

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 MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, October 5, 2020**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 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. **ROLL CALL**

Mayor Ford called the meeting to order at 7:05 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; City Manager Jones, City Attorney Iyamu, and City Secretary Jackson.

2. The **PLEDGE OF ALLEGIANCE** was led by Director of Development Services Spriggs.

3. **PRESENTATIONS AND RECOGNITIONS,**

Mayor Ford proclaimed the week of October 4-10, 2020, as "Fire Prevention Week" in the City of Missouri City, Texas and proclaimed the month of October as "National Community Planning Month" in the City of Missouri City, Texas. City Forester/Horticulturist Wierzbicki presented the 2020 Golden Tree Award to Lupe Tortilla, 9211 Highway 6, for outstanding contribution to our community's landscape.

4. **PUBLIC COMMENTS**

Bruce Zabrowski, 7915 Chancel Drive, expressed his concerns on the taxation problem in Missouri City and stated neighborhoods needed assistance as well. He also expressed concerns with the Fonmeadow bridge.

There were no **STAFF REPORTS**.

6. **CONSENT AGENDA**

- (a) Consider approving the minutes of the special and regular City Council meetings of September 21, 2020 and the special City Council meeting of September 28, 2020.
- (b) Consider approving the designation of acting city managers pursuant to Section 4.01.E of the City Charter of the City of Missouri City, Texas.

Mayor Pro Tem Preston moved to approve the Consent Agenda pursuant to recommendations by City Staff. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

There were no **Zoning Public Hearings and Ordinances, Public Hearings and related actions or APPOINTMENTS**

9. AUTHORIZATIONS

- (a) Consider authorizing an interlocal agreement with Fort Bend County for City Hall Drive reconstruction.

Director of Public Works Kumar presented on the interlocal agreement with Fort Bend County for City Hall Drive reconstruction. He stated the cost of the project would be of \$1.8 million dollars and they would have a matching contribution from Fort Bend County who would match up to \$1.1 million dollars towards design and construction cost.

Councilmember Edwards moved to authorize an interlocal agreement with Fort Bend County for City Hall Drive reconstruction. Mayor Pro Tem Preston. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

- (b) Consider authorizing the purchase of Emergency Operations Center equipment.

Emergency Management Coordinator Jewett presented on the purchase of items for the Emergency Operations Center to comply with the Centers for Disease Control and Prevention (CDC) and social distancing regulations. Director of Information Technology Cole noted this would help have fully staffed technology equipment inside EOC.

Councilmember Maroulis moved to authorize the purchase of Emergency Operations Center equipment. 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

- (c) Consider authorizing an amendment to the strategic partnership agreements for Sienna Municipal Utility District Numbers 1, 5, 6, and 7, respectively, for the provision of fire protection services.

City Attorney Iyamu presented and asked that Council exclude MUD No. 1 from the authorization as they were not able to conduct two public hearings and therefore authorize the agreement, which was required by state law. She noted Council would be able to consider MUD No. 1 amendment at a different time. Councilmember Emery asked how long it would take MUD No. 1 to get their paperwork in line. Iyamu stated they should be able to have the hearing within the next few weeks and if so, the first reading would take place at the City's next City Council meeting.

Councilmember Emery moved to authorize an amendment to the strategic partnership agreements for Sienna Municipal Utility District Numbers 5, 6, and 7, respectively, for the provision of fire protection services. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

(d) Consider authorizing the negotiation and execution of a contract for civil service legal services.

City Attorney Iyamu stated the contract would be for legal services for the City's potential civil service item that was placed on the November 3 election ballot.

Councilmember Boney inquired on the potential civil services that would be needed from the consultant. Ric J. Navarro, Navarro, Denton Navarro Rocha Bernal & Zech, P.C, stated the primary objective would be to make a transition to the civil service system.

Mr. Navarro noted the transition would include the following:

- the passage of ordinances by City Council relating to the classification of the Fire and Police departments;
- the establishment of a rank structure;
- establishing the number of positions within the department;
- the appointment of a Civil Service Commission performed by the City Manager or the Chief Executive Officer, subject to the City Council; and,
- the Civil Service Commission adopting local rules to address the various subject matter areas covered under Civil Service statutes.

Navarro stated they have performed these services at other cities thus having underlying content in a template form and provide it to the City's Legal Department. He also noted they would be on an on-call/as needed basis in situations that present unusual or difficult pertaining to laws.

Boney asked how soon after the item was voted on they would need their services. Navarro stated if it passed in November, the City would have to implement it in the next full Fiscal Year, which meant they would work to have it complete by October 1, 2021 and would launch in Fiscal Year 2022.

Councilmember Emery asked if they have worked with surrounding cities for their civil services and if they could share with those organizations to help hold down costs. Navarro stated they were free to look at what has been done, such as Galveston, but noted they would have to adapt the documents and ordinances that fit the need of Missouri City. He noted they would want to make sure, if adopted, would fit the culture and history of Missouri City and not that of another city. Iyamu noted they would try to do as much as possible in house, and attempt to bring in the experts on items that acquire additional expertise when needed.

Councilmember Boney moved to authorize the negotiation and execution of a contract for civil service legal services. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

- (e) Consider ratifying the city manager's decision to submit concerns regarding public, educational, and government ("PEG") fund expenses to the district attorney's office and requesting an investigation.

City Manager Jones stated the item was to see if Council had any further questions on what was discussed in closed session. Councilmember Boney stated he sent a public information request to City Secretary's Office requesting documentation surrounding the alleged issued prior to the meeting where the item was discussed. He noted he specifically asked Jones if he could provide the information as it was a serious matter, but Jones stated the information had been sent to the district attorney's office and was under investigation. Boney stated the next day City Council received an email from the City Attorney stating the District Attorney's office let her know that there was no formal investigation and that a formal investigation into the PEG funds had not been initiated. He did not understand why Council was being asked to ratify a decision that was already made by Jones. Boney stated he had not received the information he requested. He asked if Brian Littleton had the documents when Jones came to them with the item. Jones asked that City Council go into closed executive session and stated the District Attorney's office also sent emails contrary to the email of the City Attorney. Jones noted a sworn affidavit had been provided and a criminal investigation was ongoing. Boney stated he understood what was being proposed but he was concerned that it was placed on the agenda.

At 7:46 p.m., City Council moved into closed executive session pursuant to section 551.071 of the government code.

At 8:39 p.m., City Council reconvened into the regular City Council meeting.

Councilmember Boney expressed concerns over processes and could not vote on information he had not seen. Councilmember Emery asked that whatever material was sent to the District Attorney's office it include details so they have the full scope for that particular account. Jones stated he would have staff do so. Councilmember Maroulis stated the dates that the investigation was accepted by the District Attorney's office were unclear and very little data had been provided to Council.

Councilmember Edwards moved to ratify the city manager's decision to submit concerns regarding public, educational, and government ("PEG") fund expenses to the district attorney's office and requesting an investigation. Mayor Pro Tem Preston seconded. **MOTION PASSED.**

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

Nays: Councilmember Boney, Councilmember Maroulis and Councilmember Emery

- (f) Consider authorizing the use of CARES Act funds on the submitted project list.

Director of Financial Services Portis presented on the COVID-19 funding streams and the proposed spending plan. Councilmember Emery asked if MPACT would be verifying that all applicants meet the criteria. Portis stated that was correct and that they would be submitting that information to the Financial Services Department to review. City Manager Jones noted these were grants and not loans.

Councilmember Emery asked for a brief overview of how the CARES program as there was a misconception in some areas. Portis outlined the program. Assistant City Manager Atkinson noted the programs would close once they were out of funding and that they would monitor and keep them posted.

Councilmember Boney expressed his excitement in assisting small businesses with the CARES program with grants. Boney inquired about the criteria and if individuals or self-proprietors would be monitored to make sure there were no conflict of interest or misuse of dollars. Atkinson stated they have contracted with

MPACT as they have run the County's program with these guidelines in place. He added that self-proprietors must have filed a Schedule C with IRS in 2019 and have an active license in place when applying.

Councilmember Boney asked if businesses that began in 2020 were eligible. Portis stated the criteria stated they would have had to be in business in 2019. Emery inquired about the grants provided, if those funds would be placed in the general fund once they came back. Portis stated the reimbursement from the County would go back to the general fund but would not be considered revenue. Emery asked if there was prohibition on the usage of the reimbursed funds. Portis stated there were no prohibitions as the funds would be part of the general fund balance.

Councilmember Emery moved to authorize the use of CARES Act funds on the submitted project list. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

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

10. ORDINANCES

- (a) Consider an ordinance directing the mayor to release the City of Missouri City's interest in a drainage easement located north of Highway 6, south of Trammel Fresno Road, east of Fort Bend Parkway, and west of a Houston Lighting and Power Company easement.

Director of Public Works Kumar presented an overview on the drainage easement. Councilmember Boney asked if would cost the City anything or would they lose any money. Kumar stated they would not lose and that in fact the developer was dedicating more drainage easement than previously proposed.

Councilmember Boney moved to adopt the ordinance. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

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

11. RESOLUTIONS

- (a) Consider a resolution providing the utility schedule of fees; providing for repeal; and providing an effective date.

Utilities Manager Hoover stated the resolution was to repeal the effective date of October 1, 2020 and to change it to December 1, 2020. He stated the change of the date came as several Groundwater Reduction Plan (GRP) participants expressed hardships, as they would have to absorb the increase in fee costs until they met in October. Hoover noted that although the GRP agreement does not contain required notification of fee adjustment timeframes, it was brought to his attention that the GRP Oversight Committee did not effectively communicate these matters to the respective districts.

Councilmember Edwards moved to approve the resolution. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

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

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Boney encouraged residents of Missouri City to exercise their right to vote.

Councilmember Maroulis stated he attended the Patel's local grocery store grand opening in Houston.

Councilmember Emery wanted to make sure residents and businesses were fully aware of the programs being setup through CARES Act funding.

13. ADJOURN

The regular City Council meeting adjourned at 9:23 p.m.

Minutes PASSED AND APPROVED this the 19th day of October 2020.

Maria Jackson, City Secretary