

**ROBIN J. ELACKATT**  
Mayor

**VASHAUNDRA EDWARDS**  
Councilmember at Large Position No. 1

**LYNN CLOUSER**  
Councilmember at Large Position No. 2



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

## CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, January 4, 2021**, at the City Hall, Council Chamber, 2<sup>nd</sup> Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 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. **ROLL CALL**

Mayor Elackatt called the meeting to order at 7:00 p.m.

Those also present: Mayor Pro Tem Maroulis, Councilmembers Edwards, Clouser, Sterling, Boney, and Emery; City Manager Jones, City Attorney Iyamu, and City Secretary Jackson.

2. The **PLEDGE OF ALLEGIANCE** was led by Assistant Director of Parks and Recreation T.W. Dieckmann.

There were no **PRESENTATIONS AND RECOGNITIONS**.

### 4. **PUBLIC COMMENTS**

**Pearlie Byrd**, 622 Stephanie Drive, congratulated the new elected officials. She wanted to seek assistance with Hunters Glen 1 & 2, as they have a lot of code violations. Ms. Byrd also requested assistance for businesses along Texas Parkway for revitalization funding. She thanked Councilmember Sterling and City Manager Jones for addressing concerns. Ms. Byrd also asked assistance for the older community and for the City to post signage regarding fireworks and gun fire.

### 5. **STAFF REPORTS**

Acting Fire Chief Mario Partida presented a COVID-19 update. Partida spoke on COVID statistics and employee vaccinations. Emergency Management Coordinator Jewett presented on senior COVID vaccinations and vaccination distribution. Councilmember Emery asked if the vaccinations were a one or two shot application. Partida stated it was a two shot vaccination. Emery asked about the processes in place to ensure the second shot was provided. Partida stated employees were booked for second shot at their first appointment and if the appointment was missed they would have to restart the procedure. Jewett added seniors and staff and senior living facilities were already scheduled for the vaccination. She stated the state has tracking software to know what vaccine and when it was taken by each person. Emery expressed concerns for senior living centers, and wants to make sure they do not miss the requirement for second shot. Councilmember Boney asked if Fort Bend County had given registration information to disseminate to residents. Jewett stated she would look into pushing that information out.

## 6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meeting of December 21, 2020.
- (b) Consider authorizing the purchase of traffic signal parts.
- (c) Consider authorizing a change order to the Missouri City Surface Water Treatment Plant expansion project to include SCADA system upgrades.
- (d) Consider authorizing the negotiation and execution of an encroachment agreement between the City of Missouri City and the Hunters Glen IV Association for the placement of a fence.

Councilmember Boney moved to approve the Consent Agenda pursuant to recommendations by City Staff. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery  
Nays: None

## 7. PUBLIC HEARINGS AND RELATED ACTIONS

There were no **Zoning Public Hearings and Ordinances.**

### (b) Public Hearings and related actions

- (1) Public hearing on the Community Development Block Grant (CDBG) Program Year 2020 Action Plan; consider approval, subject to a 30-day comment period, of such plan; and consider forwarding such plan to the United States Department of Housing and Urban Development (HUD) for final review and approval. (*Proposed presenter: CDBG Coordinator Ami Moore*)

Community Development Coordinator Moore presented on the final hearing on for the Community Development Block Grant (CDBG) Program Year 2020 Action Plan.

Councilmember Emery moved to open the public hearing at 7:22 p.m. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: None

Councilmember Clouser inquired about how residents were obtaining information on the homebuyer program. Moore noted the first time homebuyers program was brand new and that they would be hosting a webinar for all the realtors in the City. Moore further discussed the criteria the applicants must meet and noted it was on a first come first serve basis. Clouser asked about the housing rehab funding program. Moore stated they started taking applications in the spring and noted those were reviewed and placed on a list. She noted they were three years behind and COVID-19 had slowed the process. Clouser asked where the list of realtors was obtain. Moore stated they obtained it from the Texas Realtors TREC.

Councilmember Emery moved to close the public hearing at 7:28 p.m. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: None

## 8. APPOINTMENTS

- (a) Consider appointing members to the board of directors for each tax increment reinvestment zone.

City Secretary Jackson presented on the standing of each member of the TIRZ No.1, TIRZ No. 2, and TIRZ No. 3 board whose terms were expiring. Mayor Elackatt asked if this item had been discussed before City Council. Jackson stated the item was presented to Council at the December 7<sup>th</sup> special City Council meeting. Elackatt asked for time to review the candidates. Councilmember Clouser agreed. Councilmember Edwards requested to interview all candidates to see if they were still fit to serve in these positions. Councilmember Boney noted the candidates were interviewed.

Mayor Pro Tem Maroulis moved to appoint Karen Overton to Position 4 and James Davidson to Position 10 of TIRZ No. 3 Board. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: None  
Absent: Councilmember Emery

Mayor Pro Tem Maroulis moved to re-appoint Reggie Abraham and Joe Workman to TIRZ No. 3 Board. Councilmember Boney seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: Councilmember Edwards

Councilmember Emery moved to appoint Joe Workman as the chairman of TIRZ No. 3 Board. Mayor Pro Tem Maroulis seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: Councilmember Edwards

Councilmember Boney moved to re-appoint Kingsley Idemudia and Roy Gilbert to TIRZ No. 2 Board; and amend the motion to allow Frank Hester to continue as chairman. Councilmember Clouser seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: None

Councilmember Boney moved to re-appoint Eunice Reiter, George Ewing, Farrah Sabouni, and Roslind Thomas to TIRZ No. 1 Board; and to allow Eunice Reiter to continue as chairman. Councilmember Emery seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: Councilmember Edwards

## 9. AUTHORIZATIONS

- (a) Consider authorizing the City Manager to execute an amendment to an existing contract for remediation and on-going maintenance of plant life and water quality in City lakes and waterways.

Assistant Director of Parks and Recreation Dieckmann presented on the amendment to an existing contract for remediation and on-going maintenance of plant life and water quality in City lakes and waterways. Councilmember Maroulis asked if this referred to cabbage growth in the lakes. Dieckmann stated that was correct as that type of plant creates stagnant water making swimming more difficult. Maroulis asked if the lake in the neighborhood across the street from the street department was to be included. Assistant City Manager Atkinson stated it was not included at this time and it was responsibility of the subdivision.

Councilmember Emery moved to authorize the City Manager to execute an amendment to an existing contract for remediation and on-going maintenance of plant life and water quality in City lakes and waterways. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Edwards Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: None

- (b) Consider authorizing the Mayor to sign and accept on behalf of the City a deed and conveyance of facilities from Fort Bend County Municipal Utility District Number 26 for the Mustang Trails pump station.

Assistant City Attorney Quintal presented on the acceptance on behalf of the City of a deed and conveyance of facilities from Fort Bend County Municipal Utility District Number 26 for the Mustang Trails pump station. Councilmember Boney asked if they had received concerns from residents in the area next to The Woods. He noted an issue they had in getting the developer to take care of the required detention pond and asked if it has been addressed. Director of Public Works Kumar noted the detention pond was built as part of the Mustang Trails development. He stated the reason the City was taking over was due to it serving a purpose outside the boundaries of MUD No. 26. Kumar stated the construction of the pond was to accommodate The Woods development as it was in poor condition, or in other words it was to address the drainage concerns from the area next to The Woods.

Councilmember Emery moved to authorize the Mayor to sign and accept on behalf of the City a deed and conveyance of facilities from Fort Bend County Municipal Utility District Number 26 for the Mustang Trails pump station. Councilmember Clouser seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery  
Nays: None

- (c) Consider authorizing the reimbursement of a developer pursuant to the Beltway 8 connector project economic development Agreement.

Director of Financial Services Portis presented on the reimbursement of a developer pursuant to the Beltway 8 connector project economic development agreement.

Councilmember Sterling moved to authorize the reimbursement of a developer pursuant to the Beltway 8 connector project economic development agreement. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

- (d) Consider authorizing an extension period continuing through March 30, 2021, for the expenditure of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds allocated by Fort Bend County for applicants to programs using CARES funds when such applicants were approved prior to December 30, 2020; and authorizing staff to take further actions.

Assistant City Manager Atkinson presented on an extension period continuing through March 30, 2021, for the expenditure of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds for applicants who were approved prior to December 30, 2020. Gilbert Martinez with MPACT stated that about 229 residential applicants, 42 commercial lease program applicants, 82 payroll reimbursement applicants could benefit from the extension. Spurgeon Robinson from MPACT stated the extension would allow residents and business owners to go through the process of submitting missing documents. Councilmember Clouser asked if the small business payroll program was for applicants who had applications pending or if it was for new applicants. Martinez stated it was for applicants who had already submitted an application. Clouser thanked MPACT for increasing their staff. Mayor Pro Tem Maroulis asked if there was further discussion on having an office space for an MPACT representative at city hall. Atkinson stated individuals working with MPACT were housed at city hall already. Maroulis asked if there was a weekly tracker for the current status of the applications. Atkinson stated that was correct and weekly reports would be provided to Council. City Manager Jones stated they have been notifying they would be receiving an additional allocation through the County and it would probably begin in February. He noted once they received it, he would ask Council to review the criteria. Councilmember Emery asked the amount that would have not been spent from the County after adding an extension. Atkinson stated they would continue to provide Council weekly updates on what was budget for each program and what the expenditures were. Councilmember Boney requested a discussion on business who may not have a good credit score and what can be done to assist them. Atkinson stated they planned on asking the County to change the guidelines to meet the needs of the business they were not able to service. Robinson stated they had applicants who went through an appeal process and most were approved.

Councilmember Sterling moved to authorize an extension and staff actions necessary to accomplish an extension period continuing through March 30, 2021, for the expenditure of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds allocated by Fort Bend County for applicants to programs using CARES funds when such applicants were approved prior to December 30, 2020. Councilmember Clouser seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

## 10. ORDINANCES

- (a) Consider an ordinance amending the general budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers; making certain findings; containing certain provision relating to the subject; and consider the ordinance on the first and final reading.

Genevieve Good with BDO presented on the internal controls review. Councilmember Boney asked if items could be separated that were tied to the functionality of capital items. Good stated the PEG funds were not tied to a capital item, but rather operational expenditures. She noted there were transactions from the PEG

funds that did not come from capital as it should. Mayor Pro Tem Maroulis asked how BDO decided on the areas listed. Good stated they did not decide the five scope areas, it was provided to them. They then further refined the scope by having access to all transactions in that area. Assistant City Manager Atkinson presented on the PEG Channel History, City Attorney Iyamu presented on Legal Definitions and Director of Financial Services Portis presented on PEG Fund Reimbursement. Mayor Elackatt asked if the City website redesign came from the Communications Department capital fund. Portis stated they were not considered eligible for PEG as it was for the redesign of the whole City website. She added that although City Council meetings were streamed through the website, there were items that were not eligible for PEG funds. Portis stated the funds should have come out of the general fund. Elackatt asked for an explanation on the \$144,000 expenditure. Portis stated that was pertaining to the year the website was designed. Elackatt asked what brochures and print work pertained to. Director of Communications Walker stated she could speak peripherally because she was not provided with the presentation in advanced. Walker stated the website redesign in 2017 was paid through PEG funds with direction from Council and the City Manager's office based on the 2011 redesign being paid for through PEG funds. She noted any graphic designs or contractual services for brochures pertaining to Council or City Manager events were paid through PEG funds at the direction of the City Manager's office. Elackatt asked how this review came about. Portis stated BDO looked at the restricted funds as part of their review. Councilmember Boney asked what was the City's practice and approach in dealing with PEG funds. Atkinson stated there have been interpretations throughout the year of what could be paid through PEG funds, and based with the information they had at the time decisions were made. Boney stated it was startling to hear the City Manager state there was a criminal activity investigation of PEG funds by the Fort Bend County District Attorney's office. He added that if there was a concern, City Council should first be made aware of it. City Manager Jones noted that after looking at BDO's findings he believes it came down to a bad policy that Council had. He added what was found was that staff was effective in implementing a poor design. He also noted anytime they find a misuse of funds in this amount it was typical to notify law enforcement. Boney stated he was disappointed that they have not heard back on the alleged criminal investigation. Jones stated he would ask the Legal Department to request an update from DA's office. City Attorney Iyamu stated she would reach out and see if they could provide the status on this case. Mayor Elackatt asked if funds had been reallocated to proper accounts. Portis stated they would do so with the budget amendment. Councilmember Edwards asked if the budget was prepared by the City Manager and then approved by City Council. Jones stated that was correct. Edwards noted various mismanagement of funds by previous leadership and requested a workshop so that City Council may be made aware of it. Boney asked if they had received an official opinion from the organization that dispenses these funds. He also asked if streaming services were an unallowable expense for the PEG fund. Jones stated they did not look at other cities, but looked at the federal statute. Boney stated if other cities were able to use PEG funds for such types of services they needed to look further into it. Edwards requested a workshop or a packet containing misuse of funds for the last two years. Jones stated they would work on it. Edwards requested Director Walker to speak on anything else that needs to be considered. Walker clarified the 2016 redesign of the website was paid through PEG funds at the direction of the City Manager as the 2011 redesign was paid through PEG funds. Jones stated the expenses were approved and/or presented by the City Manager and then approved by City Council. Portis stated that was corrected. Jones noted Councilmember Edwards was asked for an agenda item on the next work session which addressed the mismanagement of funds for PID, MUD penalties, PEG funds, and Brandera overspending. Councilmember Emery asked the final outcome of what the City Council agreed to be included. This would include the report stating the perceived mismanagement was not in fact mismanagement. Maroulis stated he would prefer a workshop on the item. Councilmember Sterling agreed with having a workshop on the item. Emery asked if they knew when they were notified that the PEG funds were being utilized for unallowable expenditures. Jones stated it may have been in the fall. Director of Financial Services Portis presented an overview on the budget amendment. Councilmember Sterling thanked BDO and the Financial Services department on a great job of analyzing each line item.

Councilmember Sterling moved to adopt the ordinance. Mayor Pro Tem Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

- (b) Consider an ordinance amending Chapter 2, Administration, and Chapter 62, Municipal Court, of the Missouri City Code; establishing certain City departments; containing certain provisions relating to the subject; and consider the ordinance on the first of two readings.

City Attorney Iyamu presented and noted Councilmember Boney requested an ordinance establishing the following departments: Communications, Economic Development, Human Resources and Organizational Development, and Municipal Court. City Manager Jones noted the individuals in the Director positions for these departments would be grandfathered in. Iyamu clarified the ordinance changed the title from division directors to department directors.

Councilmember Emery moved to adopt the ordinance. Councilmember Sterling seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: Councilmember Edwards,

## 11. RESOLUTIONS

- (a) Consider a resolution approving the submission of a grant application to the Texas Department of Transportation for overtime activities by law enforcement to reduce the incidence of traffic collisions, injuries, and fatalities by commercial motor vehicles; agreeing to provide matching funds; and containing other provisions related thereto.

Councilmember Boney moved to approve the resolution. Councilmember Clouser seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

- (b) Consider a resolution approving the submission of a grant application to the Texas Department of Transportation for overtime activities by law enforcement to reduce the incidence of traffic collisions, injuries, and fatalities, agreeing to provide matching funds; and containing other provisions related thereto.

Mayor Pro Tem Maroulis moved to approve the resolution. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

- (c) Consider a resolution ratifying the submission of a grant application to the Texas Council on Family Violence for equipment aiding the response and investigation of family violence crimes and funding for victim support; and containing other provisions related thereto.

Councilmember Clouser moved to approve the resolution. Mayor Pro Tem Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

- (d) Consider a resolution adopting a revised and restated Comprehensive Financial Policy for the City of Missouri City, Texas; providing for repeal; and providing for severability.

Councilmember Sterling moved to approve the resolution. Mayor Pro Tem Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery

Nays: None

## **12. CITY COUNCIL ANNOUNCEMENTS**

Councilmember Edwards congratulated the Thurgood Marshall Bucks for their excellent season and thanked their coaches for their work.

Councilmember Clouser thanked former Councilmembers Emery, Boney, Sterling and Mayor Pro Tem Maroulis for a very productive City Councilmember Small Business helper initiative session. She also thanked Director Walker and the Communications Department for preparing the MVP PPE bags for the City's businesses.

Councilmember Sterling wished everyone a Happy New Year and gave kudos to Thurgood Marshall High School. She also stated she worked with Councilmember Clouser in visiting businesses in District A and found that they were really well received.

Councilmember Boney wished everyone a Happy New Year and thanked Councilmember Clouser for engaging businesses in District B. He also thanked the National League of Cities for reappointing him to the 2021 Community and Economic Federal Advocacy Committee. Boney also thanked his peers at the National Black Caucus for reelecting him to serve as the Regional Level Director.

Councilmember Emery thanked Councilmember Clouser for engaging businesses in District D. Emery felt encouraged that additional funds under the CARES Act would be distributed to more small businesses.

Mayor Elackatt thanked the Communications Department and each City Councilmember for being on the Christmas message video. He gave kudos to all City Councilmembers who visited the small businesses. Elackatt gave kudos to Thurgood Marshall High School and wished everyone going back to school good luck. He congratulated all officials who took oath into their Fort Bend County positions.

## **13. ADJOURN**

The regular City Council meeting adjourned at 10:49 p.m.

Minutes PASSED AND APPROVED this the 19<sup>th</sup> day of January, 2021.

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Maria Jackson, City Secretary