

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 AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, May 6, 2019, at 5:30 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.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Update on Strategic Plan process facilitation candidates.
- (b) Discuss and consider the negotiation and execution of a municipal court collection services contract.
- (c) Discuss and consider administrative procedures for City Council appointees to process verbal discussions and requests of City Council.
- (d) Discuss and consider retaining special counsel for Ivy Kenneth Joy L. Miraflor 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 (Harris County Cause Number 201920262- 7 in the 151st District Court of Harris County).
- (e) Consider and discuss interview questions for board, committee, and commission members.

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. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provisions of the Government Code:

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.

Texas Government Code, Section 551.087 – Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: commercial development prospect.

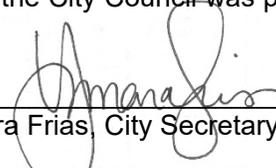
4. RECONVENE into Special Session and consider action, if any, on items discussed in Executive Session.

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 May 6, 2019, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on May 3, 2019, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2019.

Signed: _____

Title: _____



CITY COUNCIL AGENDA ITEM COVER MEMO

May 06, 2019

To: Mayor and City Council
Agenda Item: 2(a) Update on facilitation candidates for Strategic Plan process
Submitted by: Kathleen Weisenberger, Chief Performance Officer

SYNOPSIS

In 2018, Council expressed interest in undergoing a Strategic Plan Update during Fiscal Year 2019. Based upon that direction, staff issued a Request for Proposals (RFP) for facilitation services. A committee has evaluated the four proposals received. Staff recommends that Council interview the top two highest scoring submittals during a May 20, 2019 City Council Special Meeting.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Grow business investments in Missouri City
- Develop a high performing City team
- Have quality development through buildout

BACKGROUND

In 2014, Mayor and Council created and adopted the Missouri City Strategic Plan. This document outlined Strategic Goals and Actions to achieve those goals. Staff then identified Milestones toward each Action. Fiscal Year 2019 marks the fifth year since adoption of the Strategic Plan. It is standard practice to revisit and update a plan of this nature every five years. In 2018, Council was briefed on updates and milestones achieved in the current Strategic Plan. Council agreed with staff's recommendation to undergo a professionally facilitated Strategic Plan Update/Refresh in Fiscal Year 2019. Staff timed the release of this RFP to allow for a facilitated Strategic Plan Update in concurrence with the Fiscal Year 2020 budget process. This will allow for any new Council guidance and direction to be included in upcoming budgetary decisions.

The RFP for a professional strategic planning facilitator was issued on February 27, 2019 with responses due on March 28, 2019. The City received four responses which have been reviewed and scored by a committee. The proposers, in alphabetical order, include:

Concept Development & Planning, LLC
Management Partners
The Mejorando Group
The Novak Consulting Group, Inc.

BUDGET/FISCAL ANALYSIS

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. Request for Proposal – RFP 19-045 Strategic Plan Update
2. 19-045 Tabulation and Ranking

STAFF'S RECOMMENDATION

Accept the report on the status of the RFP process and move forward with interviews of the top two highest scoring submittals during a May 20, 2019 City Council Special Meeting.

Director Approval: **Kathleen Weisenberger, Chief Performance Officer**

**Assistant City Manager/
City Manager Approval:** **Anthony Snipes, City Manager**



**CITY OF MISSOURI CITY
REQUEST FOR PROPOSALS
February 27, 2019**

**RFP No. 19-045
Due Date: Tuesday, March 28, 2019 at 2:00 PM CST**

FOR A STRATEGIC PLAN UPDATE FOR THE CITY OF MISSOURI CITY, TEXAS

Sealed responses, subject to the terms and conditions of this Request for Proposals (RFP) for evaluation services of the City's golf operation, must be received by the specified due date at the City of Missouri City, City Hall located 1522 Texas Parkway, Missouri City, Texas 77489. All necessary information and addendums may be obtained from the following websites:
<http://www.txsmartbuy.com/sp> or <https://www.demandstar.com/Default.asp>

Responses received after the specified date and time will not be accepted.

SUBMIT RESPONSES TO: City of Missouri City 1522 Texas Parkway Missouri City, TX 77489	SUBMIT NO LATER THAN: March 28, 2019 2:00 PM., CST	MARK ENVELOPE: "RFP #19-045 Strategic Plan Update"
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LEGAL NAME OF CONTRACTING COMPANY

CONTACT PERSON	TITLE
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TELEPHONE NUMBER	FACSIMILE NUMBER	E-MAIL ADDRESS
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COMPLETE MAILING ADDRESS	CITY/STATE	ZIP
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AUTHORIZED SIGNATURE

ESTIMATED PROJECT SCHEDULE

Questions due from Proposers:	March 11, 2019 @ 10 AM
Due date for RFP:	March 28, 2019 at 2 PM
Staff Recommendation to City Manager:	April 2019
Notice of Intent to Award:	May 2019

SECTION 1 – SUBMITTAL INSTRUCTIONS

- 1.0 The City of Missouri City, Texas (the “City”) invites companies, organizations and/or agencies that are qualified and capable to submit proposals for facilitator services related to updating the City’s strategic plan and setting annual goals. Proposals must be received no later than **2:00 PM**, Central Standard Time, on **Thursday, March 28, 2019**. Proposals received after the deadline stated herein shall not be accepted and shall be returned to the respondent unopened. The City shall not be responsible for submittals that are not properly marked or are delivered to the incorrect address. It shall be the respondent’s sole responsibility to ensure delivery at the designated location by the designated time.
- 1.1 Respondents **shall include PAGE 1** of this Request for Proposals (“RFP”) document as the cover sheet for the response statement.
- 1.2 Submissions shall include one (1) marked as “Original” and six (6) copies along with seven (7) electronic version of the proposal in pdf format, on a memory stick, in a sealed envelope clearly marked with the solicitation number (#19-045) on the outside of the submittal envelope.

Hard-copies of the proposal shall be submitted to:

City of Missouri City, City Hall
1522 Texas Parkway
Missouri City, Texas 77489

Proposals that are faxed and/or emailed will be not be accepted.

- 1.3 All questions regarding this proposal must be submitted in writing to the City of Missouri City Purchasing office, at the contact information below. Questions and answers shall be distributed to all known specification holders. Questions should be submitted in writing no later than **2:00 P.M., Central Standard Time, on March 11, 2019**. Phone calls will not be accepted.

Please direct all inquiries to:

Ireyan J. Clark-Sam, Senior Contracts & Procurement Analyst
E-mail: ireyan.clark-sam@Missouricitytx.gov

SECTION 2 – BACKGROUND

The City of Missouri City is soliciting proposals for facilitator services related to updating the City’s strategic plan and setting annual goals, as described in the attached Request for Proposals.

The City of Missouri City is located in Fort Bend County, in the Houston Metroplex, with a population of approximately 70,000. A recent joint report of the Kinder Institute for Urban Research and the Hobby Center for the Study of Texas found that “as of 2010, [the] Houston

metropolitan area is the most racially/ethnically diverse large metropolitan areas in the nation...” Today, Fort Bend County has one of the most even distributions among the four major ethnic communities that can be found anywhere in the country, at 20% Asian and others, 24% Hispanic, 21% African-American, and 35% Anglo.” This same report found that Missouri City is one of two of the area’s most racially/ ethnically diverse cities.

The City is a council-manager form of government with the mayor and two Council members elected at large for a two year term in even-numbered years, and six district City Councilmembers who are elected every two years in odd-numbered years. The mayor is entitled to vote on all issues and has no power to veto City Council action.

The City developed its current Strategic Plan in 2014. Recently, Missouri City has undertaken the development of several critical studies and reviews. This includes the development of an Economic Development Master Plan, Facility Master Plan, Municipal Utility District Strategic Review, and a Five Year Financial Forecast. The City has also recently added new members to Council leadership. City leadership believes that conducting a Strategic Plan Update, at this time, will allow for critical updates and input of new Council leadership.

Information regarding the City and its organization, such as governmental structure, services provided, the Current Operating and Capital Budgets, Annual Financial Reports, and the most recent Strategic Plan, is available on the City website at www.missouricitytx.gov. The objective of the RFP is to receive proposals from organizational consultants for facilitator services related to updating the City’s strategic plan and setting annual goals, which includes reviewing relevant documentation, attending and moderating a city council study session(s) prior to June 30, 2019, and providing an after-session report. The primary deliverable should be a clear, accessible, strategic plan roadmap that includes goals, timeline, action items, and evaluation methodology.

SCOPE OF SERVICES

The Scope of Work may be modified through negotiations and/or by written addendum, and will be made a part of the Agreement. Project tasks shall include, but are not necessarily limited to, the following described below. If the firm feels that additional tasks are warranted, they must be clearly identified in the firm’s proposal. Firms responding to this RFP shall be prepared to deliver services and perform the work necessary to provide the services within the timeline established for the project. The City would like to have the facilitator available for moderating a study session with the City Council prior to June 30, 2019 and to have the after-action report available within two weeks. The project consists of furnishing all labor, materials, supervision, and travel necessary to complete the tasks outlined below:

Strategic Planning and Goal Setting Study Session Facilitator

The successful respondent will be expected to perform strategic planning and goal setting facilitation services according to the following scope of work:

Part I: Preparation

a) Review all data relevant to the City of Missouri City in preparation for strategic planning session including, but not limited to, understanding current Strategic Plan document, past budgets, mandates, legislative climate, and regulations directing municipal work.

b) Work and meet with City staff to refine the project scope, if necessary, and answer any questions pertaining to the successful facilitation of the study session.

Part II: Gather Data/Assess

- a) Meet with staff and conduct interviews with individual council members as well as executive management team to gain an understanding of the City's processes and operations.
- b) Engage staff, council, and community partners in the strategic planning process.

Part III: Implementation

- a) Organize and facilitate a 1 or 2 day strategic planning session(s) with executive management team and city council during a public Special Council Meeting.

Part IV: Report

- a) Final product shall include providing an after-session report wherein the main deliverable should be a clear, accessible, strategic plan roadmap that includes goals, timeline, action items, and evaluation methodology with leads and data sources for each of the selected objectives.
- b) Report on other matters that come to the Consultant's attention in the course of the evaluation that, in the Consultant's professional opinion, the City should consider. The steps to achieve final product are flexible. Applicants shall outline proposed methods in the proposal.

Part V: Annual Updates

- a) The selected consultant may be asked to return on an annual basis to facilitate Council updates and discussion of progress related to the Strategic Plan. Applicants shall outline proposed methods and provide the pricing to facilitate annual updates as a separate component of overall pricing.

GENERAL

The Consultant may recommend other tasks that it deems appropriate to achieve the objectives set forth in this RFP.

SECTION 3 - PROPOSAL REQUIREMENTS AND RESPONSE FORMAT

To simplify the review process and to maintain the maximum degree of comparability, a proposal must follow the outline as set forth below and, at a minimum, contain all the information as requested. Respondents are encouraged to include additional relevant information.

The Proposal package shall be organized to include the following sections. Each proposal should be physically tabbed with seven (7) sections. The contents for each section are listed below, and must be presented in the same order. The Consultant shall be responsible for preparing an effective and clear proposal. Concise proposals without needless duplication are encouraged.

The proposal must contain at a minimum the following information:

1. Letter of Interest: Please include a letter expressing the Consultant's interest in being considered for the project. Include a statement regarding the consultant's availability to dedicate time, personnel, and resources to this effort. The letter of interest must include a commitment to the availability of the Consultants and all key project staff during the planning period and a proposed schedule designed to meet the City's needs for the project.
2. Project Understanding and Approach: Please include a statement demonstrating your understanding of the proposed project. Describe your approach to completing the project

successfully; methodologies and technologies you would employ; key milestones and processes you would employ. Describe what information you would expect the City to supply.

3. **Relevant Experience:** Please include information describing the Consultant's experience with Strategic Planning for public agencies. Please provide a minimum of five (5) specific examples of Consultant's relevant experience. At a minimum, the Consultant should provide a list of the most recent projects for which the Consultant has performed similar services of similar size, scope, and complexity. Include the name, contact person, address, phone number and/or e-mail of each party for whom the service was provided, as well as a description of the service performed, the dollar amount of the contract, and the date of performance.

Project Manager/Key Staff: Please include information about the specific relevant experience and billing rates for the proposed Project Manager and all other applicable staff. A Project Manager must be designated and must be the principal contact for the City. Information on the experience of the Project Manager (on similar projects) and at least two references for the Project Manager.

4. **Proposed Scope of Services:** Please provide a Proposed Scope of Services, which is based on the Scope of Work contained in this RFP; and discuss any ideas for modifying, clarifying, or improving the City's proposed scope of work. Provide a realistic working schedule with key deliverables, milestones, and tasks.
5. **Conflict of Interest Statement:** The proposers shall disclose any financial, business, or other relationship with the City that may have an impact upon the outcome of this contract. Particular attention should be paid to compliance with Government Code section 1090.
6. **Comments on or Requested Changes to Contract:** The City's standard professional services contract is included as Attachment A to this Request for Proposals. The proposer shall identify any objections to and/or request changes to the standard contract language in this section.
7. **Cost Proposal:** In a Separate Envelope marked cost proposal, provide the following:
 - a. **Total All-Inclusive Not To Exceed Maximum Price:** The cost proposal should contain all pricing information relative to performing the scope of work as described in this request for proposals. The total all-inclusive maximum not to exceed price is to contain all direct and indirect costs including all out-of-pocket expenses. Provide a budget for each major milestone for the entire scope of services. The proposed budget should be inclusive of all meetings, conference calls, site visits and deliverables. The budget should include a list of anticipated reimbursable expenses with rates charged for each.
 - b. **Component Costs:** Include separate schedules of all fees and expenses for each of the work tasks and deliverables described in this RFP. These schedules should include hourly rates and number of hours anticipated for each staff level; as well as out-of-pocket expenses such as transportation, meals, communications, and duplication costs. The total of these separate schedules should have a direct relationship to the total all-inclusive maximum price.
 - c. **Rates for Additional Professional Services:** If it should become necessary for the City to request the successful firm to render any additional services to either supplement services requested in this RFP or to perform any additional work as a result of the specific recommendations included in any report issued resulting from this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the City and the firm. Any such

additional work would be performed at the same rates submitted in the dollar cost bid unless otherwise noted in the proposal.

- d. Manner of Payment: Progress payment will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the consultant's proposal. Interim billings shall cover a period of not less than a calendar month.

SECTION 4 - EVALUATION CRITERIA

- 4.1 An evaluation committee will score proposals on the basis of the following evaluation criteria:

CRITERIA	POINTS
Consultant's qualifications and experience	25
Knowledge of best practices in municipalities	20
Approach and methodology	20
Understanding of the Scope of Services	10
Fee proposal	10
Overall quality of the response	10
Consultant's references quality and responses	5
TOTAL	100

- 4.2 The respondent(s) may be required before the award of any contract to show to the complete satisfaction of the City that it has the necessary ability, and financial resources to provide the service specified therein in a satisfactory manner.
- 4.3 The City may make investigations, deemed necessary and proper, to determine the ability of the respondent to perform the scope of work. The respondent shall furnish to the City all information for this purpose that may be requested. The City reserves the right to reject a proposal if the evidence submitted by, or investigation of, the respondent fails to satisfy the City that the respondent is properly qualified to carry out the objectives of the contract and to complete the work described therein.
- 4.4 Proposals that do not conform to the instructions given or which do not address all the requirements as specified in this RFP may be eliminated from consideration. However, the City reserves the right to accept such proposal if it is determined to be in the City's best interest to do so.
- 4.5 The City may initiate discussions with a respondent(s), and will expect to conduct such discussions with the respondent(s)' personnel authorized to obligate the respondent with an offer. Discussions may not be initiated by the respondent(s). Respondent(s) shall not contact any City personnel during the proposal process without the express permission of the City Purchasing Manager. The City Purchasing Manger may disqualify any vendor who has made site visits, contacted City personnel or distributed any literature without authorization from the City's Purchasing office.
- 4.6 All correspondence relating to this RFP, from advertisement to award, shall be sent to the City Purchasing Manager. All presentations and/or meetings between the City and the respondent(s) relating to this RFP shall be coordinated by the City Purchasing Manager.
- 4.7 The top ranking applicants may be interviewed by the City Council or a designated City Council sub-committee.

SECTION 5 – GENERAL TERMS AND CONDITIONS

5.1 Evaluation and Award

The City shall consider all factors it believes to be relevant in selecting the offer that provides the best value for the City including, but not limited to: (a) adherence to service description/specification/qualification requirement; (b) price; (c) reputation of Contractor and Contractor's services; and (d) Contractor's past relationship with the City. The City of Missouri City reserves the right to accept or reject any proposal or combination of proposals deemed advantageous to it; however, it is the intent of the City to award to a single service provider representing the best value to the City with regard to the factors cited above.

5.2 Specification Changes

NO PERSON has the authority to verbally alter these specifications. Any changes to specifications will be made in writing and posted to the <https://www.demandstar.com/Default.asp> or <http://www.txsmartbuy.com/sp>.

5.3 Invoices

Invoices must be itemized and issued by department on a monthly basis. Any invoice, which cannot be verified by the contract price and/or is otherwise incorrect, will be returned to the Contractor for correction. Invoices submitted for payment shall be emailed to accountspayable@Missouricitytx.gov.

NOTE: The City of Missouri City reserves the right to process payments by use of a corporate MasterCard issued by Chase or P-Card. Proposers must indicate on Page 2 of this solicitation as to their willingness to allow payments via this means. By affirming YES, bidder agrees not to charge any fees associated with the acceptance of the P-Card.

5.4 Indemnity Clause

The Contractor agrees to indemnify and save harmless the City of Missouri City and its officers, agents and employees from any and all claims, causes or action, and damages of every kind, for injury to or death of any person and damages, to property arising out of or in connection with the work done by Contractor under this contract, and including acts or omissions of the City of Missouri City or its officers, agents, or employees in connection with said contract.

5.5 Equal Opportunity Employer

The successful Contractor shall warrant and agree that he/she is an Equal Opportunity Employer. Should complaints of any form of discrimination, either in dispensation of the service, or within company hiring policies be substantiated, this contract may be terminated immediately.

5.6 Insurance Requirements

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request.

The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed below. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

Workman's Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;

Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$1,000,000.00.

Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$2,000,000.00 per each occurrence/aggregate; Property Damage \$1,000,000.00 per each occurrence;

Excess Liability Insurance Comprehensive general Liability, Comprehensive Automobile Liability and coverage's afforded by the policies above, with the minimum limits of \$5,000,000.00 excess of specified limits.

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed on the "Insurance Requirements" form, which is provided as an attachment. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

5.7 Assignment

The successful Contractor may not assign, sell or otherwise transfer this contract without prior written consent of the City of Missouri City.

5.8 Ethics Acknowledgment

Any vendor or contractor entering into this contract or agreement with the City of Missouri City, Texas expressly acknowledges that it has familiarized itself with the provisions of Section 2-34(i) of the Code of Ordinances of the City of Missouri City which provides, among other things, that if within two years after the commencement of this contract or agreement the vendor or contractor hires a city official, former city official, appointed city officer, former appointed city officer, appointed city executive employee, or former appointed city executive employee or a city employee who, while acting in such capacity, had substantial and personal involvement with the negotiation of this contract or agreement, then this contract or agreement shall, at the option of the City Manager, be cancelled and/or the vendor or contractor shall be barred from additional contracting with the City

of Missouri City for a period of three (3) years.

5.9 Conflict of Interest

Chapter 176 of the Texas Local Government Code requires that any person, who enters or seeks to enter in to a contract for the sale or purchase of property, goods or services with a local government entity and who has an employment or other business relationship with a local government officer or family member of the officer, as described by Texas Local Government Code Section 176.006, shall file a completed conflict of interest questionnaire with the City within seven (7) business days after the later of:

The date the person begins discussions or negotiations to enter in to a contract, including submission of a bid or proposal, or the date the person becomes aware of facts that require the statement to be filed.

Additional information and the form to be used to file this notice can be found at: https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm

5.10 House Bill 1295

House Bill 1295 Certificate of Interested Parties as of January 1, 2016.

Any and all resultant contracts of this Request for Proposal will require the contractor to complete the Texas Ethics Commission requirements under the State of Texas House Bill # 1295 Certificate of Interested Parties. This requirement is not arbitrary and is MANDATORY for the City to contract with a provider.

Therefore, the City requires that, in your response to this Request for Proposal, proposer shall include a completed and notarized form.

Login information, Forms and Certification download may be obtained at: <https://www.ethics.state.tx.us/tec/1295-Info.htm>

The City strongly encourages respondents to view the *Instructional Video for Business Entities* and review the FAQ's prior to proceeding with the filing.

Note: A Certification will require the provider to enter a contract/solicitation number in Box 3. That number for this solicitation is 19-045.



Purchasing

1522 Texas Parkway
Missouri City, Texas 77489-2170

Phone: (281) 403-8500
www.missouricitytx.gov

**REQUEST FOR PROPOSALS NO. 19-045
STRATEGIC PLAN UPDATE
FOR THE CITY OF MISSOURI CITY, TEXAS
TABULATION AND RANKING**

	EVALUATOR #1	EVALUATOR #2	EVALUATOR #3	TOTAL
Concept Development & Planning, LLC	86	75	83	244/300
Management Partners	94	82	87	263/300
Mejorando Group	100	90	100	290/300
The Novak Consulting Group, Inc.	88	86	87	261/300

- 1. Mejorando Group**
- 2. Management Partners**
- 3. The Novak Consulting Group, Inc.**
- 4. Concept Development & Planning, LLC**

Compiled by:

Ireyan J. Clark-Sam
Senior Contracts & Procurement Analyst
Tuesday, April 30, 2019



**CITY COUNCIL
SPECIAL MEETING
AGENDA ITEM COVER MEMO**

May 6, 2019

To: Mayor & Council
Agenda Item: 2(b) Update on RFP Collection Contract for Fines & Fees and False Alarms
Submitted by: Brittany Rychlik, Director of Court Services
 Shannon Pleasant, Procurement & Risk Manager

SYNOPSIS

Staff recommends awarding a contract for municipal court and alarm collection services.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City

BACKGROUND

The current collection contract for fines and fees and false alarms is expiring on June 30, 2019. The Purchasing Office issued the Request for Proposals (RFP) No. 19-012 for Municipal Court and Alarm Collection Services on February 4, 2019. RFP 19-012 was advertised in the Fort Bend Independent newspaper for two consecutive weeks as well as posted the solicitation websites Demandstar and TX Smart Buy. Responses were originally due on March 5, 2019, however the deadline was extended till March 19, 2019, due to a number questions from potential proposers. Three responses were received. They were from (in alphabetical order):

- Linebarger, Goggan, Blair & Sampson, LLP
- McCreary, Veselka, Bragg & Allen, PC
- Perdue, Brandon, Fielder, Collins & Mott, LLP

The responses were evaluated and ranked by a staff evaluation committee. The staff evaluation committee consisted of representatives from Court, IT, Finance, and City Manager's Office. Each evaluator independently scored each proposal. The staff recommendation was presented to the Finance and Services Committee on April 10, 2019. This agenda item was tagged on the meeting held on 4/15/2019.

BUDGET/FISCAL ANALYSIS

Pursuant to state law, a 30 percent fee is assessed to the outstanding total amount of fines as a compensation to the firm for the amounts they are responsible for collecting. There is no fiscal impact to the City.

Funding Source	Account Number	Project Code/Name	FY Funds Budgeted	FY Funds Available	Amount Requested
N/A	N/A	N/A	N/A	N/A	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. RFP and Addendums
2. RFP Presentation
3. Evaluation and Tabulation Scores

STAFF'S RECOMMENDATION

Staff's recommendation is to award the contract to McCreary, Veselka, Bragg & Allen, PC, which is the firm that scored the highest during the evaluation process.

Director Approval: **Brittany Rychlik**

**Assistant City Manager/
City Manager Approval:** **Anthony J. Snipes, City Manager**



FEBRUARY 4, 2019

**REQUEST FOR PROPOSALS NO. 19-012
FOR MUNICIPAL COURT AND ALARM COLLECTION SERVICES
FOR THE CITY OF MISSOURI CITY, TEXAS**

Sealed responses, subject to the terms and conditions of this Request for Proposals (RFP) for evaluation services of the City's golf operation, must be received by the specified due date at the City of Missouri City, City Hall located 1522 Texas Parkway, Missouri City, Texas 77489. All necessary information and addendums may be obtained from the following websites: <http://www.txsmartbuy.com/sp> or <https://www.demandstar.com/Default.asp>

Responses received after the specified date and time will not be accepted.

SUBMIT RESPONSES TO:
City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489

SUBMIT NO LATER THAN:
Tuesday, March 5, 2019
2:00 PM., CST

MARK ENVELOPE:
"RFP No. 19-012 Municipal Court and Alarm
Collection Services"

LEGAL NAME OF CONTRACTING COMPANY

CONTACT PERSON

TITLE

TELEPHONE NUMBER

FACSIMILE NUMBER

E-MAIL ADDRESS

COMPLETE MAILING ADDRESS

CITY/STATE

ZIP

AUTHORIZED SIGNATURE

SECTION 1 – SOLICITATION SCHEDULE

Listed below are the important dates for this Request for Proposal (RFP).

EVENT	DATE
Date of RFP Issued	February 4, 2019
Questions from Proposers Due to the City	February 22, 2019 - 2:00PM CST
Proposals Due from Proposers	March 5, 2019 - 2:00PM CST
Notification of Intent to Award	(Estimated) March 2019
Council Agenda Date (If required)	(Estimated) April 2019
Contract Start Date	(Estimated) July 2019

SECTION 2 – SUBMITTAL INSTRUCTIONS

- 1.0 The City of Missouri City, Texas (the “City”) invites companies, organizations and/or agencies that are qualified and capable to submit proposals for the evaluation of the municipal golf course, Quail Valley Golf. Proposals must be received no later than **2:00 PM**, Central Standard Time, on **Tuesday, March 5, 2019**. Proposals received after the deadline stated herein shall not be accepted and shall be returned to the respondent unopened. The City shall not be responsible for submittals that are not properly marked or are delivered to the incorrect address. It shall be the respondent’s sole responsibility to ensure delivery at the designated location by the designated time.
- 1.1 Respondents **shall include PAGE 1** of this Request for Proposals (“RFP”) document as the cover sheet for the response statement.
- 1.2 Submissions shall include one (1) marked as “Original” and four (4) copies along with electronic version of the proposal in pdf format, on a memory stick, in a sealed envelope clearly marked with the solicitation number (RFP No. 19-012) on the outside of the submittal envelope.

Hard-copies of the proposal shall be submitted to:

City of Missouri City, City Hall
1522 Texas Parkway
Missouri City, Texas 77489

Proposals that are faxed and/or emailed will be not be accepted.

- 1.3 All questions regarding this proposal must be submitted in writing to the City of Missouri City Purchasing office, at the contact information below. Questions and answers shall be distributed to all known specification holders. Questions should be submitted in writing no later than **2:00 P.M., Central Standard Time, on Friday, February 22, 2019**. Phone calls will not be accepted.

Please direct all inquiries to:

Ireyan J. Clark-Sam, Senior Contracts & Procurement Analyst
E-mail: ireyan.clark-sam@missouricitytx.gov

- 1.4 Neither Proposer(s) nor any person acting on Proposer(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City, their families or staff members. All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the solicitation. Upon issuance of the solicitation through the pre-

award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award, aside from bidder's formal response to the solicitation, through the pre-award phase, written requests for clarification during the period officially designated for such purpose by the City Representative, neither Proposers(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City of their families or staff through written or oral means in an attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any bidder. However, nothing in this paragraph shall prevent a bidder from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the solicitation.

SECTION 3 – BACKGROUND

The Municipal Court is responsible for the adjudication of Class C Misdemeanor violations (within the territorial city limits) provided by State Law and City Ordinances. The Missouri City Municipal Court processes approximately 13,000 cases annually. Of these cases, approximately 35% will have arrest warrants issued. The average warrant fine is \$330.

SECTION 4 - SCOPE OF SERVICES

4.1 The Court will provide electronically to the successful Contractor (hereinafter referred to in this section as “Contractor”) of those persons having outstanding City of Missouri City Municipal Court cases. This information can include, but is not limited to the following:

4.1.1 Person’s name, personal identifiers and driver’s license number, last known residential address, last known telephone number, citation number, offense or alleged offense committed, offense date, amount of fine, amount due, and if applicable, date of warrant and amount of warrant fine.

4.1.2 City will provide current file layouts. Electronic transfer of data must include the Contractor having a PC that enables the City of Missouri City to email an attachment or upload on the Internet via secure FTP. The Contractor must be able to receive and return files back and forth between City and Contractor.

It will be the Contractor’s responsibility to assure compatibility of City’s data files and transmittal medium to the Contractor’s computer system. The Contractor shall bear all costs, if necessary, for data conversion to make the City’s computer system compatible with that of the Contractor’s and any incidental costs related to the data transfer.

4.2 Historically, the City sends various outstanding misdemeanors and warrants to the Contractor for collection services on a regular basis (i.e. daily, weekly, and/or monthly). The City makes no guarantee as to the number, type, dollar amount, or collectability of fines and/or fees from these cases. The Court alone will determine which cases are referred to the Contractor for collection. However, in general, the court will refer for collections cases and warrants consist of the following types:

4.2.1 Active Arrest Warrants – These are warrant in which no judgment has been entered assessing any sums due from the defendant in the case, but the defendant is subject to immediate arrest to answer for the pending criminal charge.

4.2.2 Active Capias Pro Fine Warrants – These are warrants in which a judgment has been entered assessing a sum owed by the defendant in order to discharge the defendant from liability and the defendant is subject to immediate arrest.

4.3 The City will supply the Contractor with two separate listings. They shall be known as the History File and the Collect and Warrant File.

4.3.1 The Collect and Warrant File shall be issued on a regular or as needed basis and shall contain those cases that are Active Warrants that were processed by the Missouri City Municipal Court staff and/or Warrant Officers. The approximate number of new warrants each month is 500.

4.3.2 The History File shall be provided one time only. This file will contain the entire list of active warrants previously worked by the City's Warrant Officers. The approximate number of outstanding cases for past collection is 8,000.

4.4 Contractor agrees to perform the following:

- i. Contractor will become familiar with the legal distinctions of each type of case and warrant submitted for collection effort, and will develop a series of contacts with the defendant that do not violate the defendant's statutory and constitutional rights.
- ii. Contractor will attempt to contact the defendant named in any case or warrant submitted for collection service at least eight (8) times in a 180-day period through a rotating telephone and letter cycle. Voice/telephone contact attempts shall be limited to between the hours of 8:00 a.m. and 8 p.m., Monday through Saturday. No Sunday contacts will be attempted.
- iii. Contractor will submit written scripts for telephone contacts and written communications for approval by the City for each type of case and warrant submitted to Contractor for collections services. The Contractor shall pay all costs related to the telephone contact and written communications.
- iv. Contractor will instruct all defendants to forward monies directly to the City of Missouri City Municipal Court. Should the Contractor receive a payment from a defendant, the Contractor shall forward payment directly to the City in the form of the original negotiable instrument received.
- v. Contractor shall use due diligence, reasonable and ethical methods, and employ lawful means to effect collection on the City's outstanding cases including adherence to all Federal and State laws governing collections.
- vi. Contractor will guarantee that every defendant will be dealt with in a professional and courteous manner.
- vii. The City may recall from collection efforts and Contractor will not be entitled to any fee for any money collected after any case has been recalled.
- viii. Contractor will return information on cases submitted for collection services including all information developed by the Contractor regarding the defendant or his/her whereabouts, as requested by the City.

- ix. Close coordination with the Court for all collection operations is required at all times. Contractor will guarantee that a full-time customer service representative will be assigned to the City of Missouri City and available to address day-to-day issues.
- 4.5 Additional written and/or telephone contacts may be made at the choice of the Contractor within the hours stipulated in d(ii) above.
- 4.6 Contractor shall work with City to conduct Warrant Round-Up and/or Amnesty Programs as requested, requiring Contractor to send out additional notices and providing the City with an updated address list of defendants.
- 4.7 All information supplied by the City to the Contractor shall be kept confidential and not disclosed to parties other than the Contractor's employees on a need-to-know basis for the purpose of contract performance and to the defendant. Contractor shall not disclose social security number, driver's license number or any other information deemed confidential by the City to anyone other than the defendant. City will notify Contractor of information deemed confidential, as appropriate.
- 4.8 Both the City and the Contractor will jointly review the appropriate cases for which payment is due to the Contractor on a monthly basis. Contractor will not be paid more than once monthly.
 - 4.8.1 The Contractor will be paid a collection fee in accordance with Article 103.0031 of the Texas Code of Criminal Procedure, as amended, on all delinquent violations issued on or after June 15, 2001. The outstanding balance of any case referred to the Contractor contains the following components: the fine, mandated/approved court costs/fees, and a collection fee. Contractor will be paid based on a percentage of fines and costs/fees collected. Contractor will be paid on a pro-rata basis as partial payments are made to the Court. The Contractor will not receive payment if judicial decisions result in the Court not receiving payments on cases (such as credit for time served, dismissals, waivers, community service, etc.) or cases are administratively closed without payment (sometimes referred to as a "purge"). Contractor will not be paid if the defendant is arrested and confined to jail on the outstanding warrant. Since a bond is not considered a payment, the Contractor is not compensated for a bond unless it is forfeited.
 - 4.8.2 Contractor will not be entitled to reimbursement for expenses incurred under the Contract.
 - 4.8.3 The City shall not be liable under the Contract for any services which are unsatisfactory or which the City has not approved.

3. Performance Standards

The Contractor's performance is acceptable when the Contractor has:

- Conducted at least "minimum collection efforts" as outlined in Contractor's proposal on all referred cases regardless of amount;
- Timely submitted all monthly statements and reports to the City that contain the requisite information specified in the contract in a consistently accurate manner;
- Verified the receipt of all referred cases;
- Provided a monthly report of individuals suspected or known to be deceased;
- Maintained continued cooperation with the Court;
- Responded to all inquiries, complaints and disputes from defendants, resolving them to the satisfaction of the Municipal Court Clerk; and,

- Timely suspended collection efforts on all inactivated cases and returned all recalled cases to the Court.

SECTION 5 - PROPOSAL REQUIREMENTS AND RESPONSE FORMAT

To simplify the review process and to maintain the maximum degree of comparability, a proposal must follow the outline as set forth below and, at a minimum, contain all the information as requested. Respondents are encouraged to include additional relevant information.

- 5.1 Letter of Transmittal. A letter of transmittal shall include the following:
 - 5.1.1 The names, titles, addresses, and telephone numbers of the individuals who are authorized to make representation on behalf of the respondent.
 - 5.1.2 A statement that the person signing the letter of transmittal is authorized to legally bind the respondent; that the proposal contain therein shall remain firm for a period of one hundred-eighty (180) days, and that the Proposal will comply with the requirements set forth in this RFP.
- 5.2 Submit a complete response to each of the following items which are specific to the evaluation criteria:
 - 5.2.1 Submit a detailed work plan and project timeline describing how you will approach the project as outlined in the Scope of Services.
 - 5.2.2 Financial Proposal
 - a) Provide an all-inclusive firm fixed price for all requested services.
- 5.3 Financial Strength.
 - 5.3.1 Respondent shall provide a detailed description of the respondent's financial ability to undertake this project and to carry costs for a minimum six (6) months.
 - 5.3.2 Respondent shall provide its financial statements, including, but not limited to, a balance sheet, an income statement, and a cash flow statement for the past two (2) years, and shall indicate whether the Respondent follows a cash basis or an accrual basis of accounting.
- 5.5 Expertise/Experience/Qualifications.
 - 5.5.1 Describe experience
 - Detail as to the number of years your Business has been providing these types of services/consulting;
 - A minimum of three (3) references (municipalities preferred) for which Company has provided municipal court collection services comparable to those described in this RFP. For each reference, detail the name of Client, address of Client, name, title, email address and phone of a contact for the Client; the number of years your Business has served the Client; and a brief summary of scope of services provided.

5.4.2 Provide a description of qualifications and skills of specific personnel who will be assigned to the City's account to be responsible for performance of the services. Such description shall, at a minimum, include the following:

- Business history and current operation characteristics including the number of years in business, philosophy, ownership, number of employees, organizational chart, geographic coverage, etc.
- Relevant accreditations, certificates, licenses, etc., that your business has attained.
- Resumes of any specific employees of your business (and any subcontractors, if applicable) that would be working on this operational assessment.

5.5 Record of Past Performance.

Provide three (3) references from organizations that match the size and scope of the City of Missouri City.

SECTION 6 - EVALUATION CRITERIA

6.1 An evaluation committee will score proposals on the basis of the following evaluation criteria:

Evaluation Criteria	Score
Criterion 1: <i>The qualifications of the firm.</i>	15
Criterion 2: <i>The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.</i>	15
Criterion 3: <i>The depth of experience of the firm in the fee and fine the municipal court collection field.</i>	15
Criterion 4: <i>Ability to provide legal counsel on collection matters.</i>	15
Criterion 5: <i>Location of firm's staff with respect to the geographic location of the City.</i>	10
Criterion 6: <i>Responses from references.</i>	15
Criterion 7: <i>The bidder's past relationship with the municipality.</i>	15
Total	100

6.2 The respondent(s) may be required before the award of any contract to show to the complete satisfaction of the City that it has the necessary ability, and financial resources to provide the service specified therein in a satisfactory manner.

6.3 The City may make investigations, deemed necessary and proper, to determine the ability of the respondent to perform the scope of work. The respondent shall furnish to the City all information for this purpose that may be requested. The City reserves the right to reject

a proposal if the evidence submitted by, or investigation of, the respondent fails to satisfy the City that the respondent is properly qualified to carry out the objectives of the contract and to complete the work described therein.

- 6.4 Proposals that do not conform to the instructions given or which do not address all the requirements as specified in this RFP may be eliminated from consideration. However, the City reserves the right to accept such proposal if it is determined to be in the City's best interest to do so.
- 6.5 The City may initiate discussions with a respondent(s), and will expect to conduct such discussions with the respondent(s)' personnel authorized to obligate the respondent with an offer. Discussions may not be initiated by the respondent(s). Respondent(s) shall not contact any City personnel during the proposal process without the express permission of the City Purchasing Manager. The City Purchasing Manger may disqualify any vendor who has made site visits, contacted City personnel or distributed any literature without authorization from the City's Purchasing office.
- 6.6 All correspondence relating to this RFP, from advertisement to award, shall be sent to the City Purchasing Manager. All presentations and/or meetings between the City and the respondent(s) relating to this RFP shall be coordinated by the City Purchasing Manager.

SECTION 7 – GENERAL TERMS AND CONDITIONS

7.1 Evaluation and Award

The City shall consider all factors it believes to be relevant in selecting the offer that provides the best value for the City including, but not limited to: (a) adherence to service description/specification/qualification requirement; (b) price; (c) reputation of Contractor and Contractor's services; and (d) Contractor's past relationship with the City. The City of Missouri City reserves the right to accept or reject any proposal or combination of proposals deemed advantageous to it; however, it is the intent of the City to award to a single service provider representing the best value to the City with regard to the factors cited above.

7.2 Specification Changes

NO PERSON has the authority to verbally alter these specifications. Any changes to specifications will be made in writing and posted to the <https://www.demandstar.com/Default.asp> or <http://www.txsmartbuy.com/sp>.

7.3 Invoices

Invoices must be itemized and issued by department on a monthly basis. Any invoice, which cannot be verified by the contract price and/or is otherwise incorrect, will be returned to the Contractor for correction. Invoices submitted for payment shall be emailed to accountspayable@Missouricitytx.gov.

NOTE: The City of Missouri City reserves the right to process payments by use of a corporate MasterCard issued by Chase or P-Card. Proposers must indicate on Page 2 of this solicitation as to their willingness to allow payments via this means. By affirming YES, bidder agrees not to charge any fees associated with the acceptance of the P-Card.

7.4 **Indemnity Clause**

The Contractor agrees to indemnify and save harmless the City of Missouri City and its officers, agents and employees from any and all claims, causes or action, and damages of every kind, for injury to or death of any person and damages, to property arising out of or in connection with the work done by Contractor under this contract, and including acts or omissions of the City of Missouri City or its officers, agents, or employees in connection with said contract.

7.5 **Equal Opportunity Employer**

The successful Contractor shall warrant and agree that he/she is an Equal Opportunity Employer. Should complaints of any form of discrimination, either in dispensation of the service, or within company hiring policies be substantiated, this contract may be terminated immediately.

7.6 **Insurance Requirements**

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed below. Failure to provide this insurance certificate within the specified amount of time may result in disqualification of bid.

Workman's Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;

Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$1,000,000.00.

Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$2,000,000.00 per each occurrence/aggregate; Property Damage \$1,000,000.00 per each occurrence;

Excess Liability Insurance Comprehensive general Liability, Comprehensive Automobile Liability and coverage's afforded by the policies above, with the minimum limits of \$5,000,000.00 excess of specified limits.

An original, certified copy of an insurance certificate listing the City of Missouri City as additional insured, must be submitted within fifteen (15) days of request. The successful Contractor will be required to maintain, at all times during performance of the contract, the insurance detailed on the "Insurance Requirements" form, which is provided as an attachment. Failure to provide this

insurance certificate within the specified amount of time may result in disqualification of bid.

7.7 Assignment

The successful Contractor may not assign, sell or otherwise transfer this contract without prior written consent of the City of Missouri City.

7.8 Ethics Acknowledgment

Any vendor or contractor entering into this contract or agreement with the City of Missouri City, Texas expressly acknowledges that it has familiarized itself with the provisions of Section 2-34(i) of the Code of Ordinances of the City of Missouri City which provides, among other things, that if within two years after the commencement of this contract or agreement the vendor or contractor hires a city official, former city official, appointed city officer, former appointed city officer, appointed city executive employee, or former appointed city executive employee or a city employee who, while acting in such capacity, had substantial and personal involvement with the negotiation of this contract or agreement, then this contract or agreement shall, at the option of the City Manager, be cancelled and/or the vendor or contractor shall be barred from additional contracting with the City of Missouri City for a period of three (3) years.

7.9 Conflict of Interest

Chapter 176 of the Texas Local Government Code requires that any person, who enters or seeks to enter in to a contract for the sale or purchase of property, goods or services with a local government entity and who has an employment or other business relationship with a local government officer or family member of the officer, as described by Texas Local Government Code Section 176.006, shall file a completed conflict of interest questionnaire with the City within seven (7) business days after the later of:

The date the person begins discussions or negotiations to enter in to a contract, including submission of a bid or proposal, or the date the person becomes aware of facts that require the statement to be filed.

Additional information and the form to be used to file this notice can be found at: https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm

7.10 House Bill 1295

House Bill 1295 Certificate of Interested Parties as of January 1, 2016.

Any and all resultant contracts of this Request for Proposal will require the contractor to complete the Texas Ethics Commission requirements under the State of Texas House Bill # 1295 Certificate of Interested Parties. This requirement is not arbitrary and is MANDATORY for the City to contract with a provider.

Therefore, the City requires that, in your response to this Request for Proposal, proposer shall include a completed and notarized form.

Login information, Forms and Certification download may be obtained at: <https://www.ethics.state.tx.us/tec/1295-Info.htm>

The City strongly encourages respondents to view the *Instructional Video for Business Entities* and review the FAQ's prior to proceeding with the filing.

Note: A Certification will require the provider to enter a contract/solicitation number in Box 3. That number for this solicitation is 19-012.



Purchasing

1522 Texas Parkway
Missouri City, Texas 77489-2170

Phone: (281) 403-8500
www.missouricitytx.gov

ADDENDUM NO. 1 FOR REQUEST FOR PROPOSALS NO. 19-012 FOR MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS

OPENING BID DATE: TUESDAY, MARCH 5, 2019 AT 2:00 PM

Issue Date: February 26, 2019

The City of Missouri City, Texas is now issuing the following addendum:

Question 1: Page 1 of the City's published RFP for Municipal Court and False Alarms refers to "evaluation services of the City's golf operation," and Page 2 refers to the "evaluation of the municipal golf course, Quail Valley Golf." To clarify:

(a) Is this RFP for the collection of municipal court fees and fines and false alarms, and *not* for evaluation services of the municipal golf course?

Response 1(a): This RFP is for municipal court and alarm collection services.

(b) If so, is the submittal address still City of Missouri City, City Hall, 1522 Texas Parkway, Missouri City, Texas 77489?

Response 1(b): The submittal address remains:
City of Missouri City
City Hall
1522 Texas Parkway
Missouri City, TX 77489

(c) If so, are all inquiries still to be directed to Ireyan J. Clark-Sam, Senior Contracts & Procurement Analyst at ireyan.clark-sam@missouricitytx.gov?

Response 1(c): Please direct all inquiries to:
Ireyan J. Clark-Sam, Senior Contracts & Procurement Analyst
E-mail: ireyan.clark-sam@missouricitytx.gov

Question 2: How many Warrant Round-Up campaigns does the City participant in each year?

Response 2: The City participates in one (1) Warrant Round-Up each year.

Question 3: Does the City offer an amnesty program for its defendants and if so, please explain how it is administered?

Response 3: The City does not offer an amnesty program for defendants.

- Question 4:** Who is your current software vendor and what version of court record management software is used by the City? Does the City anticipate an upgrade or replacement to the current software?
- Response 4:** Tyler Technologies is the current software vendor. Incode software (version 9) is currently used by the City. The City anticipates an upgrade to version 10.
- Question 5:** Please provide a copy of the current contract and any amendments between the City and its current collection vendor
- Response 5:** This request for records is under review and will be submitted to the Texas Office of the Attorney General for a determination as to whether the record should be disclosed.
- Question 6:** Please provide collection statistics indicating your collection vendor's performance for years 2017 and 2018 both in dollars collected and percentage achieved. Also, please provide the monthly backup reports/statistics.
- Response 6:** This request for records is under review and will be submitted to the Texas Office of the Attorney General for a determination as to whether the record should be disclosed.
- Question 7:** Please provide all collection reports, statistical or otherwise, sent to you in 2017 and 2018 by your current collection vendor.
- Response 7:** This request for records is under review and will be submitted to the Texas Office of the Attorney General for a determination as to whether the record should be disclosed.
- Question 8:** Please provide the total amount of fees paid by month for 2017 and 2018 to your current collection vendor.
- Response 8:** This request for records is under review and will be submitted to the Texas Office of the Attorney General for a determination as to whether the record should be disclosed.
- Question 9:** Please provide an aging report of your delinquent portfolio by dollars and violation year.
- Response 9:** If this record is available, this request will be under review and will be submitted to the Texas Office of the Attorney General for a determination as to whether the record should be disclosed.



Purchasing

1522 Texas Parkway
Missouri City, Texas 77489-2170

Phone: (281) 403-8500
www.missouricitytx.gov

ADDENDUM NO. 2 FOR REQUEST FOR PROPOSALS NO. 19-012 FOR MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS

OPENING BID DATE: TUESDAY, MARCH 5, 2019 AT 2:00 PM

Issue Date: March 1, 2019

The City of Missouri City, Texas is now issuing the following addendum:

SECTION 1 – SOLICITATION SCHEDULE - Note the following change:

Proposals Due from Proposers March 19, 2019 - 2:00PM CST

Question 1: Does your current collection vendor make payment agreements on behalf of the city? If so, what are the terms and eligibility for a payment agreement?

Response 1: No.

Question 2: Please explain how you evaluate a collection vendor during the term of a contract.

Response 2: Evaluation criteria and benchmarks are determined during contract negotiations with the selected firm.

Question 3: Please verify if the information in Section 5, 5.3 regarding financial statements is not required unless requested by the City pursuant to Section 6, 6.2 of the RFP.

Response 3: Section 5, 5.3 is required as part of the submittal. Section 6.2 is referring to the City being able to request additional financial information above and beyond section 5.

Question 4: We consider our financial statements to be confidential, trade secrets of the firm. Would the City accept an alternative method for reviewing our financials, such as a third-party secure website (SmartRoom.com) that would host these documents and allow only the City of Missouri City's authorized reviewers to access the files?

Response 4: Yes, the City will accept an alternative method for reviewing financials, provided the City can access all relevant information. However, any information provided must be retained by the City because such information viewed by the City may be subject to the open records laws set forth in Chapter 552 of the Texas Government Code (the Texas Public Information Act) or other applicable law.

Question 5: Section 6, 6.1 Criterion 7 indicates a score up to 15 points may be applied for “The bidder’s past relationship with the municipality.” Will vendors without a past performance history with Missouri city be penalized during the evaluation of a response to this RFP?

Response 5: The intent of this criteria refers to a bidder’s past relationships with other municipalities, i.e. referrals, for which they have performed work for in this capacity.



Purchasing

1522 Texas Parkway
Missouri City, Texas 77489-2170

Phone: (281) 403-8500
www.missouricitytx.gov

**ADDENDUM NO. 3 FOR REQUEST FOR PROPOSALS NO. 19-012
FOR MUNICIPAL COURT AND ALARM COLLECTION SERVICES
FOR THE CITY OF MISSOURI CITY, TEXAS**

OPENING BID DATE: TUESDAY, MARCH 19, 2019 AT 2:00 PM CST

Issue Date: March 12, 2019

The City of Missouri City, Texas is now issuing the following addendum:

Question 1:

Since much of the information requested will be withheld pending a response from the Attorney General, will a delay be inherent due to AG involvement which conceivably take place after the proposal due date? Should the proposers expect to see the submission date moved to provide time for the City of Missouri City to receive the Opinion and respond in accordance with same?

Response 1:

The City will not wait until after the AG has ruled to collect bids.

Submissions will be due on Tuesday, March 19, 2019 at 2:00 PM (CST).

COLLECTIONS SERVICES CONTRACT RFP No. 19-012

Shannon Pleasant, CTPM
Procurement and Risk Manager



BACKGROUND

PRIOR SOLICITATION

- Last solicitation: Request for Statement of Qualifications (RSQ) 14-035 (issued in 2013)
- This solicitation method focuses on the qualifications of potential providers.
- An amendment was signed in March 2017
- The agreement is set to expire in June 2019

CURRENT SOLICITATION

- Request for Proposals (RFP) No. 19-012. This solicitation method was chosen to not only focus on the qualifications, but it also gives potential providers an opportunity to propose updated industry standards and new service innovations.
- Issued on February 4, 2019
- Posted on two websites:
<http://www.txsmartbuy.com/sp> and
<https://www.demandstar.com/Default.asp>
- Advertised: Ft. Bend Independent
- Responses originally due on Tuesday, March 5, 2019
- Deadline extended (due to vendor inquiry) to Tuesday, March 19, 2019
- Three (3) responses received
Linebarger, Goggan, Blair & Sampson, LLP
McCreary, Veselka, Bragg & Allen, PC
Perdue, Brandon, Fielder, Collins & Mott, LLP



TIMELINE

EVENT

Special City Council Meeting Discussion
Date of RFP Issued
Questions from Proposers Due to the City
Proposals Due from Proposers
Finance and Services Committee
Council Agenda Date
Notification of Intent to Award
Notification of Contract Termination (if required)
Current Contract End Date
Contract Start Date

DATE

January 28, 2019
February 4, 2019
February 22, 2019 - 2:00PM CST
March 19, 2019 - 2:00PM CST
April 10, 2019
April 15, 2019
April 2019
May 2019
June 30, 2019
July 2019



Evaluation Process

- Five Evaluation Committee members were selected
- Signed a Non-disclosure agreement
- Individual scoring sent directly to Purchasing from committee members
- Scores were tabulated by Purchasing with results sent to evaluation committee members
- Scores and process are presented to Finance and Services committee



Evaluation Criteria	Score
Criterion 1: The qualifications of the firm.	15
Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15
Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15
Criterion 4: Ability to provide legal counsel on collection matters.	15
Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10
Criterion 6: Responses from references.	15
Criterion 7: The bidder's past relationship with the municipality.	15
Total	100

**REQUEST FOR PROPOSALS NO. 19-012
FOR MUNICIPAL COURT AND ALARM COLLECTION SERVICES
FOR THE CITY OF MISSOURI CITY, TEXAS**

TABULATION AND RANKING

EVALUATOR	#1	#2	#3	#4	#5	TOTAL
LINEBARGER	92	85	82	95	94	448/500
MVBA	94	92	88	99	99	472/500
PERDUE	80	79	88	94	93	434/500

- 1. MVBA**
- 2. LINEBARGER**
- 3. PERDUE**

Compiled by: Ireyan J. Clark-Sam
Senior Contracts & Procurement Analyst
March 27, 2019



RFP No. 19-012 Point of Contact

Ireyan J. Clark-Sam
Senior Contracts & Procurement
Analyst

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RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Linebarger			Evaluation Committee Member Number 1
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	13	Marked down due to reputation
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	8	In Houston, no office in Missouri City
f. Criterion 6: Responses from references.	15	12.5	references - high or low quality - not responsive to all clients
g. Criterion 7: The bidder's past relationship with the municipality.	15	13.5	not pulling cases timely for Missouri City and other references checked, exceeding collection rate requirements
Summary			
TOTAL SCORE			
	100	92	

15			
Vendor Name: MVBA			Evaluation Committee Member Number 1
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	15	
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	5	In Texas, but Round Rock
f. Criterion 6: Responses from references.	15	15	
g. Criterion 7: The bidder's past relationship with the municipality.	15	14	
Summary			
TOTAL SCORE	100	94	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Perdue Brandon Fielder Collins & Mott LLP			Evaluation Committee Member Number 1
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	13	Reduced points based on reputation
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	8	In Houston, no office in Missouri City
f. Criterion 6: Responses from references.	15	7.5	references - high, average, and poor quality
g. Criterion 7: The bidder's past relationship with the municipality.	15	6.5	references - high, average, and poor quality, no relationship with MC
Summary			
TOTAL SCORE			
	100	80	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Linebarger			Evaluation Committee Member Number 2
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	Firm qualified based on proposal
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	10	Based on interviews conducted with other Municipalities
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Years of experience
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Access to Attorneys on staff.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	Office located in Houston.
f. Criterion 6: Responses from references.	15	10	Based on interviews conducted with other Municipalities
g. Criterion 7: The bidder's past relationship with the municipality.	15	10	Based on interviews conducted with other Municipalities and internal staff regarding the service provided.
Summary			
TOTAL SCORE			
	100	85	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: MVBA			Evaluation Committee Member Number 2
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	Firm qualified based on proposal
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	15	Based on interviews conducted with other Municipalities
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Years of experience
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Access to Attorneys on staff.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	5	Located in Round Rock, Texas
f. Criterion 6: Responses from references.	15	15	Based on interviews conducted with other Municipalities
g. Criterion 7: The bidder's past relationship with the municipality.	15	12	Based on interviews conducted with other Municipalities
Summary			
TOTAL SCORE			
	100	92	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Perdue			Evaluation Committee Member Number 2
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	Firm qualified based on proposal
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	8	Based on interviews conducted with other Municipalities
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Years of experience
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Access to Attorneys on staff.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	Office Location in Houston
f. Criterion 6: Responses from references.	15	8	Based on interviews conducted with other Municipalities
g. Criterion 7: The bidder's past relationship with the municipality.	15	8	Based on interviews conducted with other Municipalities
Summary			
TOTAL SCORE			
	100	79	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Linebarger Attorneys at Law			Evaluation Committee Member Number 3
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	11	They have a long organizational history in the business along with highly experienced members. The qualifications of this firm did not stand out with reference information presented in their proposal.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	11	They have the capacity to perform, past experience and reputation is strong. Although we have been a client, some of the value added offerings in the proposal have not been readily available.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	13	Their record with respect to experience in fee and fine collections is well represented. The firms collection history is comparable to the other firms.
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	The firm shows a depth of qualifications and resources available.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	They have a host of resources and are well represented in the Houston region.
f. Criterion 6: Responses from references.	15	11	References generally were positive with some mention of issues with responsiveness to issues when raised.
g. Criterion 7: The bidder's past relationship with the municipality.	15	11	They have long standing clients who have noticed a increased lengths of time in responding to issues.
Summary			
TOTAL SCORE			
	100	82	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: MBVA			Evaluation Committee Member Number 3
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	13	They have a long organizational history in the business along with highly experienced members.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	15	Very thorough responses and proposal of their capacity to perform and their past experience and reputation is strong. The project management plan for firm process implementation was well conceived. Collection rates for clients are consistently strong.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	13	Strong IT infrastructure, really found their process description to be well thought out I also liked their mention of Rule 7.03(c). Also liked the no costs services that include show cause and hearing notices.
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	The Key Personnel and PM Flowcharts were very helpful and shows a depth of qualifications and resources available.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	6	Marked down due to location distance from the region, but was reassured by existing clients in the Houston region that the firm is still very responsive to their needs.
f. Criterion 6: Responses from references.	15	15	References provided were very good. They stressed responsiveness and the happiness with timely on-going maintenance of defendant files worked.
g. Criterion 7: The bidder's past relationship with the municipality.	15	11	Many long-standing positive references and mention of continued responsiveness.
Summary			
TOTAL SCORE			
	100	88	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Perdue Brandon Fielder Collins & Mott			Evaluation Committee Member Number 3
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	12	They have a long organizational history in the business along with highly experienced members. The proposals provides good information on the firm's process and resources.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	15	They currently have several clients they are providing similar services. They show to provide good reports for city's use. Collection rates for similar client services show to be relatively strong compared to the other firms.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	13	The firm has a long standing clients. Client representatives for the firm have wide-ranging backgrounds for the process at hand. Additionally, they show to have good information on IT resources.
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	The firm shows a depth of qualifcatons and resources available.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	They are located in the Houston region with their
f. Criterion 6: Responses from references.	15	11	References generally were positive with some mention of issues with being able to contact representative.
g. Criterion 7: The bidder's past relationship with the municipality.	15	12	Several long standing clients with the firm.
Summary			
TOTAL SCORE			
	100	88	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS				
Linebarger			Evaluation Committee Member Number 4	
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments	
1	Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a	Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2	Evaluation Criteria			
a.	Criterion 1: The qualifications of the firm.	15	14	Did not specify at which point collection fee would be removed and or not collected
b.	Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	13	Defendants call and state they paid their case but still contacted by the firm; no consistency in removing cases from their database. Customer service provided is mediocre.
c.	Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Firm has several years in the field
d.	Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Unable to form an opinion on in a category that we have no experience to evaluate it on.
e.	Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	Since their office is in Houston, it is of close proximity to our Municipality.
f.	Criterion 6: Responses from references.	15	14	One client- great experience. Former client had issues with once cases are paid they were not removed from database; Issue corrected but then after some time would reoccur.
g.	Criterion 7: The bidder's past relationship with the municipality.	15	14	Varied responses on experience and customer service provided. Issue to correct -removal of paid warrants immediately from their database.
Summary				
TOTAL SCORE		100	95	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS				
	MVBA		Evaluation Committee Member Number 4	
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments	
1	Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a	Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria				
a.	Criterion 1: The qualifications of the firm.	15	15	This firm did specify when when the collection fee would not be collected/removed. This is important to know with the indigency and partial jail credit cases.
b.	Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	15	Former and current clients stated they were highly impressed with this firms customer service and communication. Firm was very prompt and attentive to courts and their needs.
c.	Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Firm has several years in the field
d.	Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Unable to form an opinion on in a category that we have no experience to evaluate it on.
e.	Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	9	Not located locally. Former and current clients state that representatives from this firm visited their courts often and always asked what they could do to better serve the municipality.
f.	Criterion 6: Responses from references.	15	15	Former and current clients gave this firm rave reviews and stated they really like that firm sends out showcase notices and make pre-warrant calls. They stated they had no issues with this firm.
g.	Criterion 7: The bidder's past relationship with the municipality.	15	15	Former and current clients state firm does a great job- Firm is quick in processing accounts, loads/sends notices within 24 hours of entry; real time updates on status and recalling.
Summary				
TOTAL SCORE		100	99	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Perdue Brandon Fielder Collins & Mott LLP			Evaluation Committee Member Number 4
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	13	On page 5 payment and invoicing, indigency and partial jail credit was not addressed. Page 10 firm monitors all payment agreements -pay agreements should not remain in firm database if cases are not in warrant and defendant goes back on a payment plan.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	13	Former clients stated poor customer service from firms representative. Other clients stated court was the communicator. Some clients had good reviews of the firm.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Firm has several years in the field
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Unable to form an opinion on in a category that we have no experience to evaluate it on.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	Since their office is in Houston, it is of close proximity to our Municipality.
f. Criterion 6: Responses from references.	15	14	One client gave a good review. Former client stated representative gave poor customer service to court. Former client gave a not perfect but good review.
g. Criterion 7: The bidder's past relationship with the municipality.	15	14	Varied responses on experience and customer service provided.
Summary			
TOTAL SCORE			
	100	94	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: LGBS			Evaluation Committee Member Number 5
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	14	Was not specific on when fee would be removed/not collected.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	13	Experience with the firm: cases are not consistently removed timely from their database when we have notified them to remove them. Defendants have called complaining about being contacted when their case is resolved or otherwise not in default. Customer service has been fair although not exceptional.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	14	Firm has 43 years experience.
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Have no applicable experiences to base an opinion on. I assume they would have the expertise.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	Gave the max points b/c Houston is considered local.
f. Criterion 6: Responses from references.	15	14	Former clients also had the problem with cases not being pulled out right away. Requested changes were made after a delay and then the changes would not remain in the system and thus the same problem would pop back up. 1 review was average; 2 others were good.
g. Criterion 7: The bidder's past relationship with the municipality.	15	14	Mixed review The main issue I have is with cases not being pulled out of the system immediately when notified. Services, in addition to collections, as allowed by contract were not made apparent so we could fully utilize.
Summary			
TOTAL SCORE	100	94	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: MVBA			Evaluation Committee Member Number 5
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	15	Dedicated defendant online website; included in proposal all scenarios for when the fee would not be collected/removed; included that payment to the City as a bonus to award the contract violates the Tx Rules of Professional Conduct set by the State Bar which displays to me integrity, professionalism, and wanting to abide by standards to remain "above board". Proposal includes additional services at no cost that enhances the court's efficiencies.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	15	Provided more than the requested set of references; numerous clients similar to our size; prior experience with firm and representatives was exceptional; firm communicates extremely well, never delays in calling or responding; all representatives I have dealt with have been nothing but professional, knowledgeable and helpful.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	15	Over 50 years experience. Personal exp. with firm: firm went out of their way to introduce me to their system personally. Representative sat with me and walked me through how to handle my part of the process. We discussed options for recalling cases and came up with a solution that worked for both them and the court. This firm is on top of making sure cases no longer in warrant status are removed from their database to eliminate unnecessary contact by the firm. They understand the negative impact calling people who are no longer defaulted can have on the City.
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	In previous work have had to ask them about collections and statute regulations and received information promptly and accurately.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	9	Location is no an issue; when working with this firm previously, both main representatives came by to check how things were going on our end of the interface, asked about how they were doing for us; I saw more of them than I do our current vendor
f. Criterion 6: Responses from references.	15	15	References gave excellent reviews. No issues with firm customer service or with removing cases promptly.
g. Criterion 7: The bidder's past relationship with the municipality.	15	15	Prompt processing of accounts - loaded into system within 24 hrs.; notices sent w/in 24 hrs of entry; real time updates on status and recalling; pre-warrant calls and show cause courtsey notices are included which aids court staff
Summary -			
TOTAL SCORE			
	100	99	

RFP No. 19-012 - MUNICIPAL COURT AND ALARM COLLECTION SERVICES FOR THE CITY OF MISSOURI CITY, TEXAS			
Vendor Name: Perdue			Evaluation Committee Member Number 5
INSTRUCTION/QUESTION	Max Points	Score	Notes/Comments
1 Responsiveness of Submittal (will be determined by Purchasing)	Yes/No		
a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.		N/A	
2 Evaluation Criteria			
a. Criterion 1: The qualifications of the firm.	15	13	Did not include specifics on partial jail credit and indigency matters. It was stated in the proposal that the firm would monitor payment arrangements. Cases that are no longer in warrant, thus not defaulted should not be in the database to be monitored. Defendants do not need to be contacted further once they are no longer in default. Did not see a wide range of other services included in proposal.
b. Criterion 2: The firm's past experience in performing similar assignments for other government entities, and the overall reputation of the firm.	15	13	One-way communication from court client to Perdue. Poor customer service from the representative per former client. Other clients had good reviews. Resulting in a mixed review.
c. Criterion 3: The depth of experience of the firm in the fee and fine the municipal court collection field.	15	14	Firm did not give a set number of years.
d. Criterion 4: Ability to provide legal counsel on collection matters.	15	15	Have no applicable experience to base an opinion on. I assume they would have the expertise.
e. Criterion 5: Location of firm's staff with respect to the geographic location of the City.	10	10	Gave the max points b/c Houston is considered local.
f. Criterion 6: Responses from references.	15	14	Former client - had an overall good review, not exceptional but good. Another former client - poor experience due to customer service received from representative. Another client gave a well review.
g. Criterion 7: The bidder's past relationship with the municipality.	15	14	mixed reviews on customer service and experience.
Summary			
TOTAL SCORE			
	100	93	



Purchasing

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**REQUEST FOR PROPOSALS NO. 19-012
FOR MUNICIPAL COURT AND ALARM COLLECTION SERVICES
FOR THE CITY OF MISSOURI CITY, TEXAS
TABULATION AND RANKING**

	EVALUATOR #1	EVALUATOR #2	EVALUATOR #3	EVALUATOR #4	EVALUATOR #5	TOTAL
LINEBARGER	92	85	82	95	94	448/500
MVBA	94	92	88	99	99	472/500
PERDUE	80	79	88	94	93	434/500

- 1. MVBA**
- 2. LINEBARGER**
- 3. PERDUE**

Compiled by: Ireyan J. Clark-Sam
Senior Contracts & Procurement Analyst
March 27, 2019



CITY COUNCIL AGENDA ITEM COVER MEMO

May 6, 2019

To: Mayor and City Council
Agenda Item: 2(c) Consider and discuss administrative procedures for City Council appointees for reporting verbal discussions and processing requests of City Council.
Submitted by: Anthony Snipes, City Manager
E. Joyce Iyamu, City Attorney
Maria Jackson, City Secretary

SYNOPSIS

Consider and discuss administrative procedures for City Council appointees for reporting verbal discussions and processing requests of City Council.

BACKGROUND

During the April 1, 2019, special City Council meeting, Council discussed administrative procedures for processing requests of City Council. During the meeting, Councilmember Boney stated agenda items were posted for which he believed other City Councilmembers had more information from Staff that the full City Council was not aware of. He stated that he believed that if the City Manager, City Attorney, or City Secretary were in receipt of a request from City Council about an agenda item, that same information should be relayed to the full Council. Councilmember Emery stated that once a request was made and it affected the entire body of City Council, then he believed 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 Pearson requested that City Council be notified of the request and results of the inquiry if the request was then posted on an agenda.

Discussion ensued; however, City Council did not take action regarding the process or procedures City Staff would move forward with.

During the April 15, 2019, Council meeting, City Council requested further discussion regarding the reporting of verbal discussions and processing requests of City Council during the next City Council meeting. City Council also requested to discuss Staff's suggestions of the "Q&A Process" presented before City Council during the May 1, 2017 special City Council meeting.

For the Q&A Process, after each Council Meeting Agenda was posted, Council members would often have questions regarding some of the items posted. The Q&A Process would allow Council to post questions to City Staff after distribution of the preliminary agenda packet (approximately 6 business days prior to each City Council meeting).

Staff's intent for the Q&A Process was to provide the cover letter and all back-up material, if available, with the preliminary agenda. Questions are then received from City Council by 4:00 p.m. the Wednesday before the Council Meeting to the City Secretary's Office. This would allow for responses to be made two days later on Friday, before 5:00 p.m., which is the official posting date.

BUDGET ANALYSIS

No financial impact.

SUPPORTING MATERIALS

1. May 1, 2017 Special Meeting Minutes
2. May 1, 2017 Special City Council Meeting – Agenda Item 2c Packet Information

STAFF'S RECOMMENDATION

Consider and discuss administrative procedures for City Council appointees for reporting verbal discussions and processing requests of City Council; and, direct staff accordingly.

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



YOLANDA FORD
Councilmember District A

DON SMITH
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Mayor Pro Tem
Councilmember District D

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, May 1, 2017**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Owen called the meeting to order at 6:00 p.m.

Those also present: Mayor Pro Tem Emery, Councilmembers Wyatt, Preston, and Maroulis; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Director of Financial Services Atmore, Director of Communications Walker, Director of Municipal Court Rychlik, Assistant Fire Chief Johnson, Deputy Court Clerk Whitsey, and Media Relations Specialist Stottlemeyer. Also present: Frank Hester. Councilmember Ford arrived at 6:16 p.m. Absent: Councilmember Smith.

2. DISCUSSION/POSSIBLE ACTION

(a) Discussion on municipal court judges, including judicial roles, compensation, and technology.

City Attorney Iyamu presented judicial compensation and technology. Director of Municipal Court Rychlik discussed court technology. She adds recommendations for possible implementations would be brought forth for consideration on a later date.

(b) Discussion on municipal courts of record.

City Attorney Iyamu defined a municipal court of record. She adds most courts become municipal courts of record to address a high number of appeals. The City currently has less than 1% of cases appealed in 2015 and 2016. City Attorney Iyamu concludes by summarizing the next steps.

(c) Discussion on the new agenda packet process.

City Manager Snipes stated the proposed new agenda process was recommended to address questions City Councilmembers may have regarding agenda packet background material. City Secretary Jackson presented the Question and Answer Process and proposed new timeline. Mayor Owen and Councilmember Wyatt recommended not to move forward with the Question and Answer Process. City Council agreed to an earlier release of the preliminary agenda packet.

3. CLOSED EXECUTIVE SESSION

After proper notice given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:35 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 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 Texas Open Meetings Act: Penal Code Section 39.06.

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: Creekmont Community Association, Inc. and Rena Marshall vs. Allen Owen, in his official capacity as Mayor of the City of Missouri City, Texas, and Maria Jackson, in her official capacity as City Secretary (Harris County Cause No. 2017-05988 in the 125th Judicial District Court of Harris County, Texas).

4. RECONVENE

At 7:00 p.m., Council reconvened into open session. No action was taken.

5. ADJOURN

The special City Council meeting adjourned at 7:00 p.m.



Allen Owen, Mayor

ATTEST:



Maria Jackson, City Secretary





**CITY COUNCIL
AGENDA ITEM COVER MEMO**

May 1, 2017

To: Mayor and City Council
Agenda Item: 2c Discussion on the new agenda packet process.
Submitted by: Anthony Snipes, City Manager
Maria Jackson, City Secretary

SYNOPSIS

Discussion on the new agenda packet process.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Develop a high performing City team

BACKGROUND

After each Council Meeting Agenda is posted, Council members will often have questions regarding some of the items posted. The Question and Answer Process (Q&A Process) will allow Council to post questions to City Staff after distribution of the preliminary agenda packet (approximately 6 business days prior to each City Council meeting).

Staff's intent is to provide the cover letter and all back-up material, if available, during the posting of the preliminary agenda. Questions are requested from City Council by 4:00 p.m. the Wednesday before the Council Meeting to the City Secretary's Office. This will allow for responses to be made two days later on Friday, before 5:00 p.m., which is the official posting date.

BUDGET ANALYSIS

Not applicable.

SUPPORTING MATERIALS

1. City Council Agenda Items Question & Answer Process
2. 2017 Master City Council Planning Calendar

STAFF'S RECOMMENDATION

Discuss the new agenda packet process.

Director Approval: Maria Jackson, City Secretary

City Manager Approval: Anthony Snipes, City Manager



CITY COUNCIL AGENDA ITEMS QUESTION & ANSWER PROCESS

QUESTION AND ANSWER PROCESS

After each Council Meeting Agenda is posted, Council members will often have questions regarding some of the items posted. The Question and Answer Process (Q&A Process) will allow Council to post questions to City Staff after distribution of the preliminary agenda packet (approximately 6 business days prior to each City Council meeting).

Staff's intent is to provide the cover letter and all back-up material, if available, during the posting of the preliminary agenda. Questions from Council are due to the City Secretary's Office by 4:00 p.m. the Wednesday before the Council Meeting. This will allow for responses to be made two days later on Friday, before 5:00 p.m., which is the official posting date.

CITY SECRETARY'S OFFICE ROLE

The City Secretary's Office role will be as follows:

1. Receive all questions from Councilmembers;
2. Post questions to City Staff members with a response deadline;
3. Distribute all preliminary agenda packet questions to Council before 5:00 p.m. the Wednesday before the Council meeting by email and by placement in corresponding agenda packet Dropbox folder; and,
4. Release City Staff's response to all questions to Council before 5:00 p.m. the Friday before each City Council meeting.

NOTIFICATION

Once City Council has been informed of the questions, the appropriate City Staff member will be contacted for a response. The appropriate City Staff member to be contacted for a response may be found by accessing the agenda item cover memo. The memo includes the name of the responsible person leading discussion of the Council agenda item. Those point person(s) will receive a notification email regarding Council questions. If they are not listed, Department Directors, Executive Assistants, Office Managers, and the corresponding Assistant City Manager (ACM) should be copied on the question notification.

The notification email lets City Staff members know a question has been submitted for their response and will include the agenda item meeting date, agenda item number and, if possible, the posting language. The notification email will also include a deadline for the response.

All responses need to be approved by the corresponding departments ACM. The City Secretary or her designee enters responses into the "City Council Q&A" Dropbox folder as they are received.

COMPILING & DISTRIBUTION

The City Secretary's Office will compile responses to the Q&A Report template as responses are received. Staff will then compile and submit the Q&A Report in its final form before 5:00 p.m. on the Friday before the Council meeting. If staff responses to some questions remain outstanding, another report will be distributed once the outstanding staff responses have been submitted.

City Council and the City Manager's Office will receive a copy of the Q&A Report upon completion.

RETENTION

A copy of the final Q&A Report will be placed in the "City Council Q&A" Dropbox folder by corresponding meeting date. The same report will be attached to a Q&A distribution email. The City Secretary's Office will retain all reports in Questys, the City's records management software.

TEXAS PUBLIC INFORMATION ACT NOTIFICATION

Members of the public will be allowed access to the Q&A Report from the City Secretary's Office upon receipt of a public information request.

TEXAS OPEN MEETINGS ACT NOTIFICATION

Discussion of the Q&A Report in numbers constituting a quorum is a violation of the Texas Open Meetings Act. The Act defines "quorum" as a majority of the governing body.

CITY OF MISSOURI CITY 2017 (revised 4/2017)

Master City Council Planning Calendar

April 2017						
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STAFF HOLIDAYS	
January 2, 2017	Day After New Year's Day
January 16, 2017	Martin Luther King Day
April 14, 2017	Good Friday
May 29, 2017	Memorial Day
July 4, 2017	Independence Day
September 4, 2017	Labor Day
November 23, 2017	Thanksgiving Day
November 24, 2017	Friday after Thanksgiving Day
December 22, 2017	Christmas Eve
December 25, 2017	Christmas Day

LEGEND	
	City Council Meeting
	Agenda Planning Meeting w/ 30-60-90 agenda calendar submissions @ 9:00 a.m. (Council Conference Room - MANDATORY LEADERSHIP TEAM OR DEPT. REPRESENTATIVE MEETING)
	Deadline for all agenda item background material (approx. 8 business days prior to a City Council Mtg)
	Preliminary Agenda Packet to City Council @ 5:00 p.m. (approx. 6 business days prior to a City Council Mtg)
	City Council Agenda Packet Question Submission Period to City Secretary (Saturday to Wednesday)
	City Manager's Office/Finance/City Attorney/City Secretary meet & review the packet (approx. 5 business days prior to a City Council mtg)
	Agenda Posted to the Web; and, Agenda Packet Responses Released to City Council @ 4:00 p.m. (1 business day prior to a City Council mtg)



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

May 6, 2019

To: Mayor and City Council
Agenda Item: 2(d) Designation of special counsel
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

On April 15, 2019, staff advised the City Council of the City of Missouri City (the “City”) of a lawsuit that had been filed against the City, *Ivy Kenneth Joy L. Miraflor 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* (“Miraflor”). As of April 30, 2019, the appropriate City officials had not been served. Because this matter may eventually cost more than \$50,000 to defend, this item provides for Council consideration to designate special counsel to oversee the Miraflor lawsuit.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Develop a High Performing City Team
- Have Quality Development through Buildout

BACKGROUND

On November 19, 2018, and December 3, 2018, the City Council postponed a zoning request in the Vicksburg neighborhood to rezone a 5.19-acre tract of land from R-1-A single family residential district to PD Planned Development District to allow for the development of a child care facility and certain commercial uses. On December 17, 2018, the zoning request failed to be approved in a 0-7 vote by the City Council. The owners of that property have filed the Miraflor lawsuit against the City.

The City’s risk pool, the Texas Municipal League Insurance Risk Pool (“TMLIRP”), has denied the City’s request to cover this matter on the basis that, per the City’s policy with TMLIRP, claims for injunctive relief and inverse condemnation relief are not covered by the policy. In matters such as this, the city attorney’s office has historically sought outside counsel.

John Hightower of Olson and Olson most recently represented the City in a zoning litigation matter that concluded with a petition to dismiss that matter. Mr. Hightower is recommended for this matter because of his expertise in municipal law and zoning and because of the existing contract the City has with his firm, which will make him readily available to the City once the appropriate officials are served (decreases the time it would take to negotiate a new contract with a different firm). Mr. Hightower is a former section chief and assistant city attorney for the City of Houston. His biography is included in the background information for this item.

BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
General Gov’t	101-10-104-53004	N/A	\$60,860	\$46,221	To be determined

SUPPORTING MATERIALS

1. Original Petition
2. Biography for John Hightower
3. Zoning matters handled by John Hightower

STAFF'S RECOMMENDATION

Staff recommends that the City Council designate John Hightower as special counsel for the Miraflor lawsuit prior to receiving service.

CAUSE NO. _____

IVY KENNETH JOY L. MIRAFLOR,
AND JOSEFINA P. SERRANO,
Plaintiffs,

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IN THE DISTRICT COURT OF

V.

THE CITY OF MISSOURI CITY,
TEXAS, AND YOLANDA FORD, IN HER
OFFICIAL CAPACITY AS MAYOR
OF THE CITY OF MISSOURI CITY,
TEXAS,
Defendants.

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION FOR WRIT OF MANDAMUS; APPLICATION FOR TEMPORARY RESTRAINING ORDER, APPLICATION FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF; AND INVERSE CONDEMNATION

Plaintiffs, Ivy Kenneth Joy L. Miraflor and Josefina P. Serrano ("Plaintiffs"), files this original petition for writ of mandamus; application for temporary restraining order; applications for temporary and permanent injunctive relief; and inverse condemnation against the City of Missouri City, Texas ("Missouri City") and Yolanda Ford in her official capacity as Mayor of Missouri City, Texas ("Mayor") (Missouri City and Mayor collectively "Defendants"), and alleges as follows:

I. DISCOVERY-CONTROL PLAN

1. Plaintiffs intend to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because they seek injunctive relief.

II. CLAIM FOR RELIEF

2. Plaintiffs seek monetary relief over \$200,000 but not more than \$1,000,000 and nonmonetary relief. TEX. R. CIV. P. 47(c)(4).

III. PARTIES

3. Plaintiffs are individuals who may be served at 3918 Town Park Lane, Missouri City, Texas 77459.

4. The City of Missouri City, Texas is a home rule city located in Harris County, Texas with its City Hall located at 1522 Texas Pkwy, Missouri City, Texas 77489.

5. Defendant Yolanda Ford, in her Official Capacity as Mayor of the City of Missouri City, Texas, may be served at 1522 Texas Pkwy, Missouri City, Texas 77489.

IV. JURISDICTION AND VENUE

6. The Court has jurisdiction of this case under Article V, Section 8 of the Texas Constitution.

7. Venue is proper in Harris County, Texas, under Section 15.002(a)(1) of the Texas Civil Practice & Remedies Code because Missouri City, Texas is located and exists in Harris County, Texas.

8. Plaintiffs assert that no governmental immunity exists for Defendants in this lawsuit. The officers have been sued in their official capacities for ultra vires acts. As explained in City of El Paso v. Heinrich, 284 S.W.3d 366, 369-76 (Tex. 2009), the ultra vires exception allows a plaintiff to sue the state official in his official capacity, thereby binding the state though its agent, for prospective injunctive and/or declaratory relief to restrain the official from violating statutory or constitutional provisions. The current matter is not barred by sovereign and/or governmental immunity because the acts of the municipal officials that are not lawfully authorized are not considered to be acts of the State. Thus, the remedy of compelling such officials to comply with the law, while binding on the State, does not attempt to exert control over the State, but instead attempts to reassert the control of the State. Additionally, jurisdiction rests with the Court because

regulatory takings, often termed “inverse condemnation claims,” are similarly exempt from sovereign immunity. The doctrine of inverse condemnation embodies the premise that “when regulation of private property ‘reaches a certain magnitude . . . there must be an exercise of eminent domain and compensation to sustain the act.” City of Houston v. Carlson, 451 S.W.3d 828, 831 (Tex. 2014), *reh’g denied* (Jan. 30, 2015).

V. FACTS

9. On April 17, 2018 Plaintiffs acquired a 5.1913-acre parcel of undeveloped real property located in the City of Missouri City, Texas as more fully described in that certain Warranty Deed with Vendor’s Lien recorded under Document Number 2018039977 of the Official Public Records of Fort Bend County, Texas (the “Property”).

10. Thereafter, Plaintiffs submitted an application to Missouri City’s Planning and Zoning Commission (the “P&Z Commission”) to rezone the Property from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized retail uses, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom (the “Initial Rezoning Application”).

11. The Initial Rezoning Application was presented at the July 11, 2018 meeting of the P&Z Commission and Plaintiffs failed to obtain a favorable recommendation to the City Council of Missouri City (the “City Council”).

12. Plaintiffs revised their rezoning application for the Property to the P&Z Commission by incorporating the suggestions from the commission into a new rezoning application (the “New Rezoning Application”).

13. The New Rezoning Application was presented at the October 10, 2018 meeting of the P&Z Commission. After their Staff recommended approval to the P&Z Commission, Plaintiffs obtained a favorable recommendation from the P&Z Commission for subsequent approval by the City Council.

14. The City Council set the New Rezoning Application for a first reading and public hearing at the November 19, 2018 meeting of the City Council. At the City Council November 19, 2018 meeting action on the New Zoning Application was postponed.

15. The City Council reset the New Rezoning Application for a first reading and public hearing at the December 3, 2018 meeting of the City Council.

16. At the December 3, 2018 meeting of the City Council, Planning Manager Gomez presented on an application submitted to provide development and design standards for a multiple phase, mixed use development. Gomez noted there were two additional support letters included in the packet. City Attorney, E. Joyce Iyamu, added that a super majority vote by City Council would not be required (*See* written and approved Minutes of the December 3, 2018 meeting of the City Council) (emphasis added).

17. At the December 3, 2018 City Council meeting, then Mayor Allen Owen stated that (i) the approval of the P&Z Commission of the New Rezoning Application establishes that Plaintiffs' planned use of the Property was an appropriate use; and (ii) due to that factor, the City Council ran the risk that Plaintiffs may sue the City Council for disapproving the New Rezoning Application thereafter (*See*: Minute 57 of the video recording of the December 3, 2018 City Council meeting).

18. After the public hearing on the New Rezoning Application closed, the City Council considered holding a fourth public meeting to discuss the New Rezoning Application on December

10, 2018. Then Mayor Allen Owen stated that a yes vote on the New Rezoning Application would be needed to hold the fourth public meeting on December 10, 2018 and several members of the audience voiced disapproval of the upvote in utterances not discernable on the video nor noted in the minutes.

19. Thereafter, the City Council set a fourth public meeting on the New Zoning Application for December 10, 2018; and postponed its first reading before the City Council until December 17, 2018.

20. The Fort Bend County Central Appraisal District (“FBCAD”) appraised the Property as Commercial, and the Fort Bend County Tax Assessor/Collector collected taxes on behalf of and paid the appropriate taxes collected to Missouri City from 2009 through 2013; and from 2017 to the present.

21. Plaintiffs paid taxes to Missouri City for the Property based on the FBCAD’s appraisal of the Property for commercial use, and the commercial appraisal benefited the tax rolls of Missouri City.

VI. CAUSES OF ACTION

A. Writ of Mandamus

22. Texas law authorizes mandamus relief to compel a public official or body to either perform a ministerial duty or to correct a clear abuse of discretion. Bd. of Trustees of Houston Firefighters' Relief v. City of Houston, 2015 WL 464232, at *3 (Tex. App.—Houston [1st Dist.] Jan. 27, 2015) (citing Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992)).

23. Both the State of Texas and the City of Missouri City, Texas, have promulgated standards governing amendments, supplements, or changes to existing zoning boundaries and

zoning districts. Compliance with these statutory and regulatory provisions delineate a duty to be performed by Defendants with sufficient certainty that nothing is left to the exercise of discretion.

24. Notwithstanding the zoning map designation of the Property as R-1-A residential, the higher appraisal of the Property by FBCAD results in higher taxes paid by Plaintiffs to Missouri City. Thus, Missouri City has benefitted from the deemed commercial classification of the Property by the FBCAD (a County governmental entity) on the one hand, but the City Council denied the Plaintiffs from using the Property for commercial purposes.

25. Missouri City accepted the benefit due to Fort Bend County's classification of the Property as a commercial tract of land; and accepted the increased taxes for the Property (due to its commercial classification) which was assessed and collected by Fort Bend County on behalf of Missouri City for tax years 2009 through 2013 and tax years 2017 until the present.

26. The Plaintiffs' zoning change (i) was approved by the P&Z Commission staff, (ii) was given a positive recommendation by the P&Z Commission; (iii) was thereafter deemed an appropriate use by then Mayor Allan Owen at the December 3, 2018 meeting of the City Council, and (iv) then Mayor Allen Owen warned the City Council that it risked a lawsuit if the City Council denied Plaintiff's New Zoning Application.

27. Plaintiffs seek to compel Defendants to take appropriate action to approve the New Zoning Application in accordance with Missouri City's years of acceptance of the Property for commercial development. In the alternative, Plaintiffs respectfully request that this court issue a writ compelling Defendants to take the appropriate action that would approve the New Zoning Application accordingly.

28. Mandamus relief is appropriate because there is no other adequate remedy available to correct the Defendants acceptance of the Property for commercial development.

**B. Application for Temporary Restraining Order, Preliminary and
Permanent Injunctive Relief**

29. There is a substantial likelihood that Plaintiffs will prevail on the merits of their request for Writ of Mandamus on Defendants. Further, Defendants' acceptance of increased taxes for the benefit of Missouri City while concurrently restricting the Property to residential use due to Missouri City's incongruous zoning map residential restrictions results in Plaintiffs continuing to suffer financial losses due to acquisition of the Property through third party financing and Plaintiffs continued payment to such lender monthly since acquiring the Property in April of 2018.

30. The public interest would be best served by the issuance of the injunctive relief Plaintiffs seek because the obligation breached by Defendants are destructive to everyday property and civil rights.

31. When the applicant is entitled to a writ of injunction under the principles of equity and the laws of Texas relating to injunctions. TEXAS CIVIL PRACTICE AND REMEDIES CODE §65.011(3); see Butnaru v. Ford Motor Co., 84 S.W.3d 198, 210 (Tex.2002). When irreparable injury to real or personal property is threatened, irrespective of any remedy at law. TEXAS CIVIL PRACTICE AND REMEDIES CODE §65.011(5); TEXAS PROPERTY CODE Section 21.046(a). An applicant seeking to prevent irreparable injury to real or personal property does not have to prove there is no adequate remedy at law. TEXAS CIVIL PRACTICE AND REMEDIES CODE §65.011(5).

32. Plaintiff's application for a temporary restraining order is authorized by when irreparable injury to real or personal property is threatened, irrespective of any remedy at law. TEXAS CIVIL PRACTICE AND REMEDIES CODE §65.011(5).

33. Plaintiff has no adequate remedy at law because the City is a municipality established by the Texas legislature and governed by the Texas Local government code.

C. Request for Temporary Injunction

34. The application for a TRO must include a request for a temporary injunction. *See* TEX. R. CIV. P. Rule 680.

35. Plaintiff asks the Court to set their application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Defendants.

D. Request for Permanent Injunction

36. Plaintiff asks the Court to set their request for a permanent injunction for a full trial on the merits and, after the trial, issue a permanent injunction against Defendants.

E. Inverse Condemnation

37. Alternatively, Plaintiffs assert that Defendants' actions proximately deprived Plaintiffs of significant value of the Property.

38. To establish inverse condemnation, the claimant must prove: (1) a governmental entity intentionally performed certain acts, (2) that resulted in a taking or damaging or destruction of property (3) for public use. Dallas, Garland & Ne. R.R. v. Hunt County, 195 S.W.3d 818, 821 (Tex. App.— Dallas 2006, no pet.). The City Council rejected Plaintiffs' New Rezoning Application. The City Council's rejection of the New Zoning Application greatly reduced the value of the Property to a fraction of its worth for commercial use. The City Council accepted requests from nearby residents to keep the Property vacant of any improvements or for the neighbors to acquire the Property for use as a community clubhouse when the City Council voted in agreement with those property owners at the December 17, 2018 City Council Meeting which in effect restricted the Property for public use.

39. Regulatory action short of physical confiscation or invasion may also result in a taking. Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency, 535 U.S. 302 (2002),

322. A regulatory takings claim is a type of inverse condemnation claim. Edwards Aquifer Auth. v. Bragg, 421 S.W.3d 118, 134 (Tex. App.—San Antonio 2013, *pet. denied*) (*op. on reh'g*).

40. As a general example, the application of a general zoning law to a particular property constitutes a regulatory taking if the ordinance “does not substantially advance legitimate state interests” or it denies an owner all “economically viable use of his land.” Mayhew v. Town of Sunnyvale, 964 S.W.2d 922, 933 (Tex. 1998) (citing Agins v. City of Tiburon, 447 U.S. 255, 260 (1980)).

41. Regardless, even if a regulation substantially advances a legitimate governmental interest, the takings analysis has an alternative prong. A compensable regulatory taking can also occur when governmental agencies impose restrictions that either (1) deny landowners of all economically viable use of their property, or (2) unreasonably interfere with landowners' rights to use and enjoy their property. Mayhew v. Town of Sunnyvale, 964 S.W.2d 922, 934 (Tex. 1998). Even if a governmental regulation has not completely destroyed or removed the property's value, a taking occurs if the governmental action unreasonably interferes with the owner's rights to use and enjoy his property. Mayhew 964 S.W.2d at 935.

42. Texas courts have adopted a liberal view concerning what is a public use. Dyer v. Texas Elec. Serv. Co., 680 S.W.2d 883, 884–85 (Tex. App.—El Paso 1984, writ ref'd n.r.e.). Whether or not a governmental taking is incident to a public use depends upon the character, and not the extent of such use. Housing Auth. of Dallas v. Higginbotham, 143 S.W.2d 79, 84 (Tex. 1940). The critical factor is the right the public has to such use and not the extent to which the public may exercise the right. Higginbotham, 143 S.W.2d at 84. The number of people who avail themselves of the public benefit is immaterial so long as the benefit is open to all who choose to use it. Bowles v. Clipp, 920 S.W.2d 752, 756 (Tex. App.—Dallas 1996, writ denied).

43. A landowner may have a common-law cause of action for inverse condemnation if the value or usage of its property is damaged by a state actor. An inverse condemnation can take many forms, and whether the government or entity's actions are sufficient to constitute a such a taking is a question of law. Texas Parks and Wildlife Dept. v. Sawyer Trust, 354 S.W.3d 384, 390 (Tex. 2011).

44. Claims for takings of property are a subset of constitutional violations, but they are in a class by themselves because such claims permit a remedy that is typically foreclosed with regard to other constitutional violations: money damages. The Texas Supreme Court has repeatedly recognized that, under the Texas Constitution, money damages are available when the government intentionally takes, damages, or destroys property. *See, e.g., Steele v. City of Houston*, 603 S.W.2d 786, 791 (Tex. 1980).

45. A takings claim requires the plaintiff to plead and prove that (1) the government knew that a specific intentional act is causing identifiable harm or that the harm is substantially likely to result to property in which a plaintiff has a vested interest; (2) the act caused the nonconsensual taking; and (3) the taking was for public use. City of Tyler v. Likes, 962 S.W.2d 489, 505 (Tex. 1997).

46. Regulatory takings, often termed "inverse condemnation claims," are similarly exempt from sovereign immunity. The doctrine embodies the premise that "when regulation of private property reaches a certain magnitude . . . there must be an exercise of eminent domain and compensation to sustain the act." City of Houston v. Carlson, 451 S.W.3d 828, 831 (Tex. 2014), *reh'g denied* (Jan. 30, 2015)

47. Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992). established the second *per se* rule that a governmental regulation which deprives a tract of all economically viable

use automatically constitutes a taking. Justice Scalia held that the injury to the landowner required compensation, regardless of the importance and value of the governmental action. *Id.* at 1019.

48. In City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687 (1999) the Court upheld a jury finding that a taking occurred on the grounds that the City's denials of the developer's permit applications deprived the property of all economically beneficial use.

49. Governmental restrictions on use of property may be so burdensome that they result in a compensable "taking." Trail Enterprises v. City of Houston, Trail Enterprises Inc. v. City of Houston, 957 S.W.2d 625 (Tex.App.—Houston [14 Dist.] 1997) (*reh. denied; pet. refused*).

50. Denial of rezoning in light of the issues, facts, and supporting law in this case renders the Property useless for Plaintiffs' planned commercial development, significantly reducing the value of the Property from the sum paid by Plaintiffs to acquire the Property, and results in the loss of significant pursuit costs expended by Plaintiffs to submit and resubmit their application for PD zoning as preparation and presentations at each of four public hearings on the New Zoning Application before the City Council.

VII. CONDITIONS PRECEDENT

51. All conditions precedent to plaintiff's claim for relief have been performed or have occurred.

VIII. REQUEST FOR DISCLOSURE

52. Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

IX. OBJECTION TO ASSOCIATE JUDGE

53. Plaintiffs object to the referral of this case to an associate judge for hearing a trial

on the merits or presiding at a jury trial.

X. PRAYER

54. For these reasons, Plaintiff ask that Defendants be cited to appear and answer and, on final trial, that Plaintiffs be awarded a judgment against Defendants for the following:

- a. Writ of Mandamus.
- b. Temporary restraining order.
- c. Temporary injunction.
- d. Permanent injunction.
- e. Actual damages to compensate for inverse condemnation.
- f. Prejudgment and postjudgment interest.
- g. Court costs.
- h. All other relief to which Plaintiffs are entitled.

Respectfully submitted,

/s/ Alex R. Hernandez, Jr. /s/

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ATTORNEYS FOR PLAINTIFFS

Unofficial Copy Office of Marilyn Burgess District Clerk

John J. Hightower, Senior Counsel¹

Career Highlights

John J. Hightower is one of the most experienced local government lawyers at Olson & Olson. After graduating with honors from the University of Texas Law School in 1978, John joined the City of Houston's Legal Department where he began his career as an Assistant City Attorney. During his 13 year career at the City Legal Department, John served in a variety of position including as Chief of the Litigation Section from 1987 to 1991. He joined Olson & Olson in 1991 where he served as Managing Partner from 2012 to 2017.

Throughout his career, John has spoken on local government law and litigation issues at educational programs sponsored by a number of legal and local government organizations, including the International Municipal Lawyers Association, the Texas City Attorneys Association, the Texas Municipal League, the State Bar of Texas, the University of Texas, the Center for American and International Law, and the Public Risk Management Association.

Education

Doctor of Jurisprudence

University of Texas School of Law, Austin, with honors, 1978

Bachelor of Science (Political Science)

University of Houston, 1975

Bar Admissions

State Bar of Texas

Supreme Court of the United States

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Federal Claims

U.S. District Courts:

Southern District of Texas

Eastern District of Texas

Northern District of Texas

Professional Legal Experience

Olson & Olson, LLP | Houston, Texas | 2018 – present | Senior Counsel

Olson & Olson, LLP | Houston, Texas | 2012 – 2017 | Managing Partner

¹ Mr. Hightower's full professional biography is available at <http://www.olsonllp.com/lawyers/john-j-hightower/>.

Olson & Olson, LLP | Houston, Texas | 1996 – 2012 | Partner
Olson & Olson, LLP | Houston, Texas | 1991 – 1996 | Attorney
City of Houston | Houston, Texas | 1987 – 1991 | Section Chief, Litigation Section
City of Houston | Houston, Texas | 1984 – 1987 | Section Chief, Corporate Section
City of Houston | Houston, Texas | 1978 – 1984 | Assistant City Attorney

Concentration

John Hightower currently serves as Senior Counsel at Olson & Olson, where he handles a docket of administrative and regulatory law, contract law, civil rights matters, takings/inverse condemnation law, state and federal constitutional law, as well as general municipal law. He represents cities, counties, special districts, and other local government entities and public officials across the State of Texas. During his 40 years in practice, John has defended local governments and their officials in cases involving regulatory takings, zoning and subdivision regulation disputes, elections, police shootings, police pursuits, jail suicides, emergency vehicle accidents, first amendment and whistleblower claims, challenges to local regulations, construction accidents, and a myriad of other local government issues.

Articles, Publications, Presentations

- *Removal and Remand: The Games We Play*, presented at Texas Bar CLE, Suing and Defending Governmental Entities, July 22, 2011, Austin, Texas
- *Liability Risks Associated with Borrowed Employees*, presented to Texas Municipal League Intergovernmental Risk Pool, 2009 Attorney Workshop, August 14, 2009, Austin, Texas
- *Individual Liability Issues for Public Officials Involved in Land Use Regulation*, presented to The Center for American and International Law, Short Course on Planning & Zoning, June 30, 2008, Plano, Texas
- *Fair Housing Issues*, presented to the University of Texas School of Law, 12th Annual Land Use Conference, March 7, 2008, Austin, Texas
- *Selected Issues in Land Use Litigation*, presented through Lorman Educational Services, Seminar on Plat and Subdivision Law in Texas, August 2, 2007
- *Removal and Remand: Taking the Initiative*, presented to Texas Municipal League Intergovernmental Risk Pool, 14th Annual Workshop for Attorneys, August 13, 2004, Austin, Texas
- *Removal and Remand, the Defendant's Choice of Forum*, presented at Texas Bar CLE, Suing and Defending Governmental Entities, July 22, 2004, Galveston, Texas
- *Municipal Liability for Damages Arising From Sanitary Sewer Backups*, presented to Texas Municipal League Intergovernmental Risk Pool, 13th Annual Workshop for Attorneys, August 22, 2003, Association of Defense Counsel, Austin, Texas
- *Substandard Housing: Cleaning Up Our Communities to Keep Property Values High*, presented to Clear Lake Area Council of Cities, October 25, 2002, Shore Acres, Texas

Memberships & Associations

- American Bar Association – Section of Litigation; Section of Urban, State, & Local Government, State Bar of Texas – Litigation Section, Texas City Attorneys Association, Defense Research Institute, Houston Bar Association, and International Municipal Lawyers Association



April 16, 2019

Via email: EJiyamu@missouricitytx.gov

E. Joyce Iyamu
City Attorney
City of Missouri City
1522 Texas Pkwy.
Missouri City, TX 77489

Re: Legal experience in representing cities in zoning and takings cases

Dear Ms. Iyamu,

At your request, I have compiled the following partial list of zoning and regulatory taking cases I have handled for cities.

City of Houston v. Trail Enterprises, Inc., 377 S.W.3d 873 (Tex. App.—Houston [14th Dist.] 2012, pet. denied). This case involved claims that the City of Houston's restriction on oil well drilling near Lake Houston constituted a regulatory taking. We took over the handling of this case after a jury trial that would have resulted in a judgment against the City for approximately \$36 million. On August 9, 2012, the court of appeals overturned the trial judgment and ordered the court to enter a take nothing judgment in the City's favor. We then successfully defended that result in appeals to the Texas Supreme Court and the United States Supreme Court. The Texas Supreme Court denied Trail Enterprises' Petition for Review on October 18, 2013 and denied its motion for rehearing on February 14, 2014. The United States Supreme Court denied Trail Enterprises' Petition for a Writ of Certiorari on October 6, 2014.

Boys Harbor v. City of Morgan's Point, This case involved claims that the City of Morgan's Point's refusal to rezone property from residential to commercial was a taking. We assisted the City in negotiating and completing a settlement of the claims in this case. An order of nonsuit was entered on May 11, 2015.

Howeth Investments, Inc. v. City of Hedwig Vill., 259 S.W.3d 877 (Tex. App.—Houston [1st Dist.] 2008, pet. denied). This case involved claims that the City of Hedwig Village’s failure to allow the subdivision of two residential lots into four lots constituted a regulatory taking. We represented the City in the trial court and in multiple appeals. After a bench trial, in which the Court ruled for the City, we successfully defended that decision in appeals to the court of appeals and Texas Supreme Court. The court of appeals entered judgment in favor of the City on April 17, 2008, and the Texas Supreme Court denied Howeth Investment’s Petition for Review on November 21, 2008.

Jones Road Holding v. City of Jersey Village and *Jones Road Project v. City of Jersey Village*. These cases involved claims that the City’s refusal to rezone property constituted a regulatory taking. We assisted the City in negotiating and completing a settlement of the claims in these two related cases. Orders of nonsuit were entered on October 25, 2017 and August 8, 2018.

Benchmark v City of Sugar Land. This case involved claims that the City of Sugar Land’s refusal to rezone property from one residential category to another constituted a regulatory taking. This case is currently pending in the Fort Bend County District Court.

Riner v. City of Hunters Creek, 403 S.W.3d 919 (Tex. App.—Houston [14th Dist.] 2013, no pet.). This case involved a challenge to the denial of an application to subdivide one residential lot into three lots. We represented the City in the trial court and on appeal. The trial court granted the City’s motion to dismiss the plaintiff’s claims on March 15, 2012, and we successfully defended that decision on appeal to the court of appeals. The court of appeals entered judgment in favor of the City on June 20, 2013.

Creekmont v. Missouri City. This case involved a dispute over whether a vote to approve a rezoning ordinance was legally effective. We assisted the City in negotiating and completing a settlement of the claims in this case. An order of nonsuit was entered on November 29, 2018.

Tradebe v. La Porte. This case involves a dispute over whether a particular activity is permitted under the City's zoning ordinance. This case is currently pending in the U.S. District Court for the Southern District of Texas.

City of La Marque v. Braskey, 216 S.W.3d 861 (Tex. App.—Houston [1st Dist.] 2007, pet. denied). This case involved a claim challenged a city ordinance regulating the number of cats or dogs that could be kept a single location. We represented the City in the trial court and on appeal. After the trial court denied our motion to dismiss the case, we filed an appeal with the court of appeals which ruled in the City's favor and ordered the case dismissed on January 4, 2007.

Vill. of Tiki Island v. Premier Tierra Holdings, Inc., 464 S.W.3d 435 (Tex. App.—Houston [14th Dist.] 2015, no pet.). This case involves a challenge to the city's actions in denying a subdivision plat application. We handled this case at the trial court and on appeal. After the trial court denied our motion to dismiss the case, we filed an appeal with the court of appeals which ruled in the City's favor and ordered the case dismissed on March 24, 2015. A related case is still pending.

Jones v. City of Hitchcock, 01-02-00676-CV, 2003 WL 1889444 (Tex. App.—Houston [1st Dist.] Apr. 17, 2003, pet. denied). This case involved a constitutional challenge to a city ordinance regulating RV parks. We handled this case at the trial court and on appeal. The trial court granted summary judgment for the City and we successfully defended that result at the court of appeals. The court of appeals issued a memorandum opinion affirming the trial court's judgment on April 17, 2003.

APTBP, LLC v. City of Baytown, 14-17-00183-CV, 2018 WL 4427403, at *1 (Tex. App.—Houston [14th Dist.] Sept. 18, 2018, no pet.). This case involved a claim that the enforcement of the city's apartments ordinance constituted a taking. We handled this case at the trial court and on appeal. The trial court granted our plea to jurisdiction for the City and we successfully defended that result at the court of appeals. The court of appeals entered judgment in favor of the City on September 18, 2018.

Ms. E. Joyce Iyamu
April 16, 2019
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Sincerely,

OLSON & OLSON, L.L.P.

/s/ John J. Hightower

John J. Hightower



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

May 6, 2019

To: Mayor and City Council
Agenda Item: 2(e) Consider and discuss interview questions for board, committee, and commission members.
Submitted by: Maria Jackson, City Secretary

SYNOPSIS

Councilmember Edwards requested that City Council consider and discuss interview questions for board, committee, and commission members.

BACKGROUND

During the April 15, 2019, special City Council meeting, Council moved to interview all the board, committee and commission members whose term would expire on June 30, 2019 and new candidates, on a voluntary basis. Council also moved to bring two questions per Councilmember to the interviews.

Councilmember Edwards requested that Council further discuss the process of how questions would be addressed during the interviews so that repetitive questions would be avoided.

BUDGET ANALYSIS

No financial impact.

SUPPORTING MATERIALS

None

STAFF'S RECOMMENDATION

Consider and discuss interview questions for board, committee, and commission members.