

**YOLANDA FORD**  
Mayor

**VASHAUNDRA EDWARDS**  
Councilmember at Large Position No. 1

**CHRIS PRESTON**  
Mayor Pro Tem  
Councilmember at Large Position No. 2



**REGINALD PEARSON**  
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, April 1 2019**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:45 p.m.** to consider the following:

### **1. CALL TO ORDER**

Mayor Ford called the meeting to order at 5:00 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Pearson, Maroulis and Emery; City Manager Snipes, Assistant City Attorney Santangelo, City Secretary Jackson, Assistant City Manager Atkinson, Director of Development Services Spriggs, Director of Public Works Kumar, Director of Financial Services Portis, Director of Communications Walker, City Attorney Iyamu, and Judge Sinclair. Councilmember Edwards arrived at 5:02 p.m. Councilmember Boney arrived at 5:24 p.m.

Due to the number of residents present for the special City Council meeting, the Mayor requested the meeting moved to the Council Chamber.

Councilmember Emery moved to relocate the special City Council meeting to the Council Chamber. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

### **2. DISCUSSION/POSSIBLE ACTION**

- (a) Overall update on the Shipmans Cove development, including the drainage study and traffic impact analysis.

Director of Development Services Spriggs presented an overview of the Shipmans Cove platting process. Assistant City Attorney Santangelo presented the chronology of two public information requests for the drainage plan, traffic impact analysis, utilities and further notifications for the Shipmans Cove development. He added the City was in receipt of the draft drainage study and draft traffic impact analysis and the two public information requests were submitted to the Texas State Attorney General for a ruling as the requested information were not considered final documents. He stated, to date, the City had not received a ruling on whether the requested documents should be withheld or released to the public. Director of Public Works Kumar discussed the Shipmans Cove infrastructure update and noted Staff would ensure compliance with the Public Infrastructure Design Manual and applicable regulations.

Mayor Pro Tem Preston asked if the engineering firm requested that the documents not be shared with the public. Assistant City Attorney Santangelo stated the request was directed to the City as a public information request. Assistant City Manager Atkinson confirmed Staff was still reviewing the documents and they were not in final form. Councilmember Pearson asked what the City was doing to provide clarity to the public. Director of Public Works Kumar stated that once the documents were approved and finalized, they would be subject to be released under the Texas Public Information Act. Mayor Ford asked if the City did not receive the final drawings or if they were being reviewed. Assistant City Manager Atkinson stated the plans were under review by Staff and not final.

Councilmember Edwards stepped away at 5:39 p.m. and returned at 5:44 p.m. Councilmember Emery discussed residential concerns and notifications.

Councilmember Maroulis moved to address public comments and questions, at this time. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Jeff Beicker, 2502 McKeever Road, spoke about notification concerns once the preliminary plats were filed as he was not notified as the adjacent property owner.

Director of Development Services Spriggs clarified that the final plat submission process was when infrastructure could be approved. He also discussed the replatting process, which was the process in which the recorded plat was amended. For replatting residential purposes, this would be the case when residents would be notified. In this case, this situation would not apply as it was not platted or recorded.

Mr. Beicker then addressed Councilmember Emery and stated he did not receive any notifications or updates from him. Councilmember Emery stated he was in contact with the board members from Creekmont and Newpoint Estates as they were the Homeowners Association (HOA) point of contacts, who could then distribute as needed. Mr. Beicker responded by stating he was not a resident of either HOA; however, he believed someone should have contacted him. Councilmember Emery added that if he left his information with the City, he would be included with future notifications from him. Mr. Beicker then addressed drainage concerns on his property.

Rena Marshall, Creekmont HOA President, addressed the installation of traffic lights concerns and requested the status of the engineering report.

Director of Public Works Kumar stated the engineering report, which he believes it to be the Traffic Impact Analysis (TIA) that recommended the signal light, has been submitted to the City. The City has conditionally approved it as the City was also requesting TxDOT support. The signal light would be installed at the Watts Plantation and Highway 6 intersection, in which Highway 6 was a TxDOT controlled roadway. Once the analysis was approved by TxDOT, the City would be able to release it to the public. The City needed the TIA to be approved first, before construction plans on the signals move forward. Mayor Ford then asked if TxDOT had a review period for the TIA. Director of Public Works Kumar stated he would not be able to provide TxDOT's review period but estimates it could take about one month or two.

Ms. Marshall then asked after TxDOT, between the approved plans and the City approves the plat, how much time was that.

Director of Public Works Kumar clarified that the signal was needed for the traffic impact analysis when it reached 160 homes. Therefore, the TIA needed to be approved by TxDOT first, for them to approve the construction plans for the signal. Assistant Director of Public Works Brouhard added the TIA was requiring no minimum number of homes that could be constructed before the signal could go in; however, it just has to be done by 160 homes.

Ms. Marshall asked again, between the approved plans and the City approves the plat, how much time was that.

Director of Public Works Kumar stated the question that was being asked was when does the TIA need to be approved before the final plat; and, he does not have a final response, at this time.

Ms. Marshall then stated she was in receipt of the 2016 preliminary plats and drainage analysis and does not understand why they could not receive the preliminary plans now. Director of Development Services Spriggs stated the preliminary plans have gone before the Planning & Zoning Commission.

Cindy Forney, Newpoint Estates HOA President, 1919 Mossback Circle, stated Councilmember Emery previously stated that at the time of construction, Darby Lane would go through for construction purposes. Councilmember Emery stated no, a new road would be built for construction and equipment in order to get into Shipmans Cove for building purposes so that there would be no access into Newpoint or Creekmont by construction vehicles. Ms. Forney stated they did not want a through street at the end of Darby Lane going into the subdivision from Shipmans Cove, they wanted one way in and one way out. Director of Public Works Kumar then directed City Council and Ms. Forney to the Traffic Impact Analysis map which shows no connectivity between Creekmont and Shipmans Cove. Discussions ensued regarding Section II of the development and the difference between drafted drainage plat and conditionally approved drainage plat.

Vi Phu, 2134 Darby Lane, addressed her questions regarding the drainage study and the analysis that has been conditionally approved. Director of Public Works Kumar directed City Council and Ms. Phu to the existing drainage pattern map to address her concerns.

Mary Ross, 2507 Shadow Oaks Drive, asked if the exhibits shown would be available to the public. The City Secretary stated the document would be available to the public upon receipt of a public information request. She also requested clarification on exhibits mislabeled on the presentation in reference to Creekmont north and south and requested that they be corrected.

Drew Pelter, 202 Glennville Court, addressed the utilities plan shown and asked if City Staff and City Council have taken into consideration future development of the surrounding area.

Assistant City Attorney Santangelo stated that if City Council would like to address anything outside the posted agenda item that it be discussed at a future City Council meeting where it could be properly posted.

Barry Brazil, 5019 Newpoint Drive, stated that from Newpoint's perspective, they did not want any water to enter their property from the new development and they did not want Darby Lane opened as a second access into the subdivision. And, he requested the agreement to be upheld.

Mary Ross addressed City Council again and discussed the time difference with the drainage plan and traffic plan approval process. Director of Public Works Kumar provided an overview of the approval process.

(b) Presentation of the small business policy.

Director of Financial Services Portis provided an overview of the City's small business policy, the US Small Business Administration Size Standards, small businesses registration form, methods of notifying small businesses of opportunities, record keeping and reporting, and other area small business programs.

She added that should the City wish to expand the program, a Disparity Study would be needed to determine whether a government entity, either in the past or currently, engages in exclusionary practices in the solicitation and award of contracts to minority, women-owned, and disadvantaged business enterprises (MWDBEs). Mayor Ford asked if the City could use the Fort Bend County disparity study. Director of Financial Services Portis stated the contract would not be specific to Missouri City.

Director of Financial Services Portis then noted the following items to consider: to require certification to be considered a small business; identify eligible small business certifications; and, compliance efforts with limited resources.

Mayor Ford asked if the City was aware of how many contracts have been awarded for FBISD in 2016 and 2017. City Manager Snipes stated no; however, Staff could work on providing this information to City Council.

Councilmember Boney stated that he believes a policy should not be implemented without measuring its effectiveness and asked if small businesses have benefited from the policy. He also requested that members of City Council review the policy to determine if updates were needed or necessary. Mayor Ford stated she was in receipt of the original recommendation from AO Philips. City Manager Snipes stated it would be provided to City Council. Councilmember Boney then asked for a breakdown of businesses. City Manager Snipes stated it would be provided to City Council, as well.

- (c) Consider and discuss administrative procedures for processing requests of City Council.

City Secretary Jackson stated that Councilmembers Emery and Boney requested that City Council discuss administrative procedures for addressing requests of City Council to the City Manager, City Attorney, and City Secretary.

Councilmember Boney stated that agenda items were posted and he believes other City Councilmembers may have more information from Staff about agenda items, in which the full City Council was not aware of. He believes that if the City Manager, City Attorney, or City Secretary receive information about an agenda item, it should be relayed to the full Council. Councilmember Emery stated that once a request was made and it affects the entire body of City Council, then he believes City Council should be made aware of the request and the results of the inquiry. Councilmember Boney added that Council would be better prepared to discuss and process posted agenda items.

Councilmember Maroulis asked if the City was in receipt of best practices from neighboring cities. City Manager Snipes stated City Council has three direct reports whom all operate differently. He stated, he shares information that he believes to be of concern or interest City Council as a whole.

Councilmember Pearson requested that City Council be notified of the request and results of the inquiry if the request was then posted on an agenda.

Councilmember Boney moved to recess the meeting at 7:00 p.m. for the regular City Council meeting. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Pearson moved to reconvene at 8:31 p.m. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider and discuss the City's board, committee, and commission member appointments and reappointments.

City Secretary Jackson presented an overview of members whose term would expire for the Community Development Advisory Committee, Construction Board of Adjustment and Appeals, and the Electrical Board.

Councilmember Boney moved to postpone agenda item 2d during the next special City Council meeting. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider and discuss the duties of the presiding judge of the City's municipal court.

City Attorney Iyamu provided an overview of Judge Sinclair's request for City Council to consider providing the presiding judge with specific authority to set certain judicial administrative procedures for all judges in Missouri City. Councilmember Boney asked if there have been any issues with the current process in Municipal Court. Assistant City Manager Atkinson discussed standing orders and dockets in Municipal Court.

Councilmember Maroulis then requested to address Judge Sinclair's concern that a disadvantage of not having a presiding judge would create chaos and dysfunction. City Attorney Iyamu stated the City does have

a presiding judge and that the question brought before City Council would be if specific duties would be assigned to that presiding judge that then follow to the other judges. Mayor Ford stated there should be consistency in the courts. Assistant City Manager Atkinson stated that the current practice was to have the judges come together and work out a process.

Councilmember Maroulis expressed concerns with this request as City Council does not get involved in the operations of Municipal Court. City Attorney Iyamu stated it would be a legislative decision of City Council and not up to the judges; however, she would recommend that if City Council was looking for a more operational perspective it would need to come from the Director of Municipal Court. Councilmember Boney believes it would be beneficial to hear from the other judges. City Attorney Iyamu recommended caution with Councilmember Boney's request to hear from the other judges as City Council was the legislative branch of the City and they were to provide policy decisions. City Manager Snipes suggested an evaluation of the judges and questions could be raised directly with the judges during that time. Councilmember Edwards asked if the Municipal Court Director brought up any concerns. Assistant City Manager Atkinson stated consistency and the use of technology. Councilmember Boney then requested to hear from the Municipal Court Director.

- (f) Consider and discuss moving all special City Council meetings to the Council Chambers.

City Manager Snipes provided an overview of the Mayor's request to move all special City Council meetings to the Council Chamber. Mayor Ford stated she submitted the request in an effort to better accommodate the public and City Staff and provide more transparency of City Council meetings to the public.

Councilmember Maroulis stated the technology in the Council Conference Room was recently updated to accommodate meetings of City Council. Mayor Ford stated the Council Chamber would be updated, as well. Director of Communications Walker added updates to the Council Chamber was noted within their business plan and plans were in the works to have it completed by or before October 31, 2019. Councilmember Emery agreed with the transparency of meetings and noted he did not want to lose the momentum of discussions based on distractions in the Council Chamber. Mayor Ford states she believed it would not be an issue.

Councilmember Boney moved to relocate all special City Council meeting to the Council Chamber. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (g) Update regarding City Council memberships and travel.

Director of Financial Services Portis stated that Councilmembers Maroulis and Boney requested that City Council be provided with a follow-up regarding recent requests for membership and travel to be identified in the current year for the Council's budget, as well as, to request Staff to provide their findings from a recent survey of cities and possibly consider action to expand membership.

Director of Financial Services Portis stated the City Manager conducted a survey of 24 cities with populations of 74,000 to 120,000 and 5 benchmark cities. The survey questions include the number of City Councilmembers, travel Budget for City Council, allocation of travel budget for the Mayor and members of council, membership budget for City Council and membership descriptions. She then discussed the findings as follows:

**Travel**

	Total Budget	Per Council Member
Average	\$25,259	\$3,828
Median	\$20,425	\$2,989
Missouri City	\$23,000	\$3,286

*Sugarland Mayor receives additional allocation of \$2,000 for out of state meetings*

**Membership**

Average	\$17,977
Median	\$14,093
Missouri City	\$22,626

*All participants were members of TML.*

City Manager Snipes stated the Mayor requested two new memberships within the Council budget (United States Conference of Mayors and African American Mayors Association), which were not previously approved or funded in the current year's budget. Councilmember Maroulis stated he requested that this item be placed on the agenda, as he understands where we were in terms of the approved budget and requested to address the Mayor's membership requests. Councilmember Boney stated he understands her requests and unique position in Missouri City as its first African-American Mayor; and, asked what drew her interest to the two new organizations. Mayor Ford stated professional development, as she was new to the position.

Mayor Ford asked where the funds would come from. City Manager Snipes stated that if the direction of City Council was to purchase the memberships, then he would look into which account the memberships would come from.

Councilmember Maroulis moved for the City Manager to find funds for the memberships. Mayor Ford stated she was paying for her current memberships and if this was a proposal for the upcoming budget, then for the City Manager to find the funds then and she would let the City Manager know which one she believed to be the most beneficial.

**3. CLOSED EXECUTIVE SESSION**

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 9:33 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: release of certain confidential reports.

**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, the city attorney, and the city manager.

**4. RECONVENE**

At 11:22 p.m., Council reconvened into open session. No action was taken.

**5. ADJOURN**

The special City Council meeting adjourned at 11:22 p.m.

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Maria Jackson, City Secretary