINTED TO SERVE AS THE PERMANENT BOARD OF DIRECTORS OF THE DISTRICT; PROVIDING A SUMMARY OF THE PROPOSED BUDGET PLAN AND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PLAN FOR THE DISTRICT; PROVIDING FOR THE APPROVAL OF A JOINT CONTRACT FOR ELECTION SERVICES WITH THE CITY; PROVIDING DETAILS RELATING TO THE HOLDING OF THE SPECIAL ELECTION; AND, PROVIDING AN EFFECTIVE DATE.

E. CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT

- 1. Consider Resolution No. 2021-09, authorizing a Joint Election Agreement with the City of Jersey Village Crime Control and Prevention District as authorized by Chapter 271 of the Texas Election Code.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

Sec. 271.002 of the Election Code state if the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county, the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places.

The City of Jersey Village Crime Control Prevention District (CCPD) has ordered a special election to be held on May 01, 2021 for the purpose of holding a referendum on the continuation of the District.

Given that the City will be conducting its general election on May 1, 2021, this item is to consider a Joint Election Agreement with the CCPD.

With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2021-09, authorizing a Joint Election Agreement with the City of Jersey Village Crime Control and Prevention District as authorized by Chapter 271 of the Texas Election Code. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

SPECIAL SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – February 8, 2021

The motion carried.

RESOLUTION NO. 2021-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT AS AUTHORIZED BY CHAPTER 271 OF THE TEXAS ELECTION CODE.

F. RECESS THE SPECIAL SESSION

Mayor Mitcham recessed the Special Session at 7:53 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 – Consult with Attorney.

G. EXECUTIVE SESSION

- 1. Consult with attorney pursuant to the Texas Open Meetings Act Section 551.071 regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit.**

H. ADJOURN EXECUTIVE SESSION

Mayor Mitcham adjourned the Executive Session at 9:30 p.m. and reconvened the Special Session, stating that no final actions, decisions, or votes were had during the Executive Session.

I. RECONVENE THE SPECIAL SESSION

- 1. Discuss and take appropriate action on matters discussed in Executive Session regarding pending lawsuit: Charles E. Foerster vs. The City of Jersey Village and others in the United States Court of Appeals for the Fifth Circuit.**

This item was not called. There was no discussion on this item.

J. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:30 p.m.



Lorri Coody, City Secretary