

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 AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, March 2, 2020, at 5:30 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss corridor enhancement/beautification project.
- (b) Discuss civil service process and frequently asked questions.
- (c) Discuss the procurement of executive search firm services.

3. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

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 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 Texas Open Meetings Act: March 2, 2020 Regular meeting agenda item 7(a)(2) relating to a proposed specific use permit for a place of assembly.

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 manager.

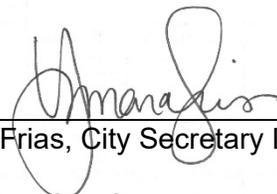
4. RECONVENE into Special Session and consider action, if any, on items discussed in Executive Session.

5. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the March 2, 2020, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 27, 2020, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2020.

Signed: _____

Title: _____



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

March 2, 2020

To: Mayor and City Council
Agenda Item: 2(b) Discussion regarding civil service
Submitted by: Bill Atkinson, Assistant City Manager

SYNOPSIS

At the February 3 council meeting, council was presented and approved an ordinance ordering the 2020 Special Election.

BACKGROUND

A special municipal election is called and ordered for the 2nd day of May, 2020 (“Election Day”), at which election shall be submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, a proposition for or against the adoption of the fire fighters’ and police officers’ civil service law.

Missouri City voters will be asked to vote for or against the adoption of the fire fighters’ and police officers’ civil service law provided by Chapter 143 of the Texas Local Government Code. This fact sheet is for informational purposes only and is not intended to express an opinion for or against the adoption of a civil service system for fire fighters or police officers.

At the February 17 meeting, a Frequently Asked Questions document was presented to city council. From that presentation, there was a request for staff to provide general financial information associated with question number 9. Tonight staff will present that information as an update to that document.

SUPPORTING MATERIALS

1. FAQ
2. Survey of Benchmark Cities

STAFF’S RECOMMENDATION

Informational

City Manager or Assistant City Manager Approval:

Bill Atkinson

SPECIAL ELECTION ON THE ADOPTION OF THE TEXAS CIVIL SERVICE SYSTEM FOR FIRE FIGHTERS AND POLICE OFFICERS

FREQUENTLY ASKED QUESTIONS-ANNOTATED

Missouri City voters will be asked to vote for or against the adoption of the fire fighters' and police officers' civil service law provided by Chapter 143 of the Texas Local Government Code on or about May 2, 2020. **This fact sheet is for informational purposes only and is not intended to express an opinion for or against the adoption of a civil service system for fire fighters or police officers.**

- 1. WHAT IS THE PURPOSE OF CIVIL SERVICE?** According to state law, the purpose of the civil service law is to “secure efficient fire and police departments composed of capable personnel who are free from political influence and who have permanent employment tenure as public servants.”

- 2. WHY ARE VOTERS BEING ASKED TO CONSIDER ADOPTING THE CIVIL SERVICE LAW INSTEAD OF THE CITY COUNCIL?** State law requires voters to decide whether a city should adopt a civil service system for fire fighters and police officers if a certain number of signatures is collected from registered voters. On January 21, 2020, the City Secretary received a petition signed by at least 10 percent (798) of the number of voters who voted in the most recent municipal election, held on November 5, 2019 (7,981). State law requires the City Council to call an election after a petition meeting state law requirements is filed. The City Council called the required election on February 3, 2020.

- 3. HOW IS THE CIVIL SERVICE LAW ADOPTED?** The civil service law is adopted by an election.

- 4. HOW IS THE CHAPTER 143 CIVIL SERVICE SYSTEM IMPLEMENTED?** The adoption of a Chapter 143 civil service system will require the City to establish a Fire Fighters' and Police Officers' Civil Service Commission. The Commission consists of three members appointed by the City's chief executive, the City Manager, and confirmed by the governing body of the municipality, the City Council. A person appointed to the Commission must be the following: (1) of good moral character; (2) a United States citizen; (3) a resident of the City for more than three (3) years; (4) over 25 years of age; and (5) a person who has not held public office within the preceding three (3) years. The Commission will adopt rules that prescribe for the removal or suspension of fire fighters and police officers; investigate and report on all matters relating to civil service; and make disciplinary decisions for fire fighters and police officers.

- 5. IF CIVIL SERVICE IS APPROVED BY VOTERS, WILL CITY PERSONNEL POLICIES AND PROCEDURES FOR FIRE FIGHTERS AND POLICE OFFICERS CHANGE?** Yes. Missouri City fire fighters and police officers are currently subject to the City's personnel policies in the same manner as other employees. Adopting the Chapter 143 civil service system will place fire fighters and police officers under a different set of personnel rules than other Missouri City employees. Those rules will be implemented by the Fire Fighters' and Police Officers' Civil Service Commission. See Question 4 above.
- 6. HOW WILL ENTRY LEVEL FIRE FIGHTER AND POLICE OFFICER HIRING CHANGE UNDER A CIVIL SERVICE SYSTEM?** With certain exceptions, a position or classification in a civil service system may only be filled from an eligibility list that results from an examination. Except in certain instances, the chief executive, the City Manager, is required to appoint the person with the highest grade on the examination. A person may not take the entrance examination unless the person is at least 18 years of age, but less than 36 years of age.
- 7. HOW WILL NON-ENTRY LEVEL FIRE FIGHTER AND POLICE OFFICER HIRING CHANGE UNDER A CIVIL SERVICE SYSTEM?** Under the civil service system, a fire fighter is not eligible for promotion unless the person has served in that fire department in the next lower position or other positions specified by the commission for at least two years at any time before the promotional examination is held. Under the civil service system, a police officer is not eligible for promotion unless the person has served in that police department in the next lower position or other positions specified by the commission for at least two years before the date the promotional examination is held. A police officer would not be eligible for promotion to the rank of captain or its equivalent unless the person has at least four years' of actual service in the police department filling the position. Further, a person appointed to a position in the classification immediately below that of the head of the police department would have to be a sworn police officer for at least five (5) years with at least two years' continuous service in the police department.
- 8. CAN FIRE FIGHTERS AND POLICE OFFICERS BE TERMINATED THROUGH A REDUCTION IN FORCE?**
If one or more positions of equal rank are vacated or abolished, the fire fighters or police officers who have the least seniority in a position are required to be demoted to the position immediately below the vacated or abolished position. Fire fighters and police officers that are demoted through a reduction in force must be placed on a reinstatement list in order of seniority. If the position is filled or re-created within one year, the position must be filled from the reinstatement list. Appointments from the reinstatement list must be made in order of seniority. If a position in the lowest classification is abolished or vacated and a fire fighter or police officer must be dismissed from the department, the fire fighter or police officer with the least seniority must be dismissed.

9. WILL CIVIL SERVICE HAVE AN IMPACT ON THE CITY’S BUDGET?

Yes.

BUDGET COMPARISON		
	CURRENT CITY BUDGET	CIVIL SERVICE FOR FIRE & POLICE
<i>Office Space for Commission</i>	Not required	Required <i>Estimated to cost \$5,400 for furniture and information technology setup</i>
<i>Civil Service Director</i>	Not required	Required <i>Estimated cost based on creating a new position: \$128,000 including salary & benefits</i>
<i>Filling Vacancies</i>	Not required	Required—the position immediately below that of the head of the fire department or the police department must be filled within 90 days after the vacancy occurs; vacancies for non-entry level positions where an eligibility list exist must be filled within 60 days <i>Opportunity cost – in lieu of immediately filling the position (the amount the City would have saved): Fire – Average \$13,052 per 30 days Police – Average \$9,712 per 30 days</i>
<i>Appeal of Commission Decisions</i>	Not required	Required—may include back pay and court costs for matters filed in court <i>Unable to estimate because this would case specific</i>
<i>Sick Leave</i>	Fire: 12 days per year Police: 12 days per year	15 days per year

		<p><i>Estimate for Fire Department: \$75,459 (includes salary and benefits)</i> <i>*Additional 3 days calculated at 12 hours per day)</i> <i>Estimate for Police Department: \$92,404 (includes salary and benefits)</i> <i>* Additional 3 days calculated at 8 hours per day)</i></p>
<i>Sick Leave Payout at Separation (including termination and excluding retirement)</i>	0	<p>Up to 90 days' pay at the person's highest rate of pay within the last six months <i>Estimate for Fire Department: average \$47,617 includes salary and benefits</i> <i>Estimate for Police Department: average \$34,280 includes salary and benefits</i></p>
<i>Sick Leave Payout at Retirement (including termination and excluding retirement)</i>	Up to 30 days depending on time in position	<p>Up to 90 days' pay at the person's highest permanent rate of pay within the last six months of employment <i>Estimate for Fire Department: Average \$31,755 includes salary and benefits</i> <i>Estimate for Police Department: Average \$22,853 includes salary and benefits</i></p>
<i>Vacation</i>	At least 14 days per year	<p>At least 15 days per year <i>Estimate for Fire Department: \$31,925 includes salary and benefits</i> <i>Estimate for Police Department: \$30,801 includes salary and benefits</i></p>
<i>Line of Duty Illnesses and Injuries</i>	Up to 12 weeks of unpaid leave; worker's compensation may be available	Up to 1 year of paid leave, with the possibility of extensions

*****This fact sheet is for information purposes only and is not intended to express an opinion for or against the adoption of a civil service system for fire fighters or police officers.*****

SURVEY OF BENCHMARK CITIES—STATUS OF CIVIL SERVICE LAWS FOR POLICE AND FIRE DEPARTMENTS

<u>City</u>	<u>Civil Service Status</u>	<u>Year City implemented Civil Service*</u>	<u>Charter/Code References</u>	<u>Notes</u>
Houston	Yes	1913	Charter: Article V-a Code of Ordinances: Chapter 14	
Bellaire	No	N/A	N/A	
Baytown	Yes	1952	Code of Ordinances: Chapter 78, Article IV	
Conroe	Yes	1991	Code of Ordinances: Section 38-3	
Friendswood	No	N/A	N/A	
Grapevine	No	N/A	N/A	
Stafford	No	N/A	N/A	
Sugar Land	No	N/A	N/A	
Webster	No	N/A	N/A	
The Woodlands	No	N/A	N/A	
Pasadena	Yes	1964	Code of Ordinances: Chapter 2, Article III, Division 1; Section 23-18(b); Chapter 30, Articles I & II	1964 is the year in which the ordinance referencing Pasadena's civil service law was adopted.
Pearland	Yes	1982	None	Civil service for police only.
New Braunfels	Yes	2011	Code of Ordinances: Section 74-32	Civil service for police only.
San Marcos	Yes	1970	Code of Ordinances: Section 2.422; Section 38.026; Section 62.186(b), 62.500(b)	1970 is the year in which the ordinance referencing Pasadena's civil service law was adopted.
Cedar Park	Yes	2003	Code of Ordinances: Article 9.11	
LaPorte	Yes	1981	None	Civil service for police only.
Katy	No	N/A	N/A	
Allen	No	N/A	N/A	Although not a civil service agency, pursuant to Section 9-43

* Some dates are presumed based on year of appearance in an applicable city's Code of Ordinances, as designated under "Notes."

SURVEY OF BENCHMARK CITIES—STATUS OF CIVIL SERVICE LAWS FOR POLICE AND FIRE DEPARTMENTS

				of the City of Allen's Code of Ordinances, "The traffic engineer may appoint technicians and clerical staff as may be necessary, subject to the approval of the city manager and consistent with civil service rules and regulations and the city charter."
Harlingen	Yes	1973	Code of Ordinances: Chapter 2, Article IV, Division 3; Section 2-599	1973 is the year in which the ordinance referencing Pasadena's civil service law was adopted.
League City	Yes	1973	Charter: Sections 26, 27 Code of Ordinances: Chapter 2, Article III, Division 2; Section 2-382	
Rowlett	No	N/A	N/A	A special election was called for May 10, 2008, regarding this issue; however, the proposed civil service law was not adopted.
Rosenberg	No	N/A	N/A	
West University Place	No	N/A	N/A	

Corridor Enhancements Project

By: Shashi K. Kumar, P.E. Director of Public Works



Corridor Enhancement Project

This project will include the installation of reader/monument signs at strategic (entry) locations throughout the City, as well as, landscape and site work enhancement on the Texas Parkway corridor, Cartwright Road corridor and City Hall Entry @ Texas Parkway. TBG Partners was selected to perform the design.



Corridor Enhancement – Phase I Landscape Improvements

Landscape and site work enhancement in the medians along the Cartwright and Texas Parkway Corridors. This phase of the project was bid and let through the Texas Department of Transportation. Construction began in February of 2020 and is estimated to be complete by Fall of 2020.

TxDOT is funding this portion 100%.



Corridor Enhancement – Phase II Reader Signs

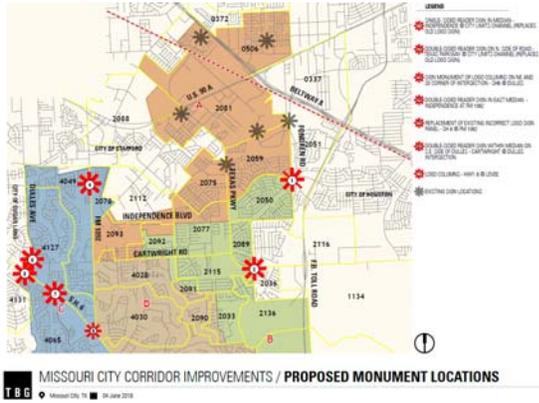
Reader signs are currently planned for the following locations:

- ❖ Independence @ City limits – single sided reader sign (replacing old logo sign)
- ❖ Texas Parkway @ City limits – double sided reader sign (replacing old logo sign)
- ❖ Independence @ FM1092 – double sided reader sign
- ❖ Cartwright @ Dulles – double sided reader sign
- ❖ Replacement of existing incorrect logo sign at SH6 @ FM1092 (no reader sign will be installed here)

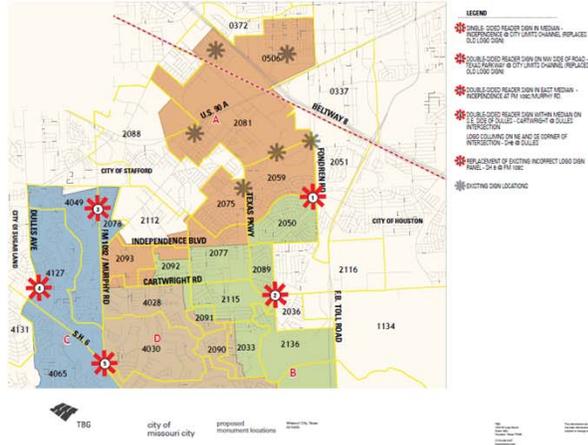
This portion is currently under design and is estimated to bid this summer. The estimated cost is approximately \$530,000.



Previous proposed locations



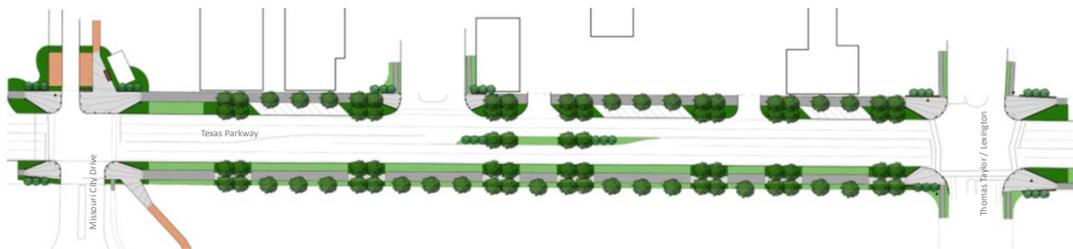
Current proposed locations



Corridor Enhancement – Phase III

Red Carpet Run City Hall Entry @ FM2234

The red carpet run phase consists of installing sidewalks and landscape improvements along Texas Parkway from Missouri City Drive to Thomas Taylor Parkway / Lexington Blvd. This portion is currently under design and awaiting approvals from TxDOT. Consideration is being made to leave the open ditches due requirements from TxDOT. We estimate this portion to bid early 2021 and is estimated to cost approximately \$1.6M.



Questions?

