

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, April 6, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following.

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.

1. CALL TO ORDER

Mayor Ford called the meeting to order at 5:39 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Maroulis, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Financial Services Portis, Director of Public Works Kumar, Director of Human Resources and Organizational Development Russell, Director of Information Technology Cole, Director of Communications Walker, Assistant City Attorney Santangelo, Assistant City Engineer Davis, Fleet Superintendent Tubbs, Assistant Director of Public Works Brouhard, Media Specialist II Sanders, and MCTV Producer Penalba.

Also present: Andres Salazar, Walter P. Moore Engineers; Hector Olmos, Freese Nichols; and, Jeff Koerner, Kamil Kosciak, Trenton Adams, and Josh Simmons, Enterprise. Absent: Councilmember Boney.

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss the proposed ordinance amending the city personnel policy by establishing a notification process for employment claims against City Council's appointed officials and establishing a time limit for reporting potential paycheck errors for city employees.

Assistant City Attorney Santangelo presented a draft ordinance with suggested amendments to the personnel policy. He discussed the following amendments: Chapter 4: Discrimination and Harassment, Chapter 5: Compensation and Benefits, and Chapter 13: Grievances.

Councilmember Edwards asked what prompted the amendment for reporting potential paycheck errors for city employees. Director of Human Resources and Organizational Development Russell addressed an issue from a previous employee who had certification pay that was not noted until years later. Councilmember Sterling asked if there was an error in the paycheck, did the employee have up to one year to notify the City. Director Russell stated with the amendment the employee would have up to one year to contact the City with an error. He noted there was currently no limit. Sterling believes one year was too long and asked if staff had any training harassment and discrimination. City Attorney Iyamu noted staff had received training from the EEOC. Councilmember Emery asked what directed Russell to set one year as a limit. Director Russell stated the proposed one year was based on his research with other benchmark cities. Councilmember Emery asked if they could consider six-month notification instead. Councilmember Edwards agreed with

both Councilmembers Sterling and Emery and requested to see benchmark results and background information before solidifying information. Director Russell stated he would send the information to Council. Councilmember Maroulis asked what they had as far as language in the agreement when a person was terminated. Santangelo does not believe the current policy differentiates between current and former employees, but does note they have the duty to monitor their paycheck. Mayor Ford asked if there was state law that gives a set time to report such issues. She would like to make sure the law was not violated.

Councilmember Emery stated items pertaining to discrimination, harassment, and grievances should be discussed in closed executive session. Santangelo stated the law mandates reporting duties, not the manner they were addressed. He noted the personnel matter discussed in closed session would be applicable. Mayor Ford addressed amendments 1 and 2, and asked about the desire for City Council to be notified immediately in case there was the need to call a meeting within 72 hours. Santangelo stated it was drafted that way to avoid any violation of the Open Meeting Act. He noted immediate notification could be a potential violation in order to receive the violation. Ford believes, at least, the Mayor should be notified so that she could call an emergency meeting if needed. Santangelo noted that if that was desired, they could take direction on who can be informed. Mayor Ford stated the Mayor should be notified. Councilmember Sterling also believes the Mayor should be notified. Mayor Ford asked staff to come back with corrected language and information on payroll information. City Attorney Iyamu asked if they would like the item presented at a special meeting before consideration. Mayor Ford confirmed.

(b) Presentation on the Watershed masterplan update.

Director of Public Works/City Engineer Kumar presented an overview. Andres Salazar with Walter P. Moore Engineers and Hector Olmos with Freese Nichols presented on the Watershed masterplan updated. Kumar also spoke on the request for qualification (RFQ), selection, funding, schedule, and next steps and questions. Councilmember Emery stated at one time there was concerns with the gates at Richmond to determine where they were at and asked about getting water gauges. Director Kumar noted flood warning comes out of the Richmond gate and City of Sugar Land was in the process of installing a new one. Kumar noted there was a project in place to install new gages and would be funded by the GLO. Councilmember Emery asked if there would be nine gauges and if they were within Missouri City limits, not ETJ. Kumar stated that was correct. Councilmember Sterling asked if they were collaborating with other counties and agencies in order to not duplicate efforts. Kumar state that was correct and that they had started reaching out to those agencies. Councilmember Edwards asked Kumar to reiterate how the company was doing business with Missouri City and Fort Bend County. Olmos provided a scope of the project within Fort Bend County.

(c) Presentation on the Enterprise fleet management program.

Director of Public Works/City Engineer Kumar presented an overview on the City's fleet division and proposal from Enterprise. Jeff Koerner, Senior Account Executive with Enterprise, presented on their fleet management program and the open ended lease. He noted Missouri City was looking for a solution to better manage its aging fleet, in which 14-percent of the non-emergency fleet was over 10 years old. Older vehicles have higher fuel costs, maintenance costs, and tend to be unreliable. It would take almost 11 years to cycle out the entire fleet at current acquisition rates. Koerner stated that with the Enterprise Fleet Management proposal, it would save the City resources and budget dollars through a managed vehicle program. With the utilization of an open-end lease as a funding mechanism, it would allow the City to acquire additional vehicles while avoiding a large capital budget outlay. It would also replace aged vehicles with newer models to increase fuel efficiency and reduce maintenance expense. Maintenance and repairs would be outsourced to local businesses to further stimulate economic growth and the integration of more fuel efficient vehicles would reduce carbon footprint. This would establish a proactive replacement plan that maximizes potential equity at time of resale, reduces operational expenses, and increases safety. An open-end lease means there would be no early termination, mileage, or abnormal wear and tear penalties. Leases were written to a residual balance to preserve cash flow. The City receives flexibility of ownership, as well as net equity from

sale at time of disposal. By partnering with Enterprise Fleet Management, it was estimated that Missouri City would reduce fuel costs. Missouri City would also significantly reduce their maintenance costs from \$114.58 on average to \$37.28 per unit. Leveraging an open-end lease maximizes cash flow and recognizes equity from vehicles sold creating an internal replacement fund. Furthermore, Missouri City would leverage Enterprise Fleet Management's ability to sell vehicles at an average of 109% above Black Book value. Light duty trucks would be able to operate on a 12-month rotation at an estimated average annual positive gain of \$228.70. By shifting from reactively replacing inoperable vehicles to planning vehicle purchases, Missouri City would be able to replace all of its vehicles over the course of 4 years.

Mayor Ford noted she understands this to be a pilot program, but if they would move forward in a permanent way, would they be provided with an analysis on how much would be saved every year and if there would be a downside of the program. Director Kumar discussed the 2020 menu pricing. Koerner noted an account manager would be assigned to Missouri City, who would meet with them quarterly to have a client review with numbers in respect to the market, equity and fleet recommendation. The second meeting would be a Fleet Analysis meeting, in order to look at the City's fleet and provide a proactive look at the market. Councilmember Emery asked about the number of cities that were using this program and if they have been contacted about their experience. Director Kumar stated he has reached out to other cities and some rely on this program, as they do not have a fleet shop. Director of Financial Services Ports and Fleet Superintendent Tubbs have also reached out to various cities. Tubbs stated he looked over all the different cities that Enterprise Fleet Management has worked with. He noted that although the majority do not have a fleet division or had a quite old equipment, the cities spoke in favor of the pilot program. Councilmember Sterling asked about the term of the program. Tubbs stated it was a 12-month program. Sterling asked if after 12 months, would they provide a presentation on the progress. Tubbs confirmed. Councilmember Maroulis asked about the cap on mileage and the penalty. Kumar stated that because there was an open-ended lease there was no penalty, there was a residual penalty if mileage projected was exceeded. Koerner noted there would be an account manager closely monitoring this.

Councilmember Edwards moved to recess the special City Council meeting at 7:04 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Maroulis and Councilmember Emery
Nays: None

At 9:20 p.m., City Council reconvened the special City Council meeting.

- (d) Discuss and consider deferring the hiring of a permanent city manager.

Councilmember Emery spoke on delaying the search and hiring of a city manager for a year or when Missouri City was no longer under an executive order. Councilmember Maroulis noted there was on a hiring freeze at his job and would like to postpone the hiring of a city manager. Councilmember Emery believes if they begin the search, they would not find quality candidates who would be willing to travel; and, again recommended deferring the search for one year or when Missouri City was not under an executive order. Councilmember Maroulis noted they could not lose sight of administration staff needing support.

Councilmember Sterling requested to move forward, accept candidate applications and adjust as needed. Mayor Ford agreed with Sterling and was not too keen on search firm. Ford mentioned working in house and get someone in the position as soon as possible. Councilmember Edwards agrees with starting the in house process.

Councilmember Edwards moved to direct the Human Resources Department to move forward with the search of the city manager and post the job description on board, social media, professional organizations, and any other available City outlets. In addition, direct the Human Resources Department to obtain resumes of qualified candidates and provide Council with a spreadsheet of those candidates and their information for the first meeting in May, so that Council could interview candidates by the second meeting in May.

City Attorney Iyamu asked if the item had already been voted on before. City Secretary Jackson read the motion taken at the March 16, 2020 special City Council meeting where Council unanimously approved to hire an executive search firm for the city manager's position through a request for proposal and interview process. Iyamu noted the 90-day rule would kick in and they would have to have a majority vote to suspend the rule under the City code. Councilmember Maroulis stated the correct protocol was for Councilmember Emery to make his motion and vote for this item. Mayor Ford stated they would need to vote to suspend the external search. Iyamu clarified they could defer the search and seek an external consultant. Mayor Ford would like to post the position and get resumes, but noted they would still need a search firm even if they did some work in house. Ford asked Russell for the scope of services. Director Russell scope of services would depend on the one firm selected. Councilmember Sterling noted the client determines the scope of services. She recommended moving forward with a firm, which does not preclude them from accepting applications now. Councilmember Maroulis called for a point of order and vote for item 2d.

Councilmember Emery moved to defer the hiring of a permanent city manager. Councilmember Maroulis seconded. **MOTION FAILED.**

Ayes: Councilmember Maroulis and Councilmember Emery

Nays: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards and Councilmember Sterling

- (e) Consider directing staff to post the city manager position for internal and external candidates on multiple platforms, including job boards, search engines, and social media.

Mayor Ford requested to move forward and get someone permanently hired in the position. Ford asked if they could include Edwards's motion to move forward with interviews. Councilmember Emery stated it was his understanding they would move forward and entertain getting candidates from external sources, but would give those over to consultants for them to vet. Mayor Ford stated that was correct.

Councilmember Sterling noted they had decided during the last meeting to send applications to the Human Resources Department in the meantime. Director Russell stated the Human Resources Department would collect applications until it was decided on how to move forward with the search firms. Councilmember Edwards noted that was correct but due to the changes brought forth by the Coronavirus pandemic, they must move forward with City business.

Councilmember Sterling asked if there was a timeline that had been added to this process and if they were moving forward with search firm. Mayor Ford stated they decided to move forward with a search firm. Ford asked if they were able to cherry pick the services they need from the search firms. City Attorney Iyamu stated they could.

Mayor Ford stated if they would like to have the Human Resources Department post the job on several outlets, screen those candidates, and pass them on to the executive search firm could be done; however, they needed a motion. Iyamu clarified that because the item on the agenda does not mention interviews the motion could not include such language; and, to include interviews, they would have to place it on another agenda. Iyamu noted they could attach a timeline for the posted position.

Mayor Ford stated the intent for the agenda item was for Director Russell to start collecting items, create a spreadsheet, and provide to City Council at the next meeting. Ford asked if the applicants could be presented in executive session. City Secretary Jackson noted they would look into having an executive session for the group Mayor Ford requested. Mayor Ford requested adding a timeline for Director Russell to bring back resumes and discuss in closed executive session to see whom they would move forward with screening.

Councilmember Edwards asked if Director Russell had reservations regarding their request. Russell stated he had no reservations other than coming together on a job description so that staff has a census on what they want. Councilmember Sterling suggested coding the applicants with numbers. Mayor Ford stated with the job posting they had, she does not want to get too specific. As they start reviewing, they could start screening and choosing on who would be a good fit. Councilmembers Sterling and Edwards agreed with Mayor Ford.

Councilmember Maroulis asked if they were to use job boards already subscribed to. Councilmember Emery agrees with the approach, screening of candidates and then sending them to the search firm. Emery asked that the Human Resources Department not be overloaded to the point they cannot do their job. Mayor Ford asked if the Communications Department assist with posting of the position. Director of Communications Walker stated they could assist with posting and the brochure.

Mayor Ford noted Interim City Manager Atkinson asked to stay out of the middle of this; and, she asked City Council to direct questions and/or concerns to her or Director Russell. Councilmember Edwards asked Director Russell would consider applicants that had already submitted their resumes. Russell noted those applicants were in the database.

Councilmember Edwards moved to directing staff to post the city manager position for internal and external candidates on multiple platforms, including job boards, search engines, and social media, and City Council to be provided with a spreadsheet of candidates at the next City Council meeting. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards,
Councilmember Sterling, Councilmember Maroulis and Councilmember
Emery
Nays: None

Councilmember Emery asked when the matrix must be submitted to the Purchasing Division. City Secretary Jackson stated it should be submitted by no later than 2 p.m. on April 15, 2020. Councilmember Sterling asked if the Purchasing Division would have a process in place for the selection of the search firms. City Attorney Iyamu confirmed.

3. **ADJOURN**

The special City Council meeting adjourned at 10:12 p.m.

Minutes PASSED AND APPROVED this the 20th day of April 2020.

Maria Jackson, City Secretary