

ROBIN J. ELACKATT
Mayor

VASHAUNDRA 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 MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Tuesday, January 19, 2021**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 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 Elackatt called the meeting to order at 5:31 p.m.

Those also present: Mayor Pro Tem Maroulis, Councilmembers Edwards, Clouser, Sterling, Boney, and Emery; City Manager Jones, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of Public Works Kumar, Director of Communications Walker, Assistant City Engineer Davis and Utilities Manager Hoover. Also present: Karen Kennard with Greenberg Traurig, Andres Salazar with Walter P. Moore, Hector Olmos with Freese Nichols and Rich Muller with Muller Law Group. Also present: Carl Bowles and Chad Hablinski.

2. DISCUSSION/POSSIBLE ACTION

(a) Discuss legislative priorities for the 87th Regular Session of the Texas Legislature.

Karen Kennard with Greenberg Traurig presented the proposed legislative priorities for the 87th Regular Session of the Texas Legislature.

Due to technical difficulties, Ms. Kennard left the meeting at 6:14 p.m. and City Council moved on to agenda item 2b

(b) Presentation on the Watershed Master Plan Update.

Director of Public Works Kumar presented an overview on the Watershed Drainage Master Plan Update. He noted City Council requested a mid-level progress on the project. Assistant City Engineer Davis, who was assigned to lead the project, presented on the major goals and background of the project. Andres Salazar with Walter P. Moore presented the high-level update of the Watershed Master Plan. Hector Olmos with Freese Nichols presented on the Brazos Backwater Impacts.

Mayor Pro Tem Maroulis asked for a hot button be placed on the main webpage for the Watershed Master Plan Update. Director Kumar noted there was a link on the website and would look into making it more accessible.

Councilmember Emery inquired on how they were communicating to the citizens that they could provide drainage feedback. Davis stated they were working with the Communications Department to relate this information through their newscast and email blast. He added they would continue to work with them to find

alternative ways to reach citizens. Director of Communications Walker stated they had sent out news releases, videos, digital newsletters and were working on additional outreach to receive as much feedback as possible.

At 6:36 p.m., City Council returned to agenda item 2a. Kennard presented on significant legislative issues. Mayor Elackatt asked about group homes bill. Kennard stated it was filed last year and filed again this year.

(c) Discuss proposed Sienna MUD No. 1 Wastewater Reuse Agreement.

Utilities Manager Hoover presented on the proposed Sienna MUD No. 1 Wastewater Reuse agreement. During his presentation, Hoover discussed the wastewater reuse potential uses, benefits of wastewater reuse, and the Sienna MUD No.1 wastewater reuse history. He noted authorization for this item would be presented at the February 1st regular City Council meeting. Rich Muller with Muller Law Group stated the City's groundwater conversion project has been one of the most successful in the region. He noted this agreement was a win-win for everyone as it would saving everyone money by using less surface water.

(d) Presentation on the Texas Department of Transportation proposed median improvements to F.M. 1092.

Director of Public Works Kumar presented an overview of the Texas Department of Transportation proposed median improvements to F.M. 1092. Assistant City Engineer Davis presented on the proposed median installations.

Councilmember Emery asked where the project would begin. Kumar noted the project covered Highway 6 and extended to Highway 59 and, at this time, City Staff members did not know where the project would start. Emery asked if there were discussions with the City of Stafford and their concerns. Kumar stated the City had not reached out to Stafford as TxDOT was working with Stafford. Emery spoke about the several developments on F.M. 1092 and asked about the impacts this project would have on those developments. Kumar stated Assistant City Engineer Davis and his team reviewed the information and relayed it to TxDOT.

Councilmember Edwards asked when the project would be completed. Kumar stated he did not know, at this time. Davis noted they had an estimate on the time and it would take about seven months.

Mayor Pro Tem Maroulis asked if there were renderings of the proposed turn lanes. Kumar stated the City has obtained the renderings from TxDOT and they could share the information to any concerned business owner. Maroulis asked the City Secretary to add the February 1st meeting to Council's calendar. Assistant City Engineer Davis noted that meeting was a staff level meeting and not a public input meeting.

Councilmember Emery asked if TxDOT was looking at the reasons for why they backed off the initial proposal a few years ago. Kumar stated that due to the traffic volume and number of collisions, they would have to do something to move traffic and get the project moving forward.

Mayor Elackatt asked if the City had pushed the meeting or if came from TxDOT. Davis stated TxDOT came to the City with the project, the City did not initiate it. Elackatt noted there was a workshop when Highway 6 received medians and asked if the same would happen this time. Davis stated they had a copy of the schematics and anyone may request this information.

At 7:20 p.m., City Council recessed the meeting to begin the regular City Council meeting.

At 9:01 p.m., City Council reconvened into the special City Council meeting.

(e) Consider authorizing staff to take further actions on proposed Charter amendments.

City Attorney Iyamu presented an overview on proposed Charter amendments.

Councilmember Emery inquired about the concurrence clause. Iyamu stated the proposed language to provide additional clarity states the City Manager shall appoint, suspend or remove anyone of the directors of the departments with the advice and consent with the majority of Council. Emery would like to replace concurrence with "advice and consent."

Councilmember Boney asked to add additional wording regarding the City Manager contract in order for Council to have the ability to vote on the final contract and if this pertained to that. Iyamu stated the language authorizes the Council to enter into a contract and it states if Council decides to enter to such contract the City Manager could only receive compensation in the contract itself.

Councilmember Boney asked to reconsider the term limits. Councilmember Sterling stated she was not sure why City Council needed to discuss this again. Boney stated he found additional research and would like to discuss again.

Councilmember Boney moved to suspend section 2-81 of the Missouri City code and reconsider authorizing the placement of three-year terms on the charter election ballot. Councilmember Clouser seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Boney, and Councilmember Emery
Nays: Councilmember Edwards and Councilmember Sterling

Councilmember Boney noted surrounding cities had three-year terms and those individuals appeared to believe that this helped to strengthen the ability for them to do their job. Iyamu stated it was up to the discretion of Council and voters. Councilmember Sterling stated the recommendation from the Charter Review Commission was for four-year terms. Councilmember Emery stated he was in favor of moving off two-year terms. Mayor Elackatt thanked the Legal Department along with the Charter Review Commission for their work. Mayor Pro Tem Maroulis asked when this would be effective. Iyamu stated it would be effective for the terms beginning November 2021, which were the District positions, and November 2022 for the Mayor and At Large positions.

Councilmember Boney moved to replace the item for City Council four-year terms on the May 2021 ballot to three-year terms. Councilmember Clouser seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Boney, and Councilmember Emery
Nays: Councilmember Edwards and Councilmember Sterling

Councilmember Emery moved to replace the term "concurrence" in Section 4.01 B2 with the phrase "advice and consent." Mayor Pro Tem Maroulis seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery
Nays: Councilmember Edwards

Councilmember Boney moved to amend Section 4.01 to require a council majority vote on the contract for the city manager. Councilmember Clouser seconded. **MOTION PASSED.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery
Nays: Councilmember Edwards

Council discussed the mayor pro tem position. Mayor Pro Tem Maroulis asked if the one year referred to one year of a term or the whole term a person was serving. Councilmember Emery stated it would be one year of the term being served. Iyamu stated the proposed language was to elect a mayor pro tem no later than the second meeting in December and provides that the member elect hold the position for one year.

Councilmember Emery moved to amend Section 3.05 and establish a one (1)-year term for the mayor pro tem position. Mayor Pro Tem Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery
Nays: None

Councilmember Boney asked if public comments would be made before or after the closed executive session. Iyamu stated it was up to City Council discretion.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 9:51 p.m.

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: i) Mitchell Carter v. City of Missouri City, et al.(Fort Bend County Cause No. 19-DCV-265905 in the 458th District Court of Fort Bend County, Texas, and Cause No. 19-DCV-265895 in the 268th District Court of Fort Bend County, Texas; (ii) Ivy Kenneth Joy L. Mirafior and Josefina P. Serrano v. the City of Missouri City, Texas, and Yolanda Ford, in her official capacity as Mayor of the City of Missouri City, Texas (in the United States District Court for the Southern District, Houston Division); (iii) emergency services district infringement on City territory and services; (iv) agreements with Fort Bend County Municipal Utility District No. 47 and District No. 48 for water and wastewater services; (v) Janet Fountain (Equal Employment Opportunity Commission); and (vi) Lakeesha Frazier.

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 secretary.

4. RECONVENE

At 10:46 p.m., City Council reconvened the special City Council meeting.

Mayor Elackatt noted the City received public comment requests on agenda item 3, Texas Government Code, Section 551.071 (vi).

Amanda Bolin, 77 Sugar Creek Center Blvd., Suite 230, spoke on behalf of her client, Lakeesha Frazier. Bolin stated her client requested to get her job back.

Mayor Pro Tem Maroulis requested to yield one additional minute to Ms. Bolin due to technical difficulties. Bolin requested a blessing from the Police Department to consider her for rehire.

Lakeesha Frazier, 10431 Harbor Canyon Drive, hoped that the City would review her file and make an informed decision.

At 10:53 p.m., City Council City Council returned to executive session pursuant to Sections 551.071 and 551.074 of the Texas Government Code.

At 11:13 p.m., City Council reconvened the special City Council meeting.

Mayor Pro Tem Maroulis moved to rescind the authority granted on August 17, 2020, for legal action regarding the establishment of Fort Bend County Emergency Services District No. 7 within City jurisdiction. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Elackatt, Mayor Pro Tem Maroulis, Councilmember Edwards, Councilmember Clouser, Councilmember Sterling, Councilmember Boney, and Councilmember Emery
Nays: None

Mayor Elackatt requested to move Texas Government Code, Section 551.074 to a February City Council meeting.

5. ADJOURN

The special City Council meeting adjourned at 11:16 p.m.

Minutes PASSED AND APPROVED this the 1st day of February 2021.

Maria Jackson, City Secretary