

**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, September 8, 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 5:30 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; City Manager Jones, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Financial Services Portis, Director of Communications Walker, Director of Public Works Kumar, Fire Chief Campbell, Emergency Management Coordinator Jewett, and Utilities Manager Hoover. Also present: Spurgeon Robinson of MPACT Strategic Consulting, LLC and John Hightower.

Councilmember Maroulis moved to take the closed executive session items out of order. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

### 3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 5:33 p.m.

**(a) 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 in 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 the Texas Open Meetings Act: Brazoria-Fort Bend Counties Municipal Utility District (MUD) No. 3.

**(b) 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 6:41 p.m., City Council reconvened into open session.

#### 2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss staff's recommendation and seek authorization from City Council to negotiate a contract for an operator for the Mustang Bayou and Steep Bank Service Areas, respectively.

Director of Public Works Kumar stated the item was to solicit a new operator for the Mustang Bayou and Steep Bank Service Areas; and, he provided an overview on the background on the project. Utilities Manager Hoover presented on how they arrived on their recommendations.

Councilmember Edwards moved to authorize the City Manager or his representative to negotiate a revised contract with Quail Valley Utility District to continue the operation and maintenance of the Mustang Bayou Service Area. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

- (b) Presentation on the proposed Interfund Loan Policy.

Director of Financial Services Portis presented on the proposed Interfund Loan Policy. Mayor Ford asked the reason this had not been done before. Portis stated she did not know; however, when she came onboard, she reviewed polices and believed they should have an Interfund Loan Policy to guide them in the future if needed. Ford asked about the \$420,000. Portis stated it pertained to expenditures that exceeded the revenue during the last two-three fiscal years. City Manager Jones explained it was due to the deficit from the Missouri City Recreation and Leisure Local Government Corporation (LGC). He noted he prefers they establish an effective policy so that everyone understands the guidelines. Ford asked why the funds were transferred over to close the gap. Portis stated prior to 2017, the City transferred over funds to the LGC to be able to pay costs associated with maintenance. Ford asked for the balance sheet from 2017 for LGC and to email them to City Council.

Councilmember Sterling asked if they had an ethics policy relating to finance. Jones stated internally they did not have a policy and were operating under the statutory guidelines. City Attorney Iyamu noted the City does have a misconduct policy as it related to financial improprieties. Iyamu stated she would email Sterling what the City has.

Councilmember Emery commented on the LGC and noted they were trying to cover 97-98% of the funds due to COVID. He noted there were a number of expenses paid by the LGC as it pertained to property that belonged to the City. Emery noted the intent was to break even in profits. Portis noted an LGC meeting was scheduled for September 21 and they would review the agreement with the LGC. Ford asked that during the meeting they should also define the LGC, look into how it was formed and what was legally associated with the LGC. Jones noted they might want to also discuss the contrasting differences with the LGC and the City.

Councilmember Boney asked if by having the policy, would it ensure they address the issues of the LGC or were they just stating the policy was needed. Jones stated the policy would allow them to establish how to officially conduct business between the two.

At 7:17 p.m., City Council recessed the special meeting for the regular meeting.

At 9:04 p.m., City Council reconvened into the special meeting.

- (c) Presentation of the Missouri City CARES Act survey.

Fire Chief Campbell presented a CARES Act updated. Emergency Management Coordinator Jewett presented on the Missouri City CARES Act survey results. Spurgeon Robinson presented on the RMU prioritizations and what was needed in order to begin these programs in the City. Mayor Ford wants them to make sure they were targeting Missouri City residents that fall within city limits.

- (d) Consider a report relating to the misuse of public, educational, and government (“PEG”) funds from the period of October 2018, through February 2019.

City Manager Jones presented a report relating to the misuse of public, educational, and government (“PEG”) funds from the period of October 2018, through February 2019. Jones stated he brought forth this agenda item as an item of concern. Mayor Ford asked how much was spent on travel and to where. Jones stated he would report to City Council once the investigation was complete but it was approximately \$20,000, at this time, but may be more.

Councilmember Emery asked if the investigation would reveal if the City received services that were paid for with the PEG funds. Jones stated the information he has seen so far were that PEG funds were used for travel expenses.

Councilmember Maroulis asked who tipped them to this particular finding. Jones stated it popped up and they started reviewing such documents.

Councilmember Boney asked why the documents could not be reviewed now. City Attorney Iyamu stated records could be turned over to City Council depending on what the records were. She noted if records had been turned over to the district attorney, they could be deemed confidential.

Councilmember Boney asked how they decided on the consultant reviewing the documents and if the consultant position went out to bid. Jones stated he and Director Portis reviewed consultants and decided the one chosen was the best fit.

Councilmember Emery stated he would also like to review the documents provided to the district attorney’s office. City Attorney Iyamu stated she would follow up.

Mayor Ford asked if something could be put in place so that if staff was aware of something they were able to inform Council anonymously. City Manager Jones stated he would come back to City Council with the measures on how to move funds from the general fund back to the PEG funds to ensure compliance with federal law.

- (e) Discuss a proposed ordinance relating to the use of City resources by councilmembers.

City Attorney Iyamu stated Councilmember Boney requested the agenda item and she outlined the proposed ordinance as followings:

- A prohibition on Councilmembers from granting or influencing the granting of any special consideration, advantage or favor to any person when acting in the official’s official capacity;
- A prohibition on Councilmembers from making or using staff, vehicles, equipment, materials or property of the city in a manner that could violate V.T.C.A., Penal Code § 39.02(a)(2); and
- Establishes an ethics commission to review complaints against Councilmembers.

Councilmember Boney stated he felt the ordinance was needed to make sure the people who elect them into office also had a voice. Councilmember Sterling would like staff to reach out to the Texas Municipal League on how other cities were doing this.

Mayor Ford stated the county had an integrity unit to whom you may submit issues to; and she felt such services would be duplicated with the ordinance.

Councilmember Sterling asked if anyone in the community could file a complaint. Iyamu stated the complaint would have to be based on the items listed specifically for utilizing or influencing due to the capacity of the individual.

Mayor Pro Tem Preston asked if the item could go to the Ordinances, Resolutions, Elections and Council Governance Review Committee for discussion so it could be flushed out more and get a better understanding. Councilmember Boney encouraged everyone on City Council to read it and make those recommendations known.

Councilmember Sterling stated she would do her due diligence and would do a comparison analysis. Jones noted internal staff was not currently looking into anything dealing with City Council.

Councilmember Emery stated they should look at what they have and do some research on other cities were doing. He believed an external entity was needed to review City operations, Mayor and Council and appointed officials. Iyamu stated she would send out the policies and procedures from other cities to City Council.

**3. ADJOURN**

The special City Council meeting adjourned at 10:53 p.m.

Minutes PASSED AND APPROVED this the 21<sup>st</sup> day of September 2020.

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Maria Jackson, City Secretary