

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, February 10, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:00 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, Director of Human Resources and Organizational Development Russell, Fire Chief Campbell, Director of Financial Services Portis, Director of Development Services Spriggs, Director of Communications Walker, Media Specialist II Sanders, and Media Specialist II Kalimkootil.

2. DISCUSSION/POSSIBLE ACTION

- (a) Public hearing to receive comments for or against the disannexation of a 5.5-acre tract of land located north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek residential subdivision, east of the Brazos River, and west of the Brazos Canal Access Road.

City Attorney Iyamu presented regarding the Gulf Coast Water Authority disannexation request.

Councilmember Emery moved to open the public hearing at 6:01 p.m. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

With no public comments, Councilmember Maroulis moved to close the public hearing at 6:01 p.m. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider the City's transportation needs and services provided by the Harris County Metropolitan Transit Authority (METRO).

Councilmember Boney requested that agenda item 2b be placed on the agenda and that Council collectively discuss what they expect from METRO. Discussion ensued regarding the services and needs of Missouri City. The Mayor requested that Council provide her with their recommendations and she would reach out to METRO on behalf of the City. City Manager Snipes provided City Council with the Missouri City Assisted Living Facilities map, which was requested by METRO so that they could incorporate into their services.

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

Assistant City Manager Atkinson presented an update on the proposed letters to the Texas Commission of Environmental Quality (TCEQ) and the Railroad Commission of Texas regarding odors within the City. Mayor Pro Tem Preston asked if the City invited representatives to a City Council meeting. Assistant City Manager

Atkinson stated the Fire Chief has been in contact with representatives to advise them of a forthcoming letter; however, he has not invited them to a meeting. City Manager Snipes requested direction from Council regarding whom would the letter be addressed from to the entities as Council would need to review and approve the letter, should all members of City Council agreed to sign it. Mayor Ford asked if the entities agreed to speak before City Council. City Manager Snipes stated they have not as they were waiting for the City's letter.

Councilmember Boney stated the direction from Council during the December 17, 2019 meeting was to soften the proposed letter, remove the lacking verbiage, add the invitation, and present to Council; and, he believes this was sufficient and he was ready to move forward with the letter. He added that he would like to invite representatives who could answer questions from City Council to a meeting regarding the recurring issues and how they operate. City Manager Snipes stated the letter has the names of all members of City Council for their signature and requested direction on how to move forward. City Attorney Iyamu stated that if the City Manager was seeking direction to request a vote from Council. The Mayor asked if a letter was necessary to invite them to a meeting. City Manager Snipes noted the original intent of the letter had nothing to do with an invitation as it was to ensure the agencies understood that this was an important issue for the City as it affected the quality of life for the residents.

Councilmember Boney requested to move forward with the agreed upon letter to the Texas Commission of Environmental Quality (TCEQ) and the Railroad Commission of Texas which states the City's position and invites representatives to a meeting with City Council. Councilmember Emery seconded. **MOTION PASSED.**

Ayes: Councilmembers Sterling, Boney, Emery, and Maroulis

Nays: Mayor Ford, Mayor Pro Tem Preston, and Councilmembers Edwards

- (d) Discuss vendors' relationships to City Councilmembers.

Councilmember Edwards requested that item 2d be placed on the agenda due to a conversation which took place during the Black History Month kickoff event with the City Manager and the Mayor regarding a conflict of interest as a sitting City Councilmember assisting Greatest BBQ due to her personal relationship with the business; and, that a resident inquired about the City funds spent to Greatest BBQ as a vendor. She also noted that the City had done business with Greatest BBQ for many years, before she was a member of City Council, and asked the City Manager if he was aware of any other businesses where there may be a conflict of interest with a sitting City Councilmember. City Manager Snipes stated there could be a couple and referenced section 3.09, meeting of Council, of the City's Charter which states, "No member of the council, or any officer of the city shall be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any work done by the city, or in any matter wherein the rights or liabilities of the city are or may be involved."

City Manager Snipes added if individuals felt there was a conflict, they could identify that conflict at any point, and moved on to list a few businesses the City works where there may be a conflict. He stated he believed a contract was \$3,000 or more and noted some businesses the City works with which he believed were not contractual but services, from his operational standpoint. He asked if the City Attorney could provide her recommendation. The City Attorney stated it was up to the majority to Council to decide if they would like to receive attorney advice at a public setting or address this matter in closed executive session pursuant to section 551.071, Consultations with Attorney, of the government code. Councilmember Edwards stated she was open to address in public.

Councilmember Sterling requested clarity. City Manager Snipes stated the concern was that a City vendor was a relative of a sitting councilmember, which could have some level of concern and could come back negatively on the City even with the greatest of intentions. He again referenced section 3.09, meetings of Council, of the City's charter.

Councilmember Edwards stated that if the City was going to be fair regarding conflict of interests, she believed Councilmember Boney should be held to the same standards regarding the City's advertisements with the Forward Times newspaper and their relationship to him as a sitting City Councilmember. City Manager Snipes stated the discussion was needed in an effort for City Staff to have a better understanding of processes moving forward. Councilmember Boney stated that ethical concerns addressed to him were erroneous as he has no involvement with advertisements made with the City of Missouri City and the Forward Times newspaper. He added that the former Mayor and City Councilmembers recused themselves from the dais when the vote was taken and he was open to the will of the body of Council regarding these matters. Councilmember Boney also stated he was not employed by the Forward Times newspaper nor does he have vested interest as he was a third party independent contractor; however, if there was an appearance of improprieties, he was open to this discussion. He added that processes should be open to anyone on Council as he was aware of entities who receive and are a part of political action committees that contribute to candidates on the dais.

City Attorney Iyamu stated the City does require disclosure of financial interest for items that were brought before City Council and state law requires that an affidavit to be filed and for the member to refrain from voting, if there was an item in which there was a substantial interest. Councilmember Emery commented that there was a statement in the audit which asks such questions of City Council so that such declaration could be made. City Attorney Iyamu stated she believed so.

Councilmember Boney stated he has not benefited from anything the City had done directly with the Forward Times newspaper. Councilmember Edwards asked if the City had a subscription with the Forward Times. City Manager Snipes stated not a subscription, but the City did advertise the Black History month celebration events. Councilmember Edwards stated she picked up a copy of the subscription. Councilmember Boney stated Forward Times provides free publications as a complimentary service.

Councilmember Edwards moved to direct the City Manager to avoid doing business with vendors who have a direct relationship with any seated City Councilmember. Mayor Pro Tem Preston seconded.

City Attorney Iyamu stated the agenda item posted was for vendors relationships to City Councilmembers and not to officials and staff; therefore, the motion may not be applicable to what's posted. Councilmember Sterling questioned if the discussion was for City Councilmembers and not family members. Councilmember Edwards clarified that her motion was specifically for seated City Councilmembers.

Councilmember Maroulis questioned direct relationship with any seated City Councilmember. City Attorney Iyamu went over the degree of consanguinity. Mayor Ford asked if family and direct relationships to businesses applies. City Attorney Iyamu stated there was a separate law that relates to business relationships and if a substantial interest was received. City Manager Snipes stated he needed clarification. City Attorney Iyamu stated it was not 10-percent interest in the company but they needed to be a proprietor of the company and receive some salary to constitute a 10-percent interest in a company, under state law. Councilmember Edwards asked if she could add the clause to the motion. City Attorney Iyamu stated the disclosure was already required under state law.

Councilmember Maroulis added that City Councilmembers were disclosing during the yearly audit questionnaire. City Attorney Iyamu stated she believed the concern was at the time of contracting. She added there was also a form where vendors were to submit to the City regarding relationships with City Council for agenda items brought before City Council. Mayor Ford suggested that vendors notify the City if they have a direct relationship with anyone on Council. She also asked if the City was still asking new members of City Council to provide the City with their employment sources. City Attorney Iyamu stated yes. Mayor Ford asked if the records were updated. City Secretary Jackson stated the request was asked when new members of City Council began their service. City Manager Snipes stated a good suggestion would be to annually update employment sources so that the City knows exactly where City Councilmembers work.

Mayor Ford stated there was a motion and a second. Councilmember Maroulis requested that the City review what was currently in place before the vote. Mayor Ford agreed that this could come back for further discussion. City Attorney Iyamu requested clarification on the type of information she was to bring back before City Council, such as employment and family relationships. Mayor Ford stated yes, family, employment, and contractors. Councilmember Boney added that the City look into disclosures for anyone who may work with a Political Action Committee (PAC). City Attorney Iyamu stated she would present various areas from the local government code, state law, and the City's code.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 7:22 p.m.

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 and the city manager.

4. RECONVENE

At 10:32 p.m., City Council reconvened into open session.

Councilmember Edwards made a motion, based on the evaluation of the duties of the City Manager, to hire an additional auditor to report directly to Council and determine if there was a need for a more in depth audit beyond the yearly audit that the City was conducting. Councilmember Sterling seconded.

Councilmember Maroulis noted that the motion was made without knowing the cost of the audit. Additionally, he requested to go on record to state that none of Council reached out to the current auditor to ask the questions which needed to be asked.

Councilmember Boney also requested to go on the record as stating that the City has a third party independent audit that was currently taking place and he believed the motion was extremely irresponsible and reckless of Council to provide a blank check of tax payer dollars for an audit that was clearly not needed and one where by none of the Councilmembers who were seeking another audit reached out to the current audit firm.

Councilmember Emery stated he believed the information provided to a government agency was cherry picked in order for the case presented to be more palatable which did not include the CAFR or the last two audits from the City's external auditors. Additionally, he stated if the City were to get recommendations from other entities, that the City provide the full picture of what's going on and not just those things that make the case. He added that he, too, was concerned about the costs that the City may be faced with by getting an open-ended request to an audit firm.

Mayor Ford stated the information provided to the Fort Bend District Attorney's Office was not cherry picked as it pertained to information that the City has taken a look at over the last couple of months since she has have been mayor and they have recommended that the City look into an analysis and an audit. The motion that was just made was to meet with a consultant to determine if it was necessary that the City continue to move forward with a different type of audit other than our yearly audit, it was not to start with another audit at this point but to meet with a consultant to determine if there was a need to move forward. Councilmember Emery asked if the motion was for another audit firm or consultant. Mayor Ford stated the auditing consultant would determine from the information that the City has if would be necessary for a more extensive audit other than a yearly fiscal audit.

Councilmember Boney expressed that he wished to remain clear because the information discussed in executive session about information that was presented to the Fort Bend Attorney's Office indicated there was no criminal activity involved. He added that the recommendations stated in the letter were already addressed through our current audit firm. Mayor Ford responded by stating that the Fort Bend County District Attorney's Office was asked to look at the financial irregularities and they came back as they did not believe that there was any criminal activity however they did suggest that the City needed to take a deeper dive and look at all of our business divisions to look at what was going on due to the report they received from McConnell and Jones.

Councilmember Boney added the report discussed in executive session did not say the City needed to do a deeper dive into every division; however, it did reference recommendations made by McConnell and Jones. He then challenged his colleagues to visit the audit firm that has been hired by this council on last year before moving forward to spend additional funds on an audit firm or a consultant. Councilmember Sterling clarified that the City was not issuing blank checks and believed that the Council's intent was to pay \$5,000 today than to pay \$20,000 tomorrow; and, believed it was about checks and balances.

Councilmember Edwards made a motion, based on the evaluation of the duties of the City Manager, to hire an additional auditor to report directly to Council and determine if there was a need for a more in depth audit beyond the yearly audit that the City was conducting. Councilmember Sterling seconded. **MOTION PASSED.**

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

Nays: Councilmembers Boney, Maroulis and Emery

5. ADJOURN

The special City Council meeting adjourned at 10:42 p.m.

Minutes PASSED AND APPROVED this the _____ day of _____ 2020.

Maria Jackson, City Secretary