

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, May 18, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following.

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.

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; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Fire Chief Campbell, Director of Financial Services Portis, Director of Human Resources and Organizational Development Russell, Director of Communications Walker, Director of Economic Development Esch, Assistant City Attorney Santangelo, Purchasing/Risk Manager Pleasant, Media Specialist II Sanders, and MCTV Producer Penalba. Also present: John Hockenynos of TXP, Inc.

2. DISCUSSION/POSSIBLE ACTION

(a) Presentation of City financial forecast with Jon Hockenynos.

Interim City Manager Atkinson presented an overview. Jon Hockenynos with TXP, Inc. discussed the City's financial forecast and addressed the impacts of the pandemic.

Councilmember Emery moved to take agenda items 2f and 2g after agenda item 2b. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

(b) Discuss the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Fire Chief Campbell and Emergency Management Coordinator Jewett presented on the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Mayor Ford asked that Chief Campbell to provide City Council with an update after the commissioner's court on Tuesday.

Mayor Pro Tem Preston asked if they had checked the status of public hand washing stations around the City. Interim City Manager Atkinson stated the health inspectors were going out to check distancing

guidelines. Chief Campbell stated they had sanitizing public areas in the City and that he would get back to Mayor Pro Tem Preston regarding hand-washing stations.

Councilmember Boney asked if any or all funds coming from the CARES Act would be administered by the county, if approved. Spurgeon Robinson, President of MPACT Strategic Consulting, LLC, stated the county was the recipient and they would decide how to best distribute the funds to serve community needs.

- (c) Consider obtaining services, including a web based community survey, from Baker Tilly for executive search services for the city manager position.

Councilmember Emery stated City Council had not made any contract commitments with Baker Tilly and he would like for them to look at their web based survey to determine community-wide issues and priorities. He feels the community needs to have a voice in the selection process and to convey their thought to the Mayor and Council.

Noel Pinnock, 2903 Robinson Road, agreed with Councilmember Emery in using Baker Tilly's community based survey.

Charles Butera, 3010 Sun City Court, agreed with Councilmember Emery in hiring Baker Tilly for City transparency in the hiring of a City Manager.

Reginald Pearson, 1522 Daffodil Road, expressed concerns regarding the search of a City Manager and believed they do not need to rush. He stated many citizens felt like they do not have a voice.

Pastor Rudy White, Jr., 3222 Texas Parkway, expressed concerns with the selection of a City Manager and would like Council to allow Baker Tilly to perform the search.

James Thurmond, 2814 West Pebble Beach, expressed the best practice was to use an outside consultant for the City Manager position.

Councilmember Edwards moved to proceed with Phase two (2), Task four (4), and a web based community survey by May 31, 2020. Councilmember Sterling seconded.

Councilmember Maroulis asked if the motion would include opening up the search to use all job boards or were they narrowing it down to the five candidates interviewed. Mayor Ford noted there was a motion at the May 15, 2020 special City Council meeting to send the five applicants over to the search firm. Councilmember Edwards stated it pertained to both the five candidates interviewed and the applicants coming from the search firm. Councilmember Maroulis noted if they have a search firm, they should use it to fullest extent.

Councilmember Boney requested they spell out what select services were being proposed for the firm; and, he asked if Baker Tilly had been contacted or if they had agreed to move forward with select services. Boney asked if based on the itemized cost, had they determined how much it would cost taxpayers and if there was a contract for select services. Mayor Ford stated she had spoken to Baker Tilly to ensure that if they moved forward with the survey, that it was something that could be done. She stated there was a breakdown of professional services and they were able to do select services as selected by City Council. Ford noted the City Charter states City Council would hire and appoint a City Manager and that the method of selection would be left to City Council. Councilmember Boney stated he would like his questions answered. He also asked if there was a cost associated with the placement of any of the job description on various job boards. Councilmember Edwards stated that Phase 2, Task 4 pertained to reference checks, background checks, assessments and academic verification, lead consultant hourly rate – approximately 11 hours,

research/project management staff hourly rate – approximately 12 hours priced at \$3-4K, and the web-based community survey.

Mayor Ford asked if there was a cost for posting of the job description. Director of Human Resources and Organizational Development Russell stated not for his posting, but that the Communications Department posted elsewhere and was not sure of such costs. Director of Communications Walker stated there were costs involved with ICMA and the cost was of \$562.50.

Councilmember Sterling asked if in the last search for City Manager, did the Mayor and City Council have as much impact. Mayor Ford stated staff chose the consulting firm in 2015 and the Mayor was designated as point of contact. She noted Council did not have engagement with the executive search firm until they had the final sixteen candidates, which they then narrowed down to three. Councilmember Emery noted City Council was involved quite heavily after the search firm provided the sixteen candidates. Emery also indicated that while there was a number of mediums the current job description was posted on and it did not include the proprietary databases the search firms have. He noted Councilmember Edwards's motion does not include identifying additional candidates and onsite interviews with finalists. Councilmember Maroulis expressed concerns with how they were moving forward. Councilmember Boney noted he recalls Council moving forward with selecting an executive search firm, but on the day of their presentation, they decided to only use them on a select services basis. Mayor Ford asked that staff pull together a timeline of steps taken by City Council regarding the executive search firms by the end of the week. Councilmember Sterling noted that this was not done independently of any one City Councilmembers and that each were given the 50 applications received. She stated some Councilmembers refused to vet them.

Councilmember Emery stated that in regards to the web based survey, did they want it completed by May 31 and would it be effective. Councilmember Edwards confirmed and noted that because it was based online they could do something effective in two weeks.

Councilmember Maroulis asked why could they not use a search firm and all of its services. Mayor Ford stated that in her opinion, City Council was responsible for hiring a City Manager and they would know better in terms of what they needed for the position.

Councilmember Boney stated he was in support of sending all the applications to the search firm to be vetted, as he wanted all candidates to be considered by the search firm. Mayor Ford noted in the last search, City Council received resumes and that the search firm started vetting backgrounds when they got to the last three candidates. Councilmember Boney noted some applications received did not fit criteria to be considered. Councilmember Maroulis noted he went through all resumes and submitted those who should move forward in the process. Councilmember Emery stated that although he had been part of the City for 40 years and has a decent feel for what was going on, he would want to know the citizens priority. Councilmember Boney pointed out that a holiday would fall during two-week time period frame proposed and wants City Council to be cognizant that it could prevent people from participating in the survey. Boney suggested extending the period.

Councilmember Edwards moved to proceed with Phase two (2), Task four (4), and a web based community survey for professional services with Baker Tilly to be completed and provided back to the City by May 31, 2020. Councilmember Sterling seconded. **MOTION PASSED.**

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

- (g) Consider requiring the executive search firm to screen and identify candidates for the city manager position.

Councilmember Emery asked that they take into consideration Phase one (1), Task two (2), as they need to cast a wider net for the City Manager position. If they only focus on the applications they received it would be a disservice to the citizens.

Noel Pinnock, 2903 Robinson Road, does not see the need to rush the process of hiring a City Manager, especially during the pandemic.

Charles Butera, 3010 Sun City Court, does not see the need to rush the process of hiring a City Manager. He felt like Council was not listening to the citizens.

Reginald Pearson, 1522 Daffodil Road, does not see the need to rush the process of hiring a City Manager. He stated they should spend time and money on the search firm and listen to the citizens.

Pastor Rudy White, Jr., 3222 Texas Parkway, does not feel City Council listens to the citizens. He would like them to use the executive firm for the sake of unity.

William Cronin, 902 Pine Meadow, submitted comments to City Council.

Councilmember Emery moved to contract for all the services by Baker Tilly for Phase 1, Task 2, and utilize their services for additional candidates for the City Manager position, which includes Task 1, 3, 4, 5 and the web-based survey. Councilmember Maroulis seconded. **MOTION FAILED.**

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

At 7:38 p.m., without objection, City Council recessed the special City Council meeting.

At 8:37 p.m., City Council reconvened the special City Council meeting.

- (c) Discuss the proposed ordinance amending the city personnel policy by establishing a notification process for employment claims against City Council's appointed officials, establishing a time limit for reporting potential paycheck errors for city employees, and requiring notification to the human resources department for certain employee absences.

Assistant City Attorney Santangelo presented the updated draft as per City Council discussion. Based on their feedback in the event of a report was given regarding the actions of the City Manager, City Attorney, or City Secretary, this draft ordinance requires such person who receives such a discrimination or harassment report to notify the Mayor not more than twenty-four hours after that person receives a report or complaint. He added that they must also notify the City Council no later than the next Council meeting for which legal notice under the Open Meetings Act can be provided. Similarly, if a grievance report was taken through the process as set forth in the Personnel Policy, regarding the actions of the City Manager, City Attorney, or City Secretary, the draft ordinance imposes a duty on that appointed official to report the grievance to the Mayor within twenty-four hours and to Council not later than the next Council meeting for which notice can be posted. Santangelo noted the draft ordinance also required employees to report any perceived errors in their paychecks within six months of the issuance of the paycheck in dispute, or else the ability to report such error would be waived to the extent that the error can be waived pursuant to federal law. He stated that the draft ordinance amended the leave policy by requiring an employee to report any unforeseeable leave to the Human Resources Director before such employee was absent for more than three consecutive days or a

forty-eight hour shift, if the Family Medical Leave Act was to be invoked. In any case, supervisors were required to report absences of more than three days to the Human Resources Director under the proposed ordinance. Santangelo noted the two reading ordinance would be placed on a future regular meeting agenda.

Councilmember Sterling asked about harassment courses. Director of Human Resources and Organizational Development Russell stated training would be coming down the road. Sterling asked if on the third day, if employees were required to have documentation before or after that day. Russell stated it would be after the third consecutive day.

Councilmember Emery stated the Mayor was to be notified within 24-hours of any discrimination or harassment reports after that person receives a report or complaint, but asked when the rest of Council would be notified. Santangelo stated City Council would be notified by the next regularly posted City Council meeting.

Mayor Ford asked if they could add an item pertaining to complaints against City Councilmembers. Santangelo noted if there were a complaint against an elected official, they would proceed with the process already in place. City Attorney Iyamu stated City Council currently did not have a process in place and asked if City Council would like to consider an ordinance. City Councilmember Sterling requested such ordinance.

Councilmember Emery asked if there was an ordinance that pertained to an employee making claims of an elected official. Iyamu stated if there was a claim, City staff administration would investigate, but there was no ordinance that dictates how to address the claim. Councilmember Emery requested to see how they would address issues raised against the Mayor or City Councilmember.

- (d) Discuss the continuation of remote meetings as allowed by the governor and the status of operations.

Interim City Manager Atkinson stated staff has met with the Mayor every two weeks to provide updates on operations and related items to COVID-19. Mayor Ford stated she had received questions from City Council regarding remote meetings. She said they would continue remote meetings until the governor removes the declaration. Ford asked City Council how they wished to continue. Councilmember Sterling, Edwards and Emery agreed with Mayor Ford to continue with remote meetings until further notice. Mayor Ford stated they would move forward until any other direction was received from the governor.

- (e) Discuss the redevelopment incentive policy.

Director of Economic Development Esch presented an update on the redevelopment incentive policy. Councilmember Maroulis stated that when the committee met, they discussed to find a way to bridge the gaps. Councilmember Sterling stated she like the idea of having a checklist. Esch stated he would work to make necessary changes.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 9:17 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: BrandEra contract.

4. RECONVENE

At 9:54 p.m., City Council reconvened into open session.

Mayor Ford noted the BrandEra contract went over spending limits in June 2019 and asked if they have a mechanism to show when contracts have reached their limits. Director of Financial Services Portis stated they were working to input contracts into Munis, which would allow the tracking of contracts. Ford asked how they were tracking contracts. Portis stated that depending on the purchase order, they reviewed payment requests against the vendor and contracts and if they were over the \$50K, they would be presented before Council.

The Mayor asked Portis to create a step by step of what happened with the BrandEra contract, as City Attorney Iyamu would place the item on the next agenda. Ford asked if there was a process in place that notified the manager or supervisor to sign a contract. Portis noted there was a workflow based on the signature authority and anything over \$10K would require the department head's authority and that of an Assistant City Manager.

Councilmember Sterling asked if they were linking the same contracts in their system. Portis stated if there was a purchase order process, it was being linked to include the invoice and payment. Portis noted purchase orders were on different fiscal years.

Mayor Ford asked for a timeline of what happened. Interim City Manager Atkinson stated they were working on a process solution going forward. Mayor Ford asked that Council be provided with the deliverables on this item.

Councilmember Maroulis moved to ratify payment to BrandEra in the amount of \$2,010.00. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

3. ADJOURN

The special City Council meeting adjourned at 10:34 p.m.

Minutes PASSED AND APPROVED this the 1st day of June 2020.

Maria Jackson, City Secretary