

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

CHRIS PRESTON
Mayor Pro Tem
Councilmember at Large Position No. 2



CHERYL STERLING
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, December 16, 2019**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 5:30 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Fire Chief Campbell, Director of Public Works Kumar, Director of Human Resources Russell, Director of Development Services Spriggs, Director of Communications Walker, Director of Financial Services Portis, Director of Information Technology Cole, Planning Manager Gomez, Media Specialist III Sanders, and Media Specialist III Kalimkootil. Also present: Abdi Yessin of MuniCap, Inc.

2. DISCUSSION/POSSIBLE ACTION

- (a) Provide an update on the Public Improvement District (PID) No. 2 and Public Improvement District (PID) No. 4 assessments and assessment plans.

Director of Financial Services Portis and Abdi Yessin of MuniCap, Inc. presented an update on the Public Improvement District (PID) No. 2 and Public Improvement District (PID) No. 4 assessments and assessment plans.

- (b) Presentation of the infrastructure status update.

Director of Public Works Kumar presented an infrastructure status update.

- (c) Discuss City Manager spending limits.

Director of Financial Services Portis presented the 2019 and 2018 purchase orders between \$25,000 to \$49,999; and, the survey of benchmark cities. Councilmember Boney read the minutes of the July 7, 2014 meeting that pertained to the resolution granting authority to the City Manager to approve change orders. Councilmember Boney inquired the impact to departments if the amount the City Manager approves would be reduced from \$50,000 to \$25,000. Director of Information Technology Cole stated it would delay unforeseen circumstances. Councilmember Sterling stated her motion was with the intent to provide City Council with a spreadsheet, not for City Council to consider those items. City Secretary Jackson read the November 26, 2019 meeting minutes that pertained to the motion made by Councilmember Sterling. Councilmember Sterling stated the intent was to provide a spreadsheet to City Council in excess of \$25,000. Assistant City Attorney Santangelo provided an overview of the resolution to be presented during the regular meeting. Mayor Ford clarified the intent was not to lower the limit but that City Council be made aware of the contracts before they were signed. City Manager Snipes asked Council on how they wished to move forward. Councilmember Edwards asked for supporting documents on the survey performed on benchmark

cities as well as their procurement policies. City Manager Snipes stated staff would provide Council with the information requested. Councilmember Sterling noted the intent was to follow the resolution and not modify it.

Councilmember Maroulis stepped away at 6:56 p.m. and returned at 6:56 p.m.

Councilmember Sterling stepped away at 7:02 p.m. and returned at 7:03 p.m.

Councilmember Edwards stepped away at 7:02 p.m. and returned at 7:03 p.m.

At 7:03 p.m., City Council recessed the special City Council meeting.

At 7:51 p.m., City Council reconvened the special City Council meeting.

Councilmember Emery requested a recap of the decision made. City Manager Snipes stated they were at status quo. Assistant City Attorney Santangelo noted that because no motion was made on the resolution during the regular City Council meeting, status quo prevailed for the time being.

- (d) Discuss and consider appointed officials' time off policy.

Director of Human Resources Russell presented on the appointed officials' time off policy. Russell stated he reached out to 18 cities that use the same type of payroll system as Missouri City. Russell provided City Council with questions and responses from the 15 cities that responded to the survey. Councilmember Emery asked if they have the ability to view time they have taken for various categories in the system. Russell confirmed. Councilmember Sterling stated that since the appointed officials report to Council, then ultimately Council should approve their time. Mayor Ford does not believe peers should be approving each other's timesheets. Mayor Pro Tem Preston suggested having Human Resources designate an elected official to approve timesheets.

Mayor Pro Tem Preston moved to engage option 3, designate one Elected Official to approve time off in the ESS System, the Mayor, in collaboration with Human Resources. Councilmember Edwards seconded.
MOTION PASSED.

Ayes: Mayor Ford, Mayor Pro Tem Preston, and Councilmembers Edwards and Sterling

Nays: Councilmembers Boney, Maroulis and Emery

Councilmember Emery requested a point of clarification on the intent of the motion and collaboration with HR. City Manager Snipes stated that the Mayor and Human Resources would collaborate and bring back their findings to City Council.

- (e) Discuss the City agenda process.

City Manager Snipes presented an overview of findings for other cities agenda processes. Snipes proposed providing City Council with access to the 30-60-90 calendar on a quarterly basis. Mayor Ford stated that worked so that Council could ask for clarification.

- (f) Discuss the proposed letters to the Texas Commission of Environmental Quality (TCEQ) and the Railroad Commission regarding odors within the City.

Fire Chief Campbell presented a timeline overview of action taken regarding the odors within the City during the week of September 9, 2019. Letters were drafted on behalf of Council to send to the Texas Commission of Environmental Quality (TCEQ) and the Railroad Commission regarding this incident. Mayor Ford inquired

if the County was involved. Chief Campbell stated the County has a HAZMAT team and sampled the area but found the odor was no danger to life. He clarified the odor was in the jurisdiction of the Railroad Commission, who then contacted TCEQ. Mayor Ford was concerned with the language of the letter. Councilmember Emery stated he believes they need to speak with the developer or drilling company who created the problem. Councilmember Boney believes the City needed to move forward with the letter. Mayor Pro Tem Preston stated that in addition to a letter, could they invite both entities to come and speak to Council. City Manager Snipes stated they could extend a request. Mayor Ford believes they should meet with the entities before issuing a letter. Assistant City Manager Atkinson stated the letter was created based on a belief that City Council wanted to have a stronger letter. Atkinson noted it could be revised, as requested by Council. Councilmember Sterling believes external letters should include the Communications Department. Councilmember Boney requested to remove the lacking part, add an invitation to speak to City Council and there address concerns with the recurring issues.

- (g) Discuss and consider Roll Call Pro – Swagit paperless voting and captioning technology.

Assistant City Attorney Santangelo stepped away at 8:59 p.m. and returned at 9:00 p.m.

Director of Communications Walker presented on Roll Call Pro – Swagit paperless voting and captioning technology. City Manager Snipes stated Council would receive an onsite demonstration at the upcoming retreat. Councilmember Edwards asked if votes could be changed once their initial vote was casted with this system. Director Walker stated they would ask Swagit about it and have an answer at the demonstration.

- (h) Discuss and consider candidates to serve on the Parks Board.

Councilmember Sterling stepped away at 9:06 p.m.

City Secretary Jackson stated Adrian Matteucci resigned from the Parks Board leaving a vacancy.

Mayor Pro Tem Preston moved to appoint Mary Ross to fill Position 4 on the Parks Board. Councilmember Edwards seconded. **MOTION PASSED.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmembers Edwards, Boney and Maroulis
Nays: Councilmembers Emery
Absent: Councilmember Sterling

- (i) Consider and discuss a request to video record and post committee meetings.

Mayor Pro Tem Preston asked why this item on was on the agenda. Assistant City Manager Atkinson stated he had been advised about Mayor Pro Tem's request to video record the Finance and Services Committee meeting. Atkinson referred to the October 7, 2019 meeting, where there had been a vote on protocol for video recording special City Council meetings. Preston stated his request was to video record the meeting as it would take place in the Council Chambers and it was a one-time request. City Manager Snipes stated this was a slippery slope as any other Chair could make the same request and where would it stop. Snipes noted it would also become a resource issue.

Councilmember Sterling returned at 9:09 p.m.

Mayor Pro Tem Preston clarified his request was not for the meeting to be posted just video recorded. Councilmember Boney asked why Finance and Services Committee meeting was posted with a quorum notice. City Secretary Jackson stated Mayor Pro Tem Preston included Mayor Ford in the email sent to the committee making it a quorum, which was why the meeting had to be posted. Boney asked if the meeting

has been posted as a quorum could other Councilmembers participate in the meeting. City Manager Snipes stated other Councilmembers could potentially engage in the discussion. Councilmember Boney asked Mayor Pro Tem Preston what would be discussed at the meeting requiring it to be video recorded. Mayor Pro Tem Preston stated it was his request and has nothing furthermore to say. Councilmember Boney thanked him. Mayor Pro Tem Preston stated it was for transparency and accountability. Councilmember Emery asked if it was open to all of Council. City Manager Snipes confirmed it was open to Council and the public. City Manager Snipes stated the committee meeting would be videoed. Mayor Ford stated since she has been on Council, no one ever questioned what happened during committee meetings. She stated she would like to understand why it changed. City Manager Snipes stated there was a change from the elected policy standpoint and what was now being placed on committee agenda. Mayor Ford stated the previous Mayor advised what committees discussed. Snipes stated she was the Mayor and if policies need to be changed they would follow what Council wishes to do. Councilmember Boney stated Council runs the City not an individual or a committee. Boney stated he has always been well informed and has voted being well informed.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 9:23 p.m.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: (i) Mitchell Carter v. City of Missouri City, et al.(Fort Bend County Cause No. 19-DCV-265905 in the 458th District Court of Fort Bend County, Texas and Cause No. 19-DCV-265895 in the 268th District Court of Fort Bend County, Texas (ii) Ivy Kenneth Joy L. Mirafior and Josefina P. Serrano v. the City of Missouri City, Texas, and Yolanda Ford, in her official capacity as Mayor of the City of Missouri City, Texas (Harris County Cause Number 201975796 in the 234th District Court of Harris County); (iii) emergency services district infringement on City territory and services; and (iv) Geneane Merritt (Equal Employment Opportunity Commission); (v) City public improvement district legal requirements.

4. RECONVENE

At 10:00 p.m., Council reconvened into open session.

Councilmember Boney moved to authorize the City Manager to negotiate a settlement agreement, limited to the sanctions motions, City Manager or designee to execute the agreement. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

5. ADJOURN

The special City Council meeting adjourned at 10:02 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2019.

Maria Jackson, City Secretary