

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 24, 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, and Maroulis; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Director of Human Resources and Organizational Development Russell, Director of Development Services Spriggs, Director of Communications Walker, HR Manager Monroe, Animal Shelter Manager Goffney, Assistant City Attorney Santangelo, Media Specialist II Sanders, and Media Specialist II Kalimkootil. Councilmember Emery arrived at 6:01 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss possible updates to the personnel policies that address how personnel matters are handled for appointed staff.

Mayor Ford stated the item was to give staff direction to come back to Council with a policy. Councilmember Maroulis asked if they were doing comparisons with other cities. City Attorney Iyamu stated they were planning on a comparison.

Councilmember Boney asked for clarification on direction from Council. Iyamu asked for clarification as well, and asked if the directive related specifically to the claims process for discrimination claims or was it related to the actual employment discipline process. Mayor Ford noted the policy would pertain only to direct reports and when incidents happened or arise, City Council was to be immediately notified on how they would like to move forward.

Iyamu asked if incidents referred to claims of discrimination or incidents related to employees filing grievances on their personnel actions. Councilmember Sterling stated it would relate to any incident related to City Council direct reports. Councilmember Maroulis asked that best practices for performance reviews be included in the research. Councilmember Edwards asked when the information would be provided to Council. Iyamu stated they would provide Council with a draft ordinance at the March 16 City Council meeting.

Adrienne Barker, 2707 Lakeside Village Drive, spoke about her concerns with the items placed on the agenda.

City Attorney Iyamu stated she received notice from the City Manager to evoke a provision from his contract to allow his item to be held in open session.

At 6:06 p.m., Mayor Pro Tem Preston moved to go into closed executive session pursuant to Texas Government Code, Section 551.074, pertaining to the city attorney. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:06 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.

4. RECONVENE

At 6:37 p.m., City Council reconvened into open session. No action was taken.

At 6:38 p.m., Mayor Pro Tem Preston moved to go into closed executive session pursuant to Texas Government Code, Section 551.071, to seek legal advice from the City Attorney pertaining to item 2c. Councilmember Edwards seconded. **MOTION PASSED.**

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

Nays: Councilmembers Maroulis

At 6:49 p.m., City Council reconvened into open session.

- (b) Discuss and consider possible action on personnel matters regarding the City Attorney's performance and/or employment.

Mayor Ford stated there was no action taken.

Adrienne Barker, 2707 Lakeside Village Drive, asked the audience to raise their hands if they were in favor of keeping current city leadership.

Councilmember Maroulis stepped away at 6:50 p.m. and returned at 6:50 p.m.

Gloria Lucas, 15414 Poolview, and **Noel Pinnock**, 2903 Robinson Road, stated it was a fundamental principle to fight for what was right and for those fighting for us. Lucas and Pinnock spoke in support of the City Attorney.

Dwight Johnson, 7810 Northwinds Drive, asked if no action on the City Attorney pertained only for today or if there was no action to be taken on the role.

Mayor Ford stated there was no action for today or future action that they know of.

- (c) Discuss and consider possible action on personnel matters regarding the City Manager's performance and/or employment contract.

Loretta Peters, 4522 Trammel Fresno, and **Portia Right**, 610 Foxborough Lane, spoke in support of the City Manager.

Kenneth Goode, 1807 Pine Hollow, spoke in support of the City Manager and about his concerns with Council's hidden agenda.

Jim Fonteneaux, 2410 La Quinta Drive, spoke in support of the City Manager.

Linda Russell, 2923 Ashmont Drive, withdrew her request to speak.

Jerry Wyatt, 4018 S. Sandy Court, spoke in support of the City Manager.

Harold Synder, 2602 Creekway Circle, was not present.

Cleon Brown, 2823 E. Birchdale Drive, spoke in support of the City Manager and requested no action be taken against City Manager Snipes.

Sam Rubbico, 3235 Hunters Glen Drive, spoke in regards to oaths taken by City Councilmembers and in support of the City Manager.

Charles Butera, 3010 Sun City Court, spoke in support of the City Manager.

Noel Pinnock, 2903 Robinson Road, spoke in support of the City Manager.

Dwight Johnson, 7810 Northwinds Drive, spoke in support of the City Manager.

Councilmember Maroulis moved to extend time by 1 minute. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Dwight Johnson continued to speak regarding transparency.

Mayor Ford stated the item was placed on the agenda to discuss personnel issues regarding the City Manager and noted the City Manager asked for matters to be discussed in open session. Ford stated the item pertained to personnel issues discussed at the last meeting as follows: restricted utility funds that had been moved (\$2.5 million); a McConnell & Jones analysis for water and wastewater that identified issues in the City; a MUD 48 letter with financial issues with the City that included \$62,000 in discrepancies; and, a letter from district attorney's office that suggested all business divisions since there was an issues in one. Ford stated these items were discussed last week and she wanted to discuss with City Council. She noted that City Manager Snipes has provided answers to some of the items. For which she stated she would leave all documents with the City Attorney who would determine if they could be reviewed by the City. She stated that when she came on as Mayor, she met with Snipes and brought up issues that he provided a response in an email. Such issues were as follows: racial tension, loss of faith with leadership, falsification of documents and alcohol use within the Police Department; issues with Municipal Court; issues with development and redevelopment; budget issues; and staff morale. Ford noted she led the charge to bring Snipes on board and during such process City Council was advised of his personnel issues in Austin. The recruiter did not believe those issues were significant to consider him as a candidate. After Snipes was hired, she received a copy of the investigation that clearly demonstrated serious concerns that should have been considered during the hiring process. Ford noted she was confident that City Council would be able to change areas of the City that needed redevelopment as he had headed up redevelopments on 11th and 12th streets in the City of Austin. She stated that as of today, five years later, there was minimal change with development and redevelopment on Texas Parkway. Ford stated Snipes advised that the financial circumstances and privately owned land was a major issue with getting economic development done along the corridors. She noted issues mentioned on Channel 2 that dealt with water on Sienna MUD No. 1 to which Snipes and staff advised they were not responsible for water to end users and issues that existed for those residents. Ford stated if the City has contracted with an entity to provide water to citizens, she believes the

City should have more input. She reminded everyone issues she mentioned did not happen overnight. Ford noted all the documents she has pertaining these issues would be left with the City Attorney. City Attorney Iyamu clarified the Texas Attorney General's Office would be the ones to provide clearance of the records.

Councilmember Edwards stated pursuant to section 2c of the employment agreement between the City of Missouri City and City Manager Anthony Snipes, she moved to terminate the services of Anthony Snipes, subject only to the provisions said forth of Section 3 of the agreement of the contract. Mayor Pro Tem Preston seconded.

Councilmember Boney stated he would like the City Manager to respond to the comments made by the Mayor. City Manager Snipes stated there were a number of the items that were expressed on this day which were not articulated in the last meeting. He stated he met with Mayor Ford two years ago regarding her vision and a number of these issues were not brought up. He stated that based on the meeting with the Mayor, he provided an immediate response to issues related to Police and staff morale. Upon his arrival, he was provided with an email sent to former City Manager Ed Broussard indicating low morale from then Councilmember Ford who also expressed no confidence in his leadership. During his interview, City Council expressed concerns with low morale. He added Mayor Pro Tem Preston expressed his request to consider having an outside entity to conduct an employee survey. Snipes added that in 2016, they started a journey to becoming a High Performance Organization, where leadership was expected at all levels. Snipes listed various items the City had accomplished during his tenure. He noted he would provide a number of attachments to the City Secretary for City records. Snipes stated that since his employment, they have received clean audits from independent auditors from fiscal year 2015 to present along with many awards. Snipes finished with stating that if he were to be terminated this evening, it had been an honor to serve the community.

Councilmember Sterling stated she had asked the City Manager if the City had an in depth audit coming in 2015. She asked Snipes if he could explain on the misplacement of \$2.5 million and if taxes were increased based on those missing funds. Snipes stated the \$2.5 million were through the utilities and were not missing but misplaced, which was then validated by the McConnell with Jones report. Snipes stated the increase had nothing to do with the \$2.5 million funds that were misplaced. He noted such information was provided to City Council on April 15, 2019. Mayor Ford clarified the funds had been moved to the wrong fund account. Sterling asked if an amendment was needed to move funds from one budget to another. Snipes stated budget amendments were brought before City Council for review and consideration, as required by law.

Councilmember Maroulis thanked everyone who came to support City Manager Snipes. He stated that when Snipes came onboard he walked into a situation with no Financial Services Director, Fire Chief or Director of Parks and Recreation. Maroulis noted the Mayor listed things Snipes has not done well, but that he had his annual review with 13 pages of things he has done well. Maroulis noted they spent \$120,000 debunking the \$2.5 million along with staff time. He wants everyone to work together and move forward. Maroulis stated that if you do not know where you are going, any road would get you there. In his opinion, the goal for the past 13 months has been to remove the City Manager. Councilmember Boney stated he was floored by the motion and the thought the City Manager was worthy of termination. He stated he witnessed a fiasco with the board of directors and the president at Texas Southern University, which ended in a buyout of his contract.

Councilmember Maroulis stepped away at 7:52 p.m. and returned at 7:53 p.m.

Councilmember Sterling stepped away at 7:52 p.m. and returned at 7:55 p.m.

Councilmember Boney asked for the reasons to terminate the City Manager; and, if it pertained to an improvement issues, then Council should provide the City Manager with the opportunity for improvements. Boney stated Council was read a letter from the District Attorney's office and no one knew they had been

contacted about alleged criminal activity as the Mayor presented the information. Boney noted the City Manager received a raise last year along with an extension to his contract. He went on to read the severance pay provision from the City Manager's contract. Boney also read Charter section 3.05, the Mayor shall act as chief executive of the City until a City Manager was appointed. Boney stated the City Manager had done an outstanding job. City Attorney Iyamu clarified there was a conflicting provision that states a member of City Council and the City Secretary could not serve as City Manager or acting City Manager. Mayor Ford stated they would appoint an interim City Manager. City Manager Snipes noted he provided the City Secretary all the attachments based on items the Mayor spoke of. Councilmember Emery stated City Council discussed several City Manager accomplishments such as being named Public Official of the Year. Emery also addressed the complaint filed by the Mayor to the District Attorney's office where the report was not deemed sufficient to warrant criminal prosecution. Councilmember Edwards stated it was uncomfortable to have knowledge of issues and mismanagement of City funds. She added that she swore she would perform and discharge the duties of the City Council, which included holding direct reports accountable for their actions or lack of thereof and noted her decision was based on facts alone. Mayor Pro Tem Preston stated there were things said that he does not agree with and it was unfortunate the situation had become messy. Preston stated they serve the community and work to do the right thing; and, he would not go into details due to legal ramifications. Councilmember Boney stated they had several major issues to discuss such as 3.5-percent cap budget, MUD studies and potential civil service and would need direction from a City Manager.

Councilmember Edwards stated pursuant to section 2c of the employment agreement between the City of Missouri City and City Manager Anthony Snipes, she moved to terminate services of Anthony Snipes, subject only to the provisions said forth of Section 3 of the agreement of the contract. Mayor Pro Tem Preston 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 8:25 p.m.

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

Maria Jackson, City Secretary