

ROBIN J. ELACKATT
Mayor

VASHAUNDR A EDWARDS
Councilmember at Large Position No. 1

LYNN CLOUSER
Councilmember at Large Position No. 2



CHERYL STERLING
Councilmember District A

JEFFREY L. BONEY
Councilmember District B

ANTHONY G. MAROULIS
Mayor Pro Tem
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, January 11, 2021, at 6:00 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.

NOTICE REGARDING PUBLIC PARTICIPATION

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting.

The meeting will be available to members of the public and allow for two-way communications for those desiring to participate. Any person interested in speaking on any item on the agenda must notify the City by one of the following methods **before 4:00 p.m. on the day of the City Council meeting**:

1. Email or call the City Secretary at CSO@missouricitytx.gov or 281-403-8686; or,
2. Submit a "Public Comment Form" to the City Secretary from the following webpage: <https://bit.ly/39pw73Q>.

The request must include the speaker's name, address, email address, phone number and the agenda item number.

To livestream the meeting, the public may access the following link: <https://www.missouricitytx.gov/780/MCTV>.

To access the meeting agenda packet in PDF format, the public may access the following link: <https://www.missouricitytx.gov/407/City-Council>.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Consider authorizing staff to take further actions on the 2020 Charter Review Commission Final Report and additional potential Charter amendments. *(Proposed presenter: Assistant City Attorney James Santangelo)*
- (b) Discuss the Mayor's proposed advisory committee related to the development and redevelopment of the Texas Parkway and Cartwright Road corridor. *(Proposed presenter: City Attorney E. Joyce Iyamu)*

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.

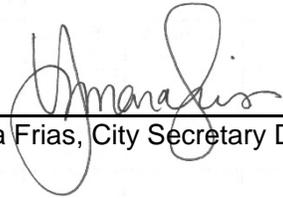
4. RECONVENE into Special Session and consider action, if any, on items discussed in Executive Session.

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 January 11, 2021, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on January 7, 2021, at 5:00 p.m.



Yomara Frias, City Secretary Department



CITY COUNCIL AGENDA ITEM COVER MEMO

January 11, 2021

To: Mayor and City Council
Agenda Item: 2a: 2020 Charter Recommendations
Submitted by: James Santangelo, Assistant City Attorney

SYNOPSIS

The City Council of the City of Missouri City ("City Council") received the 2020 Charter Review Commission ("Commission") Final Report ("Final Report") on Monday, December 21, 2020. The deadline to order an election for the May 1, 2021 uniform election date is February 12, 2021. **Staff seeks direction from City Council as to:**

- 1. proposed Charter amendments, if any;**
- 2. ballot language to facilitate the preparation of an ordinance for the purpose of ordering a charter election, if necessary; and**
- 3. the date on which to call an election, if necessary.**

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live.
- Maintain a financially sound city government.
- Develop a high performance city team.

BACKGROUND

On December 21, 2020, the City Council received the Final Report. Pursuant to Section 11.13 of the Charter, the City published a summary of the Final Report on December 30, 2020. The Final Report recommended that the City Council make the following changes to the City Charter:

- remove the provision that states the mayor shall act as chief administrative officer and shall fulfill city manager duties until a city manager shall be appointed;
- extend the length of all elected terms of office from two to four years;
- limit the time an individual can serve continuously on the city council to twelve years, at which point such individual must wait at least two years before continuing to serve on the council;
- extend the time the city manager can transfer or request to transfer unencumbered appropriations from sixty to ninety days after the end of the fiscal year;
- clarify that bids are required to be received and considered by council for competitive bond sales only; and
- change the date of Charter Review Commissioner appointments from July to January.

Pursuant to Section 9.004 of the Texas Local Government Code, the City Council may order an election to be held on the first authorized uniform election date prescribed by the Texas Election Code, May 1, 2021, or on the earlier of the date of the next municipal general election, November 2, 2021, or the next presidential general election, November 5, 2024. If the City Council chooses to order a special election for the purpose of submitting recommended measures to the City's residents, a proposed schedule for the Charter election process is as follows:

- Tuesday, January 19, 2021 – *If the City Council opts for a May election and authorizes staff to prepare an ordinance ordering a special election on any measure*, the proposed ballot and ordinance language may be presented to the City Council at a special meeting. Council may also discuss potential amendments on this date.
- Monday, February 1, 2021 – *If staff is authorized to prepare an ordinance ordering a special election on any measure*, the City Council may **consider and adopt an ordinance ordering a special election** (one reading at one meeting is required).
- Friday, February 12, 2021 – The City Council must order an election on a measure by this date for the May 1, 2021 uniform election date.
- Wednesday, April 14, 2021 – *If staff is authorized to prepare an ordinance ordering a special election on any measure*, the **first publication** of two notices of the Charter election must be published before the 14th day before the date of the election (April 17, 2021).
- Wednesday, April 21, 2021 – *If staff is authorized to prepare an ordinance ordering a special election on any measure*, the **second publication** of two notices of the Charter election must be published (same day in each of two successive weeks).
- May 1, 2021 – First uniform election date of 2021.

A charter amendment approved by the majority of voters will not take effect until the City Council adopts an ordinance declaring that the charter amendment is adopted.

BUDGET ANALYSIS

A special election may cost up to \$15,000 (based on the estimated amount presented by the City Secretary's Office for the proposed May 2020 special election on the adoption of civil service).

Funding Source	Account Number	Project Code/Name	FY__ Funds Budgeted	FY__ Funds Available	Amount Requested
N/A					

Purchasing Review: N/A

Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. 2020 Charter Review Commission Final Report
2. Proposed ballot language.

STAFF'S RECOMMENDATION

Consider the 2020 Charter Review Commission recommendations.

If desired, identify additional Charter amendments.

If desired, determine whether to call a special election on May 1 2021, or on November 2, 2021, to consider any Charter amendment. Staff recommends that City Council call a special election on May 1, 2021.

If the City Council desires to order a special election to consider measures based on some, all, or none of the 2020 Charter Review Commission's recommendations or based on any other recommendation, a member of the City Council may make the following motion:

"I move that we authorize staff to prepare an ordinance ordering a special election for the purpose of submitting the following items to the voters of the City of Missouri City:

(Specify items.)"

Director Approval:

E. Joyce Iyamu, City Attorney



**City of Missouri City
2020 Charter Review Commission**

Joe Workman, Chair · JaPaula Kemp · Shirley Paul · Jeanette Quimby · Mary Ross

Final Report

To: Mayor and Council

cc: Odis Jones, City Manager; Bill Atkinson, Assistant City Manager; Glen Martel, Assistant City Manager; and Maria Jackson, City Secretary

From: Charter Review Commission

Date: December 2, 2020

Re: 2020 Charter Review Commission Final Report

INTRODUCTION

On June 8, 2020, the City Council appointed the following five residents to serve as the 2020 Charter Review Commission (“Commission”) members: JaPaula Kemp, Shirley Paul, Jeanette Quimby, Mary Ross, and Joe Workman. The Commission selected Joe Workman as its Chair. The purpose of the Commission was to review the Charter of the City of Missouri City (Charter) in accordance with Section 11.13 of the Charter to determine if any changes to the current Charter were merited. The Commission held several meetings, all of which, were open to the public, and reviewed various issues related to the Charter. Additionally, the Commission considered recommendations that were provided by the public throughout the course of the Commission’s meetings. This report is divided into two parts: Section I, Revisions, and Section II, No Revisions. All references to sections within Section I and Section II are references to Charter sections, unless otherwise noted. At this time, the Commission recommends making certain Charter revisions as discussed further in Section I and thus proceeding with a Charter election.

I. REVISIONS

The Commission recommends presenting the following Charter amendments to the voters on the next authorized uniform election date prescribed by the Texas Election Code.

1. **Section 3.05. Mayor and Mayor Pro Tem (deleting the provision that states that the mayor shall act as chief administrative officer of the City until a city manager is appointed).**

The Commission recommended amending Section 3.05 to eliminate the provision which states that the mayor shall act as the City's chief administrative officer, fulfilling city manager duties until a city manager is appointed. It was discussed that such provision contradicts the spirit of a prohibition provided in Section 3.08, which states that, except where authorized by law, no mayor or councilmember shall hold any other city office or city employment during his term as mayor or councilmember. It was further discovered that a clearer prohibition against the mayor fulfilling city manager duties exists in Section 4.01.E, which provides, "[n]o person while serving as a member of city council or as the city secretary shall ever serve at the same time as city manager or as acting city manager." It was also mentioned that the provision affected by this proposed amendment was likely included in the original 1974 Charter, before the City's first city manager was appointed.

Pros of amending the Charter: The proposed change eliminates a conflict between Section 3.05 and both Sections 3.08 and 4.01.E and brings the Charter into better consistency with a council-manager form of government.

Cons of amending the Charter: No cons were identified after the conflict between Section 3.05 and 4.01.E was identified.

VOTE TO AMEND CHARTER: Ayes: 5 Nays: 0

The Commission proposed that the Charter be revised to read as follows:

ARTICLE III. – CITY COUNCIL

. . . .
Sec. 3.05. – Mayor and mayor pro tem.

The mayor shall be the official head of the city government ~~and act as chief administrative officer of the city and fulfill all duties of city manager until a city manager is appointed.~~ He shall be the chairman and shall preside at all meetings of the city council. The mayor shall vote upon all matters before the city council except when the matter involves the consideration of his own official conduct or where his financial interest is involved. He shall see that all ordinances, bylaws, motions and resolutions of the council are faithfully obeyed and enforced. He shall sign all ordinances and resolutions; and when authorized by the council, he shall sign all official documents, such as conveyances, grant agreements, official plats of city property, contracts and bonds. He shall appoint special committees as he deems advisable and also those special committees as instructed by the council. He shall perform such other duties consistent with the Charter or as may be imposed upon him by the city council.

The mayor pro tem shall be a councilmember and shall be elected by the council at the first regular council meeting following the later of each general city election or special city election for the election of the mayor or one or more councilmembers. The councilmember elected as the mayor pro tem shall hold the title and serve in such capacity at the pleasure of the council. The mayor pro tem shall act as mayor during the absence or disability of the mayor and when so acting in this capacity shall have the authority conferred upon the mayor.

2. **Section 6.01.B, C, D: Election of mayor; Election of two (2) councilmembers at large; Election of four (4) district councilmembers (extending the length of terms for mayor and councilmembers).**

The Commission recommended amending Section 6.01 to extend the terms of the mayor and all city council positions from two to four years.

Pros of amending the Charter: The proposed change may facilitate more effectiveness for individual elected officials as well as the council as a whole because it was acknowledged that a certain amount of time for new officials must be spent getting acclimated to the business of council at the beginning of one's term, and a certain amount of time is spent seeking re-election, if desired, at the end of one's term.

Cons of amending the Charter: No cons were determined to exist. However, pursuant to Article 16, Section 65, of the Texas Constitution, in cities with terms of more than two years, a city official who has more than one year and thirty (30) days remaining in the current term of office, and who announces a candidacy for a state or federal office, automatically resigns from the first office.

VOTE TO AMEND CHARTER: Ayes: 5 Nays: 0

The Commission proposed that the Charter be revised to read as follows:

ARTICLE VI. - ELECTIONS

• • • •
Sec. 6.01. – Elections to be held under this Charter.

• • • •
B. *Election of mayor.* The mayor, after this section becomes effective, shall be elected at the general election to be held in November, 20~~22~~24~~18~~, and shall serve until the general election to be held in November, 20~~26~~30, or until a successor has been elected and shall have qualified. Thereafter, elections hereunder for the position of mayor shall be held on the general election date, as provided by state law, in November of every fourth year ~~of each even-numbered year~~. The mayor shall serve for four (4) ~~two (2)~~ years concluding with the election and qualification of a successor ~~next subsequent even-numbered year~~.

C. *Election of two (2) councilmembers-at-large.* The two (2) councilmembers-at-large, after this section becomes effective, shall be elected at the general election to be held in November, 20~~22~~24~~18~~, and shall serve until the general election to be held in November, 20~~26~~30, or until their respective successors have been elected and shall have qualified. Thereafter, elections hereunder for the two (2) positions of councilmembers-at-large shall be held on the general election date, as provided by state law, in November of every

~~fourth year of each even-numbered year.~~ The councilmembers-at-large shall serve for four (4) two (2)-year terms concluding with the election and qualification of their successors ~~next subsequent even-numbered year.~~

D. *Election of four (4) district councilmembers.* Pursuant to V.C.T.A., Election Code §41.0052, the councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D, shall be elected at the general election to be held in November, 2021~~48~~, and shall serve until the general election to be held in November, 2025~~0~~, or until a successor has been elected and shall have qualified. Thereafter, elections hereunder for councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D, shall be held on the general election date, as provided by state law, in November of every fourth year~~of each even-numbered year~~, and said councilmembers shall serve for four (4) two (2)-year terms concluding with the election and qualification of their successors ~~next subsequent even-numbered year.~~

3. Section 6.01.F: Term Limits (providing for term limits).

The Commission recommended amending Section 6.01 to add a subsection F, which would impose a limit that states that a person can serve on the city council for twelve (12) consecutive years of service before being prohibited from running again for mayor or any councilmember position. After such consecutive twelve-year period, an individual would be required to wait at least two (2) years before serving on the council once more.

Pros of amending Charter: The proposed change may attenuate the challenge of running for office against long-standing incumbents in certain situations, and allow individuals who might not otherwise have the opportunity to serve to introduce new perspectives and backgrounds to the city council.

Cons of amending the Charter: The proposed change might have the effect of interrupting the successful tenure of a uniquely passionate, qualified, or effective official, and would remove the decision of continuing such tenure from the mandate of the City’s resident voters.

VOTE TO AMEND CHARTER: Ayes: 5 Nays: 0

The Commission proposed that the Charter be revised to read as follows:

ARTICLE VI. - ELECTIONS

.
Sec. 6.01. – Elections to be held under this Charter.

.
F. *Term Limits.* Neither the mayor nor any councilmember shall serve more than twelve (12) consecutive years of office in any position on the council or in any combination thereof. For purposes of this subsection, an official shall have been considered to have served for a term in any position upon taking the oath of office for such position, regardless of whether the official serves the complete term or a part thereof for such position. Any official who has served (12) consecutive years of office in any position on the council or in any combination thereof shall be prohibited from serving another term in any elected position for a minimum of two (2) years from the date of the expiration of the third consecutive term. The limit for

terms provided by this subsection shall apply to a term of office beginning after the general election to be held in November, 2021.

4. **Section 9.04.D: Transfer of appropriations (changing the amount of time the city manager may transfer unencumbered funds from sixty (60) to nintety (90) days after the end of any given fiscal year).**

The Commission recommended amending subsection 9.04.D to provide that the city manager has ninety (90) days, rather than the sixty (60) currently permitted by such subsection to transfer part or all of any unencumbered appropriations balance among programs within a department, division, or office and to allow the council, within the same such timeframe, to by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another upon the request of the city manager.

Pros of amending the Charter: This proposed change would provide the city manager with 30 additional days to transfer unencumbered appropriations after the fiscal year ends to reconcile budget transactions without conflicting with the Charter.

Cons of amending the Charter: No cons were determined to exist.

VOTE TO AMEND CHARTER: Ayes: 5 Nays: 0

The Commission proposed that the Charter be revised to read as follows:

ARTICLE IX. - FINANCIAL ADMINISTRATION

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Sec. 9.04. – Amendments after adoption.

.
D. *Transfer of appropriations.* Not later than the ~~ninetieth~~~~sixtieth~~ (90~~60~~)th day after the last day of the fiscal year, the city manager may transfer part or all of any unencumbered appropriations balance among programs within a department, division, or office and, upon written request by the city manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

5. **Section 9.10: Sale of Bonds (limiting the bidding requirement for bond sales to competitive sales only, allowing for negotiated sales to be excepted from such requirement.).**

The Commission recommended amending subsection 9.10 to limit the bidding requirement for bond sales to competitive sales only, allowing for negotiated sales to be excepted from such requirement. The proposer of this amendment, as well as the financial services director, pointed out that based on market conditions, the City has completed negotiated sales, which do not require bids, in recent years.

Pros of amending the Charter: This proposed change would bring the Charter into compliance with desired financial services practices.

Cons of amending the Charter: No cons were determined to exist.

VOTE TO AMEND CHARTER: Ayes: 5 Nays: 0

The Commission proposed that the Charter be revised to read as follows:

ARTICLE IX. - FINANCIAL ADMINISTRATION

.

Sec. 9.10. – Sale of bonds.

No bond issued by the city shall be sold for less than its par value and accrued interest. Nor shall any bonds, if sold in a competitive sale, be sold until bids, submitted in response to public advertisement therefor, have been received and considered by the council. The council shall have the right to reject any and all bids.

6. Section 11.13: Charter Review Commission (changing the appointment month of Charter Review Commissioners from July to January)

The Commission recommended amending Section 11.13 to change the month in which those serving on any charter review commission are appointed from July to January. This aligns potential Charter elections with the City’s general election date, which was recently moved to November.

Pros of amending the Charter: This proposed change would allow a charter review commission to complete its work in July in order to ensure that any recommendations it proffers in its final report are able to be authorized by the city council in time for placement on the ballot on the following November general election date.

Cons of amending the Charter: No cons were determined to exist.

VOTE TO AMEND CHARTER: Ayes: 5 Nays: 0

The Commission proposed that the Charter be revised to read as follows:

ARTICLE XI. – GENERAL PROVISIONS

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Sec. 11.13. – Charter Review Commission.

The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. Beginning with the 2024 charter review commission, and for each charter review commission thereafter, All charter review commissions shall be appointed in July ~~January~~ and each shall consist of five (5) citizens of the City of Missouri City.

A. Duties of the commission.

1. Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and require the

submission of any of the city records which it may deem necessary to the conduct of such hearing.

2. Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
 3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
 4. Report its finding and present its proposed amendments, if any, to the council.
- B. *Action by council.* The council shall receive and have published in the designated official public newspaper of the city a summary of any report presented by the Charter review commission; shall consider any recommendations made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by law.
- C. *Term of office.* The term of office of such Charter review commission shall be six (6) months; and at the completion of such term a report shall be presented to the council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record.

II. NO REVISIONS

The following issues were presented to the Commission and either, (1) no change was recommended, or (2) the proposed change failed to garner an affirmative vote of a majority of the Commission:

1. **Section 4.07. Process to Fill Certain Vacancies (requiring an professional search firm be used before appointing a city manager, city attorney, or city secretary).**

The Commission discussed amending Section 4.07 to require a professional search firm to be selected through a competitive request for proposal (RFP) process before appointing a city manager, city attorney, or city secretary. The process is currently left to the discretion of the city council, which the requestor of this amendment provided leaves the potential for an unstructured replacement process. The Commission discussed the possibility of potentially avoiding a costly severance process by requiring a search firm to find the best fit for the City. However, it was ultimately pointed out that no other city's charter of the benchmark city survey that was provided to the Commission regarding this topic required an external consulting firm be used, and that nothing precludes the city council from utilizing this option at its discretion. A motion was made to not include this proposed amendment with a positive recommendation in the Commission's final report. **The motion passed.**

VOTE TO REJECT CHARTER AMENDMENT: Ayes: 4

Nays: 1

2. **Section 4.01. City Manager**

The Commission briefly discussed amending Section 4.01 to establish a contract drafting and negotiation procedure that would involve the city council, city attorney, and human resources department after a city manager is appointed by a two-thirds (2/3) vote of Council. Seeing no consensus and a lack of interest in recommending such change to the city council, the Chairman of the Commission removed such item from consideration. **No action was taken on this item.**

3. **Sections 4.01, 4.02, and 4.04. City Manager; Attorney for the City; City Secretary**

The Commission discussed amending Sections 4.01, 4.02, and 4.04 to require a two-thirds (2/3) vote of the council to appoint or remove the city manager, city attorney, or city secretary rather than the majority that is required under the current Charter. It was pointed out that perhaps a greater degree of unanimity is required to usher in what is perceived as a crucial change for the City as appointing or removing one of these three such officials. It was also mentioned that such an amendment may create a great challenge in appointing such an official and that only two of the cities surveyed currently features a charter provision that binds their city councils to a two-thirds or greater consensus in making similar appointments and removals. Seeing no consensus and a lack of interest in recommending such change to the city council, the Chairman of the Commission removed such item from consideration. **No action was taken on this item.**

4. **Sections 4.02 and 4.04. Attorney for the City; City Secretary**

The Commission received a proposed amendment to include similar language that currently exists in Section 4.01 with respect to the city manager to the sections governing the city attorney and city secretary positions providing that such officials may be removed by a majority vote of the entire council. **No action was taken on this item.**

5. **Section 9.09. Depositories**

The Commission discussed a proposed amendment to authorize the city manager and financial services director to sign City checks, which would be a change from the current Section 9.09 which vests such authority in the mayor and city manager. Analogies were drawn to the private sector, in which the president of a company generally does not sign checks and that it may be better suited for the official who oversees the daily operations of the city in a full-time capacity to sign checks. **The motion failed for lack of a second.**

6. Section 9.12. Emergency Appropriation of Funds

The Commission received information regarding a proposed amendment that would allow the city council to, by ordinance by unanimous vote, make emergency appropriations to protect the public health, safety, or welfare. Such proposed amendment also included a provision which permits the City to borrow funds for such purposes by council resolution and in limited amounts. The Commission declined to consider this item after it was pointed out that Section 9.04.B already includes a provision to allow emergency appropriations and borrow therefor. **No action was taken on this item.**

Joe Workman, Chair
2020 Charter Review Commission

**2020 Charter Review Commission
Draft Ballot Language**

CHARTER PROPOSITION NO. 1

Shall Section 3.05 of Article III of the Charter of the City of Missouri City be amended to remove the provision providing that the mayor shall act as chief administrative officer and shall fulfill city manager duties until a city manager shall be appointed?

CHARTER PROPOSITION NO. 2

Shall Section 6.01 of Article VI of the Charter of the City of Missouri City be amended to extend the term of office for the mayor, district councilmember, and councilmember-at-large positions from two to four years?

CHARTER PROPOSITION NO. 3

Shall Section 6.01 of Article VI of the Charter of the City of Missouri City be amended to provide that any mayor or councilmember is limited to twelve consecutive years serving on the city council before being prohibited for at least two years from holding any such office on the city council?

CHARTER PROPOSITION NO. 4

Shall Section 9.04 of Article IX of the Charter of the City of Missouri City be amended to extend the time the city manager can transfer or request to transfer unencumbered appropriations from sixty to ninety days after the end of the fiscal year?

CHARTER PROPOSITION NO. 5

Shall Section 9.10 of Article IX of the Charter of the City of Missouri City be amended to limit the requirement of the city council to receive and consider bids for the sale of bonds to apply to competitive sales only?

CHARTER PROPOSITION NO. 6

Shall Section 11.13 of Article XI of the Charter of the City of Missouri City be amended to change the appointment date of charter review commissioners from July to January?

Charter Review Commission 2020— Proposed Charter Amendments

January 11, 2021



City Council Strategic Goals

- 1 - Create a great place to live*
- 2 - Maintain a financially sound City government*
- 3 - Grow business investments
- 4 - Develop a high performance City team*
- 5 - Have quality development through buildout



Presentation Objectives

- I. Consider the 2020 Charter Review Commission recommendations and review all items it considered.
- II. Provide additional amendments, if any.
- III. Determine whether to call an election in May or November.
- IV. If a May election is desired, authorize staff to prepare an ordinance ordering a special election.



Recommendations—Amendments

Amend Section 3.05: Deleting provision that states that the mayor shall act as chief administrative officer until a city manager is appointed.

Pros

- Removes conflicts with provisions that provide that no one on council shall hold other City office or employment during an elected term (3.08); “[n]o person while serving as a member of city council or as the city secretary shall ever serve at the same time as city manager or as acting city manager” (4.01.E)
- No cons identified

Note: The current charter language was likely included in the original Charter before the City’s first city manager was appointed.



Recommendations—Amendments

Amend Section 6.01.B, C, and D: Extending the terms of mayor and all city council positions from two to four years.

Pros

- Allows for potentially more effective terms by giving officials a longer opportunity to get used to the business of the city council
- No cons identified.

Notes

- Pursuant to the Texas Constitution, under certain circumstances a City official would automatically resign if serving on the city council if they announce a candidacy for state or federal office.
- An alternative was presented to reflect an extension of terms to three years.



Recommendations—Amendments

Add Section 6.01.F: Providing a limit on council service of twelve consecutive years before requiring a minimum two-year sit-out period before an individual can serve on council again.

Pros

- Reduces challenge of running against long-standing incumbents
- Greater opportunity to introduce new ideas and perspectives in City governance

Cons

- May interrupt tenure of uniquely qualified or passionate office holder
- Voters would have less choice if they mandate that a long-standing incumbent continue serving

Notes

- In most instances, an individual would have to wait more than two years because of the alignments of elections.
- Alternatives presented: a limit of three consecutive terms in any one position; a twelve-year lifetime limit on any position or any combinations of positions.



Recommendations—Amendments

Amend Section 9.04.D: Changing the amount of time the city manager may transfer unencumbered funds from sixty to ninety days after the end of any given fiscal year.

Pros

- Provides the city manager with 30 additional days to transfer unencumbered appropriations after the fiscal year ends to reconcile budget transactions without conflicting with the Charter
- No cons identified



Recommendations—Amendments

Amend Section 9.10: Clarifying that bids are required to be received and considered by council for competitive bond sales only.

Pros

- Allows for negotiated (non-competitive) sales, bringing the Charter into compliance with practices desired by the financial services department
- No cons identified



Recommendations—Amendments

Amend Section 11.13: Changing the appointment month of Charter Review Commissioners from July to January.

Pros

- Allows for Commission to complete its work in July in order to ensure any recommendations that the city council desires to place on the ballot can be put to the voters on the following November general election date
- No cons identified



Recommendations—No revision

Add Section 4.07: Requiring a professional search firm to be used before appointing a city manager, city attorney, or city secretary.

Discussion points

- Currently, council discretion results in an unstructured appointment process.
- May aid in helping City to avoid costly severance process.
- No other city surveyed includes a similar provision in its charter.
- Nothing precludes the Council from utilizing a consultant firm at its discretion.



Recommendations—No revision

Amend Section 4.01: Establishing a procedure that involves council, the city attorney, and HR department for drafting a city manager contract after a city manager is appointed by a two-thirds vote of the council.

Reason that item is not recommended

- Removed by Chair of Commission after noting lack of interest in item.



Recommendations—No revision

Amend Sections 4.01, 4.02, 4.04: Requiring a two-thirds vote of council to appoint or remove a city manager, city attorney, or city secretary.

Pro

- Requires greater unanimity from council to make important decisions

Con

- May create tougher hurdle to appointing or removing an official

Notes

- Only two cities of those surveyed require a two-thirds or greater majority for same decisions.

Reason that item was not recommended

- Removed by Chair of Commission after noting lack of interest in item



Recommendations—No revision

Amend Sections 4.02 and 4.04: Providing for the removal of the city attorney and city secretary by a majority vote of the council.

Reason that item is not recommended

- Removed by Chair of Commission after noting lack of interest in item.



Recommendations—No revision

Amend Section 9.09: Authorizing the city manager and financial services director to sign City checks rather than the mayor and city manager.

Discussion Points

- In private sector, president of a company generally does not sign checks.
- Benefit of granting responsibility to individual in charge of City's daily operations.
- Motion was made to recommend, but failed for lack of a second.



Recommendations—No revision

Amend Section 9.12: Allowing for the city council to make emergency appropriations by unanimous adoption of an ordinance and permit the City to borrow funds for such purpose by resolution and in limited amounts.

Reason that the item is not recommended

- Section 9.04.B already allows for emergency appropriations.



Additional amendments?



May or November election?



*Motion to authorize staff to
prepare an ordinance ordering a
special election (if desired).*



Questions?





CITY COUNCIL MEETING AGENDA ITEM COVER MEMO

January 11, 2021

To: Mayor and City Council
Agenda Item: 2b: Texas Parkway/Cartwright Corridor Advisory Committee
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

On or about December 30, 2020, Mayor Elackatt requested a document establishing a committee to review proposals and provide input on the development and redevelopment of the Texas Parkway/Cartwright Road corridor. On January 6, 2021, Mayor Elackatt requested the placement of this item on this special meeting agenda for City Council feedback.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

Section 3.05 of the City of Missouri City Charter authorizes the mayor to appoint special committees as he deems advisable. Mayor Elackatt has deemed it advisable to create 9 member special committee consisting of two (2) councilmembers and seven (7) non-elected City of Missouri City residents to review proposals and provide input on the development and redevelopment of the Texas Parkway/Cartwright Road corridor. Proposed requirements for non-elected members are as follows:

- (1) be a resident of Missouri City;
- (2) be over 18 years of age;
- (3) be willing to sign a confidentiality and non-disclosure agreement relating to proposals presented to the committee;
- (4) may not be currently serving on a Missouri City tax increment reinvestment zone board;
- (5) may not be related, in any degree, to a member of the City Council of Missouri City or to a member of a Missouri City tax increment reinvestment zone board;
- (6) may not be the recipient of, or, within two years after appointment, seek to receive public funding from, the City of Missouri City in the form of an economic development incentive or any manner substantially similar to such incentive; and
- (7) may not have held a public office within the preceding one year (i.e. calendar year 2020).

The appointments may be made by February 15, 2021.

BUDGET ANALYSIS

SUPPORTING MATERIALS

1. Proposed advertisement

STAFF'S RECOMMENDATION

ACTION IS DISCRETIONARY: This matter is fully within the discretion of the Mayor.

Director Approval:

E. Joyce Iyamu, City Attorney

**APPLY FOR THE
TEXAS PARKWAY/CARTWRIGHT CORRIDOR DEVELOPMENT
ADVISORY COMMITTEE OF MISSOURI CITY**

Authority: Pursuant to Section 3.05 of the City Charter of the City of Missouri City, the mayor of the city shall appoint special committees as he deems advisable.

Objectives: Pursuant to said authority and in accordance with City of Missouri City Strategic Goals 1 (create a great place to live), 3 (grow business investments in Missouri City), and 5 (have quality development through buildout), Mayor Robin J. Elackatt (the “Mayor”) has deemed it advisable to appoint a special committee to review certain proposals and provide input relating to the development and redevelopment of the Texas Parkway (Farm to Market Road 2234) and Cartwright Road (Farm to Market Road 3345) Corridor (the “TP/C Corridor”). For the purposes of this special committee, the TP/C Corridor consists of the Missouri City portion of Texas Parkway from U.S. Highway 90 to the eastern city limit line (located near the intersection of Texas Parkway and Turtle Creek Drive) and Cartwright Road from the intersection of Texas Parkway and Cartwright Road to the intersection of Cartwright Road and Farm to Market Road 1092. The committee will be staffed by the City Manager or his designee, the City’s Economic Development Department, and an attorney from the City Attorney’s Office.

Qualifications: The volunteer TP/C Corridor Development Advisory Committee will be appointed by the Mayor and will consist of nine (9) members, including two (2) councilmembers, one of whom shall be selected by the Mayor to serve as the chair of the committee. The remaining seven (7) positions on the committee are open to non-elected Missouri City residents. The committee may select its own vice-chair, who shall be a resident member of the committee. **To serve as a resident member of the committee, a person must meet the following minimum requirements:**

- (1) be a resident of Missouri City;**
- (2) be over 18 years of age;**
- (3) be willing to sign a confidentiality and non-disclosure agreement relating to proposals presented to the committee;**
- (4) may not be currently serving on a Missouri City tax increment reinvestment zone board;**
- (5) may not be related, in any degree, to a member of the City Council of Missouri City or to a member of a Missouri City tax increment reinvestment zone board;**
- (6) may not be the recipient of, or, within two years after appointment, seek to receive public funding from, the City of Missouri City in the form of an economic development incentive or any manner substantially similar to such incentive; and**
- (7) may not have held a public office within the preceding one year (i.e. calendar year 2020).**

Appointment Process: To apply to serve on the committee, an individual must submit an application and a resume to Missouri City at <http://www.missouricitytx.gov/forms.aspx?fid=112&admin=1&userid=181> by **January 31, 2021**. The Mayor may waive an applicant's failure to submit a resume. By submitting an application, each applicant attests to the applicant's eligibility. An application will not be considered and an appointed individual may be removed from the committee if the individual is later found to be ineligible. Additionally, providing false or misleading information in an application to serve on the committee will serve as grounds for removal after appointment. Certain applicants may be interviewed by the Mayor and councilmembers appointed to serve on the committee between February 1, 2021, and February 12, 2021. This committee is not subject to confirmation or concurrence by the City Council. The Mayor will announce appointments to the TP/C Corridor Development Advisory Committee on or about February 15, 2021.

Term and Meetings: Each appointee will serve a two (2)-year term, beginning on February 15, 2021, and ending on the earlier of February 15, 2023, or the date on which such appointment is terminated by the Mayor. Meetings of the committee may be scheduled on a monthly basis.