

**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 **Monday, April 26, 2021**, at the City Hall, Council Chamber, 2<sup>nd</sup> 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 6:00 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 Communications Walker, Fire Chief Partida and Director of Human Resources and Organizational Development Russell. Also present: Ric Navarro and Scott Reilly.

Mayor Pro Tem Maroulis moved to address agenda item 2b before agenda item 2a. Councilmember Clouser seconded. **MOTION PASSED UNANIMOUSLY.**

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

Nays: None

### 2. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:02 p.m.

(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 Manager, City Attorney, City Secretary and Economic Development Director.

(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: (i) civil service matters; (ii) to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations pertaining to the implementing a civil service compensation system compliant with Chapter 143, Texas Local Gov't Code, and related legal criteria, and to include adoption of appropriate civil service ordinances; (iii) Jamilah Way matter.

### 3. RECONVENE

At 6:29 p.m., City Council reconvened into the special City Council meeting. Mayor Elackatt conducted a roll call.

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 Communications Walker, Fire Chief Partida, Director of Human Resources and Organizational Development Russell, Ric Navarro and Scott Reilly were present.

Councilmember Emery moved to immediately terminate the employment of Odis Jones as Missouri City City Manager, for such action could be found in Missouri City City Charter Article 4, Administrative Services, Section 4.01, City Manager, item C, and in the employment agreement between the City of Missouri City and Odis Jones for the position of City Manager, Section 2, item B. 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

City Manager Jones stated he appreciated his time with the community and asked if the termination was without cause. Councilmember Emery stated that was correct, without cause.

Councilmember Edwards stated that without cause meant they were willing to pay out a half a million dollars to start the process all over again for another city manager. Councilmember Boney asked if they were able to have this conversation publically before anyone responds to Councilmember Edwards' question. City Attorney Iyamu stated that pursuant to the employment contract, any discussion about the City Manager's evaluation had to be held in a closed session.

Councilmember Sterling asked Director Russell the amount to be paid out. Russell stated he would have to review the contract. Iyamu stated the contract stated the payout would be \$250,000 and included the applicable monthly amount paid for medical premiums and the applicable amount paid by the City and the employee to TMRS. Sterling requested an exact amount and asked who Mayor Elackatt proposed to run the City without a City Manager. Elackatt stated they would come back to this item for a vote. Iyamu stated she did not have an exact amount for medical and TMRS payments.

Boney inquired if the current contract stated if the City Manager was terminated a day or a year after the contract was signed would the same amount be applicable. Iyamu stated that was correct. Sterling asked if the City Manager was terminated without cause what the repercussions would be. Iyamu stated it would be the amount of \$250,000, medical premiums and TMRS. Sterling requested the exact amount. City Manager Jones stated it was shocking to him but knows City Council has the authority to take such action. He stated he respected the body's decision.

Former City Manager Odis Jones left the meeting at 6:41 p.m.

At 6:41 p.m., City Council went into Executive Session pursuant to Texas Government Code, Section 551.071 and Texas Government Code, Section 551.074.

At 6:59 p.m., City Council reconvened into the special City Council meeting. Mayor Elackatt conducted a roll call.

Mayor Pro Tem Maroulis, Councilmembers Edwards, Clouser, Sterling, Boney, and Emery; City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Martel, Director of

Communications Walker, Fire Chief Partida, Director of Human Resources and Organizational Development Russell, Ric Navarro and Scott Reilly were present.

Mayor Pro Tem Maroulis moved to appoint Bill Atkinson as interim City Manager until May 31, 2021 and thereafter they would evaluate and he would be evaluated and compensated. Councilmember Boney seconded.

Councilmember Emery inquired what they were looking for at the end of the 30 days. Maroulis stated he would like to have hired a recruiter and place an RFP. Emery noted the process would take time and believes there should not be a 30-day time limit as the process may be longer.

Mayor Pro Tem Maroulis moved to withdraw his motion.

At 7:05 p.m., Councilmembers Edwards and Sterling stepped away from the meeting.

Mayor Pro Tem Maroulis moved to appoint Bill Atkinson as interim City Manager until a new City Manager was appointed with a salary adjustment. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

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

At 7:06 p.m., Councilmembers Edwards and Sterling returned to the meeting.

At 7:07 p.m., Councilmember Sterling stepped away.

Councilmember Boney moved to authorize the Director of Human Resources and Organizational Development to move forward with the RFP process for the procurement of an executive search firm for the position of the City Manager. Councilmember Clouser seconded. **MOTION PASSED.**

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

At 7:07 p.m., Councilmember Sterling returned to the meeting.

At 7:08 p.m., Councilmembers Edwards and Sterling stepped away from the meeting.

Councilmember Emery moved to pull the City Attorney and City Secretary items from the agenda and move to the next available City Council meeting. Mayor Pro Tem Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

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

At 7:09 p.m., Councilmembers Edwards and Sterling returned to the meeting.

At 7:09 p.m., City Council went into Executive Session pursuant to Texas Government Code, Section 551.071.

At 7:17 p.m., Mayor Elackatt stepped away from the meeting and returned at 7:20 p.m.

At 7:30 p.m., Mayor Pro Tem Maroulis stepped away and returned at 7:32 p.m.

At 8:30 p.m., City Council reconvened into the special City Council meeting. Mayor Elackatt conducted a roll call.

Mayor Pro Tem Maroulis, Councilmembers Edwards, Clouser, Sterling, Boney, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Communications Walker, Fire Chief Partida, Director of Human Resources and Organizational Development Russell, Ric Navarro and Scott Reilly were present.

#### 4. DISCUSSION/POSSIBLE ACTION

- (a) Consider concurring with the city manager's appointment of an economic development director.

Councilmember Clouser inquired on the vetting process for the search of the economic development director. Interim City Manager Atkinson stated they were using Atheon for the process in which Mr. Scott Reilly brought forward the candidates. He noted there were discussions with Ms. Fritts and asked that with the current situation, if he could take some time to speak with Scott and follow up on next steps.

Councilmember Emery moved to defer the item until City Council has an understanding on who the recommended person was and until City Council was prepared. 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

- (b) Discuss an ordinance amending Chapter 2, Administration, of the Missouri City Code; providing certain standards of conduct for the city council and city staff; establishing an ethics commission.

City Attorney Iyamu requested to postpone the agenda item until discussions were held with the Interim City Manager. Councilmember Boney noted the item had come before them last year and he requested the original ordinance be considered as the framework as opposed to what was being proposed. Iyamu noted the proposed ordinance was based off the original ordinance proposed last year, but it was different in that it also added staff members to the ethics standard of conduct.

Mayor Elackatt requested that City Staff work with the Interim City Manager, look at what was being proposed, and bring this item back to City Council during a workshop meeting to ensure it was fully understood by City Council. Councilmember Boney agreed as he understood the proposed ordinance would include Council and the appointed officials to be a part of the accountability structure; and, he previously proposed the possibility of including board and commission members.

- (c) Consider suspending the required 90-day waiting period provided in Section 2-81 of the Missouri City Code to reconsider returning to in-person meetings on May 3, 2021 (two-thirds vote required).

Councilmember Edwards moved to suspend the required 90-day waiting period provided in Section 2-81 of the Missouri City Code to reconsider returning to in-person meetings on May 3, 2021. Councilmember Sterling seconded.

Councilmember Boney asked if Councilmember Edwards was allowed to make the motion based on the past vote that took place. City Attorney Iyamu stated yes as this item was a procedural motion to consider suspending the rules; however, Councilmember Edwards would not be able to make the motion to reconsider agenda item 4d if agenda item 4c was not approved.

Councilmember Edwards stated she brought this item back up for discussion considering they were still in a global pandemic and believes it should be determined by the Councilmember on if they feel comfortable enough to return, or not, in public settings for long meetings. She adds they have proven they could be productive and handle city business by doing so virtually.

Councilmember Edwards stated that it was argued in the last meeting that the threat level has lowered; however, they were still in a pandemic and within the last meeting, she observed several individuals on Council with their masks off for reasons other than drinking or eating and with that reason, she was heavily concerned for her safety, her family's safety, as well as the Staff members that would be participating in these meetings if they were all going to be in one room.

She adds that the HVAC system was not a good system, was 30 years old, and had not been replaced. Therefore, she believed the circulation and particulates going into the HVAC system was not something that was healthy for them. Councilmember Edwards states she was heavily concerned about that and she believed that City Council should have the option to work and continue to do their due diligence with a virtual option. She adds that if City Council feels comfortable or not, she respects their opinion as each City Councilmember should have an option considering they were still in a global pandemic.

Councilmember Edwards stated that India recently just had their second catastrophic scare with corona virus outbreaks as they reopened prematurely and, at this moment, they were at the short end of oxygen and hospital beds. She adds she would hate for that to be the condition the City was in, even though the threat has lessened, to subject ourselves to a higher threat by returning too soon.

She reminded City Council that a few months ago, maybe six or more staff members were infected with the corona virus and it was one particular staff member that failed to notify any higher ups or their colleagues and therefore multiple people were infected. Councilmember Edwards stated it just takes one person. She adds that as far as health conditions are concerned, the global pandemic was concerned, she believes each City Councilmember's preference of comfortability should be their option on if to return.

Councilmember Sterling questioned how old the HVAC system was. Interim City Manager Atkinson stated he would have to research. Councilmember Edwards stated that in preparing for this meeting, a credible source told her the system was 35 years old. Mayor Elackatt asked if the Community Center was used for voting purposes. City Secretary Jackson stated the Missouri City Visitors Center was being used for the current May 1, 2021 elections and that the Missouri City Community Center was used for the 2020 elections during the COVID pandemic.

Councilmember Edwards moved to suspend the required 90-day waiting period provided in Section 2-81 of the Missouri City Code to reconsider returning to in-person meetings on May 3, 2021. Councilmember Sterling seconded. **MOTION FAILED.**

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

City Attorney Iyamu stated the motion failed as five members of City Council needed to vote in favor of the motion in order to move forward to agenda item 4d.

- (d) If Item 4(c) is approved, consider returning to in-person City Council meetings, including virtually or telephonically.

Mayor Elackatt stated agenda item 4c did not pass and agenda item 4d could not be addressed.

**3. ADJOURN**

The special City Council meeting adjourned at 8:47 p.m.

Minutes PASSED AND APPROVED this the 3<sup>rd</sup> day of May 2021.

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Maria Jackson, City Secretary