

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 SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, May 17, 2021**, at the Missouri City Community Center, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. ROLL CALL

Mayor Elackatt called the meeting to order at 5:45 p.m.

Those also present: Mayor Pro Tem Maroulis, Councilmembers Edwards, Clouser, Sterling, Boney and Emery; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Communications Walker, Director of Financial Services Portis, and Fleet Superintendent Tubbs. Also present: Jon Hockenyos of TXP, Inc.

2. DISCUSSION/POSSIBLE ACTION

(a) Presentation by Jon Hockenyos on the economic forecast and City sales tax projections.

Jon Hockenyos of TXP, Inc., presented on the City's economic forecast and sales tax projections. Councilmember Clouser stated she enjoyed the presentation.

Councilmember Emery noted that the 2018 sales tax revenue chart stuck out and asked why the percentage was driven to a high mark. Hockenyos stated one of the reasons was that oil prices picked back up and the second was due to coming from a low base. Interim City Manager Atkinson noted it was also due to them shifting the dates to begin a new fiscal year. He added that Amazon having a warehouse in the City would bring a good shift into the economy, as well.

Councilmember Boney asked that when the unemployment stimulus checks stop being given out, would it affect the spending in the City. Hockenyos does not believe there would be much impact.

Councilmember Edwards stated she was concerned and requested data specific to businesses and residents of the City. Hockenyos stated they should watch to see how many residents start going back to the office, if small business have the capacity of hiring, and watch how Amazon makes efforts to make their presence known.

(b) Discuss the midyear budget review.

Director of Financial Services Portis presented the assessment of the City's current budget performance on the first six months of the fiscal year. Councilmember Boney stated the report was presented before the Finance and Services Committee and all three members accepted the report.

(c) Discuss the proposed ordinance establishing rules of conduct and an ethics commission.

City Attorney Iyamu presented on the proposed ordinance establishing rules of conduct and an ethics commission. Councilmember Boney stated that in September of 2020, he worked with the City Attorney to draft an ordinance establishing an ethics commission as an ordinance. He noted that originally the ordinance

was for elected and appointed officials and at a later date requested to add committee members, as well. Boney noted that including staff in the ordinance would be something he was not in agreement with. Interim City Manager Atkinson noted they have a code of conduct in place.

Councilmember Edwards inquired on the cost of hiring outside counsel to address issues. Iyamu stated the cost would depend on which firm was chosen and could range from \$300 to \$1,000. She added that the cost would also depend on the type of investigation conducted. Iyamu noted the ordinance was being presented as having the City Attorney's Office perform the investigation unless that investigation was for the City Attorney's Office. She added that the City Attorney's Office had the ability in their budget for legal services and have used them in the past. Edwards asked how long an hourly contract would cost. Iyamu stated that for third party investigation it may cost from \$300 to \$600. Edwards asked how long the investigation would last for City Council. Iyamu stated it may take about a week and then a report would have to be given to the ethics commission within a week. Edwards noted she was not opposed but was concerned about the amount of money that would be potentially spent. Iyamu noted staff reached out to other cities that have an ethics commission and utilized outside counsel, and most have conducted from one to two investigations per year. Edwards stated she was not opposed to including staff as an added level of transparency.

Councilmember Emery stated this would be the same as having a financial audit and he was for it. He asked if they have an ethics commission would they be required to review under the same standards. Iyamu noted there would not need to be any additional tweaks to the ordinance, as presented, as the commission would be under the same standards of conduct.

Mayor Elackatt suggested to leave staff out and have it pertain to City Council and appointed officials. Edwards noted staff was involved in audits that may be unethical, which was why she believes staff should be included in the ordinance. Elackatt noted they had the Human Resources Department and process in place to handle these types of issues. Atkinson stated they did have processes in place and if an employee has been found to be unethical and not following the code of conduct they would be terminated.

Councilmember Sterling asked if the code of conduct included processes and investigation by the Human Resources Department. Atkinson confirmed.

Councilmember Boney moved to proceed with the proposed ordinance with standards of conduct and establishing an ethics commission including City Council, Mayor, appointed officials and board and commission and committee members. Councilmember Emery seconded. **MOTION PASSED.**

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

(d) Presentation and discussion regarding the Council Chamber and Lobby area remodel.

Fleet Superintendent Tubbs presented on the Council Chamber and Lobby area remodel. Councilmember Edwards inquired if the dais in Council Chambers would follow the six-foot social distancing protocols already in place. Tubbs stated they were looking to place glass 36 inches high to separate Councilmembers.

Mayor Pro Tem Maroulis inquired if the sound system would be improved in the upstairs lobby area. Tubbs stated they would have monitors installed so that audience members present in the overflow area may still be able to watch the meeting. Maroulis asked if they were adding adjustable glass doors in order to open up the Chamber when there was an overflow of attendees. Tubbs stated they would look into that. Maroulis asked if they planned to have some sort of security detectors. Interim City Manager Atkinson stated they had not but could look into it.

Councilmember Clouser inquired about the seating capacity. Tubbs stated it was of about 100 people.

Councilmember Boney inquired if PEG funds were eligible funds to be used on the remodel. Atkinson stated they were checking through TML to make sure the funds were eligible for this type of use.

Mayor Elackatt would also like to see them look into having an adjustable doorway. Tubbs stated they would look into that.

Councilmember Sterling stated security concerns should be a priority and asked that the funds being used for this item be further investigated with TML.

Councilmember Emery inquired when the last major renovation to the sound system took place. Director of Communications Walker stated renovations took place in 2011 and added that this upgrade would be more extensive. Emery suggested having readable font on the displays. Walker stated they would revisit the PowerPoint presentation and noted microphones would also be updated.

Councilmember Sterling inquired if video streaming was included in PEG funds. Walker stated the funds to be spent for technology were directly related to MCTV.

Mayor Elackatt asked if the lightening in Chambers would be fixed. Walker stated the ceiling lighting were supposed to be temperature controlled but were not and would be upgraded. Elackatt asked how much would be spent on technology. Walker stated they would spend about \$70,000 from PEG funds.

Mayor Pro Tem Maroulis suggested preserving history on monitors for citizens. Walker stated that was part of the plan. Walker added that seating capacity would be able to be expanded by having digital monitors in the lobby.

Councilmember Edwards was concerned about the ventilation and asked for follow-up on her questions pertaining to the HVAC system. Atkinson noted information was provided to City Council in their weekly reports and would update them again Friday.

At 6:55 p.m., City Council recessed the special City Council meeting.

At 7:58 p.m., City Council convened into the special City Council meeting.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 7:58 p.m.

- (a) **Texas Government Code, Section 551.072** – Deliberation of the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: City park land.
- (b) **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) proper zoning considerations; (ii) City of Hutto litigation; (iii) Odis Jones; and (iv) Texas Open Meetings Act (Chapter 551 of the Texas Government Code).
- (c) **Texas Government Code, Section 551.074** – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: the City Attorney, City Secretary, and City Manager.

4. RECONVENE

At 9:07 p.m., City Council reconvened into the special City Council meeting.

Councilmember Boney moved to include the City Attorney, City Secretary, and City Manager into the 3.5 percent cost of living increase effective the pay period of March 28. Councilmember Emery seconded.
MOTION PASSED UNANIMOUSLY.

5. ADJOURN

The special City Council meeting adjourned at 9:09 p.m.

Minutes PASSED AND APPROVED this the 7th day of June 2021.

Maria Jackson, City Secretary