

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

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



REGINALD PEARSON
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 6, 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 5:40 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Pearson, Boney, Maroulis, and Emery; City Manager Snipes, First Assistant City Attorney Way, City Secretary Jackson, Assistant City Manager Atkinson, Police Chief Berezin, Director of Financial Services Portis, Municipal Court Administrator Rychlik, City Attorney Iyamu, Deputy Court Administrator West, Interim Director of Human Resources Manor, Director of Communications Walker, Chief Performance Officer Weisenberger, Purchasing/Risk Manager Pleasant, Media Relation Specialist III Kalimkootil, and Media Relation Specialist III Sanders.

2. DISCUSSION/POSSIBLE ACTION

(a) Update on Strategic Plan process facilitation candidates.

Chief Performance Officer Weisenberger presented the process and provided an update on the Strategic Plan process facilitation candidates. Weisenberger recommended that City Council select and interview two groups; however, she also recommended that City Council interview the second and third place groups, as there was only a two-point difference.

Councilmember Edwards asked the locations of the firms, as she knew firms received points for their location. Weisenberger noted the ranking did not incorporate extra points for local entities, as the search was conducted nationally. Edwards stated she was concerned with not providing residents the convenience of a close location. City Manager Snipes clarified this was just for the Strategic Plan process facilitation and not agenda item 2b for the collection services item. Mayor Ford asked why the location was not provided. Snipes noted this was a professional services agreement and noting the location has not been a part of the process. Mayor Ford stated she would like to know their location as it would be helpful to conduct further research. Snipes stated the goal was to obtain the experiences in this field, wherever they were, and would provide the locations in the future. Weisenberger noted the experience was noted.

Councilmember Maroulis asked about the wide range of costs. Weisenberger stated she has not spoken with any of the companies who submitted a proposal. Mayor Pro Tem Preston asked about how the company gauged their relationship with municipalities. Weisenberger stated they reached out to other entities and references, and additional information was submitted on their experience. Councilmember Maroulis asked about the cost for the last two facilitators. City Manager Snipes stated staff would provide Council with such costs. Councilmember Pearson asked for a breakdown of the costs. Weisenberger stated they could go through it, should the Council wish to do so. Councilmember Boney requested to interview the top three candidates, due to the closeness of the scores.

Councilmember Maroulis stepped away at 5:56 p.m. and returned at 5:57 p.m.

Mayor Ford suggested Council interview all four candidates, due to the variation of the costs. Councilmember Emery asked to be provided with the candidate's websites and approach on how they would address strategic plans. Emery also asked if the candidates would provide City Council with an overview of their experience.

- (b) Discuss and consider the negotiation and execution of a municipal court collection services contract.

Purchasing/Risk Manager Pleasant presented on the Collections Services Contract RFP No. 19-012. Councilmember Edwards asked for the locations of the businesses. City Manager Snipes stated MVBA was from Round Rock and has other locations throughout Texas; and, Linebarger & Perdue were both in Houston. Councilmember Edwards was concerned that residents would not be able to pay if they were not local. Municipal Court Administrator Rychlik noted payments were made through the City's online portal.

Mayor Ford inquired about the questions that were sent to the Attorney General's office and about the extension of the deadline. City Attorney Iyamu noted that because the City was in a competitive process, it was not required to provide information for a competitive advantage to another company during the process. Iyamu stated the Attorney General's Office suggested the City should withhold such information. Mayor Ford asked about the question in reference to a bidder's past relationship with the municipality and if that bidder received a base amount of points. Purchasing/Risk Manager Pleasant stated the question was addressed in the addendum. City Manager Snipes read the response.

Councilmember Edwards stepped away at 6:11 p.m. and returned at 6:14 p.m.

Mayor Ford asked if each of the evaluators called the references or did one person call. Pleasant stated one person called which was standard for solicitation.

Councilmember Emery stated there were three questions and/or concerns that he wanted to pursue. The first was the amount of returns that the City would experience from the three vendors, specifically the two new vendors. The second was in the reviews, there were categories for additional capabilities provided by MVBA, and he would want a value placed on what those additional features would be. Third, back in 2013, an item was raised by \$300,000 from one vendor to another vendor due to conversion delays and asked for clarification. Rychlik stated added service would be difficult to say, as if a firm wanted to add a service for free for example, they would have to summons anyone, and there would be timesaving from City staff's time, but could not place an actual cost. Other added services include door hangers. Councilmember Emery stated to him, the door hangers was not an added service due to City staff time used to place the door hangers out.

Councilmember Pearson asked about the rate of collection and if it had increased or decreased. Assistant City Manager Atkinson stated they would provide documentation regarding the rate of collection. Councilmember Boney asked where the loss of revenue would place the City. City Manager Snipes stated it would not be as adverse as the current vendor would transition when the new vendor comes in with no drop off in revenue.

Mayor Ford inquired about this evaluation criteria versus the last criteria back in 2013 and why there was a slim margin and not a huge difference as in the current evaluation. Pleasant stated the matrix were the same and that actual references were not called last time and they were this time. Councilmember Maroulis asked if there was language about falling below the benchmark. Rychlik stated it was not in the RFP but it would be placed in the contract. Mayor Pro Tem Preston addressed the evaluation criteria and suggested if the City could have asked various questions, as oppose to similar questions.

- (c) Discuss and consider administrative procedures for City Council appointees to process verbal discussions and requests of City Council.

Mayor Ford stated that if a Councilmember requested an item on the agenda, that information should be disbursed to all of Council. Councilmember Boney requested direct reports provide the same information to all of Council as it was pertinent to City business. Mayor Ford suggested Council should discuss and decipher what information or requests should be provided to all of Council. City Manager Snipes stated Council received information on how staff would deal with routine requests. He added Council would receive notifications of requests that took over 30 minutes to do research.

Councilmember Emery noted some of the items that were asked about might never reach the agenda; however, he believed it might be pertinent to the group. First City Attorney Way stated they would be walking a thin line of the Opens Meeting Act if the information was provided but not shared among Council. Councilmember Emery asked staff to look into it. Snipes stated there needed to be a balance administratively with processing requests of Council. Councilmember Boney stated that information regarding matters that would affect the City fiscally, personnel matters, and if one has more access such information, all of City Council should be made aware of it.

Councilmember Pearson stated transparency was used a lot, and finds it interesting that there was a struggle for transparency amongst Council. He asked that they find common ground to be transparent. Snipes stated a routine request was information that was readily available; however, non-routine requests would take over 30 minutes.

Mayor Ford suggested that the committee address what requests should be presented at the Council meeting and how information should be disbursed. Councilmember Pearson stated that in the meantime, the City would move forward with the administrative policy currently in place.

Councilmember Maroulis moved to take the process to the committee and follow the current administrative procedures. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

City Council recessed the special City Council meeting at 6:57 p.m. At 8:43 p.m., City Council reconvened the special City Council meeting.

- (d) Discuss and consider retaining special counsel for Ivy Kenneth Joy L. Miraflor 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 201920262- 7 in the 151st District Court of Harris County).

City Attorney Iyamu presented on the lawsuit and noted that on November 19, 2018, and December 3, 2018, City Council postponed a zoning request in the Vicksburg neighborhood to rezone a 5.19-acre tract of land from R-1-A single family residential district to PD Planned Development District to allow for the development of a child care facility and certain commercial uses. On December 17, 2018, the zoning request failed to be approved in a 0-7 vote by the City Council. The owners of that property have filed the Miraflor lawsuit against the City. The City's risk pool, the Texas Municipal League Insurance Risk Pool ("TMLIRP"), has denied the City's request to cover this matter on the basis that, per the City's policy with TMLIRP, claims for injunctive relief and inverse condemnation relief were not covered by the policy. In matters such as this, the City attorney's office has historically sought outside counsel. John Hightower of Olson and Olson most recently represented the City in a zoning litigation matter that concluded with a petition to dismiss that matter. Mr. Hightower was recommended for this matter because of his expertise in municipal law and zoning and because of the existing contract, the City has a contract with his firm, which would make him readily available to the City once the appropriate officials were served (decreases the time it would take to negotiate a new

contract with a different firm). Mr. Hightower was a former section chief and assistant city attorney for the City of Houston. His biography was included in the background information for this item.

Councilmember Maroulis moved to use John Hightower of Olson and Olson, as the City's representative. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider and discuss interview questions for board, committee, and commission members.

Councilmember Edwards requested that each City Councilmember to bring two questions to the interviews in an effort to ensure questions were not repetitive. Edwards also suggested questions be submitted to City Secretary Jackson. Snipes suggested Council submit more than two questions, in the event there were repetitive questions. Councilmember Pearson suggested coming up with questions during the meeting. Councilmember Edwards would like the community to all be provided the opportunity to serve. Mayor Pro Tem Preston would like Council to submit questions to the City Secretary. Councilmember Pearson suggested submitting alternate questions. The deadline for questions to the City Secretary noon on Thursday, May 9.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 9:03 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 secretary, the city attorney, and the city manager.

Texas Government Code, Section 551.087 – Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: commercial development prospect.

Councilmember Edwards stepped away at 9:36 p.m. and returned at 9:40 p.m.

4. RECONVENE

At 10:08 p.m., Council reconvened into open session. No action was taken.

5. ADJOURN

The special City Council meeting adjourned at 10:09 p.m.

Maria Jackson, City Secretary