

ROBIN J. ELACKATT
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

LYNN CLOUSER
Councilmember at Large Position No. 2



CHERYL STERLING
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Mayor Pro Tem
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, April 19, 2021, 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.

NOTICE REGARDING PUBLIC PARTICIPATION

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

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

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

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

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

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

1. CALL TO ORDER

2. 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 provision of the Government Code:

- (a) **Texas Government Code, Section 551.071** – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: (i) civil

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

- (b) **Texas Government Code, Section 551.074** – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: the City Manager, City Attorney, and City Secretary.

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

4. **DISCUSSION/POSSIBLE ACTION**

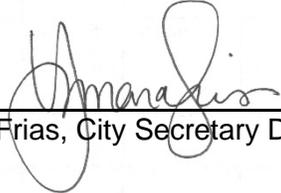
- (a) Discuss returning to in-person City Council meetings. *(Proposed presenter: Assistant City Manager Bill Atkinson)*
- (b) Discuss the selection of the City's newspaper of record. *(Proposed presenter: Purchasing/Risk Manager Shannon Pleasant)*

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 Michael Tubbs, Facilities and Fleet Manager, at 281.403.8500.

CERTIFICATION

I certify that a copy of the April 19, 2021, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on April 15, 2021, at 4:00 p.m.



Yomara Frias, City Secretary Department



CITY COUNCIL AGENDA ITEM COVER MEMO

April 19, 2021

To: Mayor and City Council
Agenda Item: 4(a) Consider returning to in-person City Council meetings.
Submitted by: Bill Atkinson, Assistant City Manager

SYNOPSIS

On March 13, 2020 Governor Greg Abbott declared that the novel coronavirus (COVID-19) poses an imminent threat of disaster and issued a disaster proclamation certifying under Section 418.014 of the Texas Government Code a state of disaster for all counties in the State of Texas. Further, in accordance with section 418.016 of the Texas Government Code, and subject to the conditions set forth above, the Office of the Governor suspended statutes to the extent necessary to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations. Since April 6, 2020, the City Council of the City of Missouri City has been holding its meetings remotely in accordance with the proclamation.

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

As a result of Governor Abbott's disaster declaration on March 13, 2020, the City of Missouri City Council began holding city council meetings, committee meetings and board and commission meetings telephonically beginning on April 6, 2020. On March 6, 2021, the governor's office once again, by continuing his COVID-19 disaster declaration for another 30 days, extended Open Meetings Act suspensions for at least another 30 days thereafter. Currently, the governor's order is still in place and available for the local government to determine whether to meet in person or telephonically as allowed under Texas Government Code. The suspension is effect until terminated by the Office of the Governor or the disaster declaration is lifted and to date the declaration is still in place.

The item presented tonight was requested for the City Council to discuss whether to continue to utilize telephonic and videoconference meetings to avoid congregate settings in physical locations due to COVID-19. At the March 15 meeting, Council requested this be brought back at this meeting.

SUPPORTING MATERIALS

1. Article: Governor Abbott Extends COVID-19 Disaster Declaration – March 2021
2. Letter: Office of Attorney General Request to temporarily suspend certain open meeting provisions.

STAFF'S RECOMMENDATION

At the March 15 meeting, Council requested this be brought back at this meeting. Staff will act in accordance with the decision of the City Council.

Assistant City Manager Approval: **Bill Atkinson**

Flag Status: Half-Staff Regionally



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Governor Abbott Extends COVID-19 Disaster Declaration - March 2021 ()

Governor Abbott Extends COVID-19 Disaster Declaration - March 2021

March 6, 2021 | [Proclamation](#)

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor.

However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency’s emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 6th day of March, 2021.

GREG ABBOTT
Governor

ATTESTED BY:

RUTH R. HUGHS
Secretary of State

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Office of the Attorney General (OAG):

The Office of the Governor is in receipt of OAG's request to temporarily suspend certain open-meeting provisions of Texas law. OAG asserts that strict compliance with these laws could prevent, hinder, or delay necessary action by numerous governmental bodies in relation to efforts to cope with the COVID-19 disaster. State and local officials can slow the spread of COVID-19 by avoiding meetings that bring many people into congregate settings. OAG has identified provisions that frustrate this public-health goal by requiring that government officials, members of their staff, and members of the public be physically present at a specified meeting location. OAG's request would relax these open-meeting requirements to allow for telephonic or videoconference meetings of governmental bodies, without the need for face-to-face contact during a pandemic.

COVID-19 notwithstanding, Texans deserve transparency in government. To that end, OAG's request would leave important open-meeting protections in place. A governmental body would still be required to give the public written notice before holding a telephonic or videoconference meeting. *See, e.g.*, TEX. GOV'T CODE §§ 551.041, 551.043–551.044, 551.125(c), 551.127(d), 551.141. A governmental body would still have to provide the public with a recording of the telephonic or videoconference meeting. *See, e.g., id.* §§ 551.125(e), 551.127(g). And members of the public would still be entitled to participate and address the governmental body during the telephonic or videoconference meeting, perhaps through a dial-in number or videoconference software. *See, e.g., id.* §§ 551.007(b), 551.125(e).

Accordingly, the Office of the Governor agrees that it is appropriate to suspend certain open-meeting provisions, subject in each case to the following conditions that will apply to any governmental body invoking this suspension:

The requisite notice of a telephonic or videoconference meeting must comply with existing law on meeting notices and also must include in the meeting notice a toll-free dial-in number or a free-of-charge videoconference link that provides two-way communication for members of the public to both hear the meeting and address the governmental body.

If a governmental body prepares an agenda packet that would have publicly circulated in hard copy at a face-to-face meeting, an electronic copy of the agenda packet must be posted with the agenda to allow members of the public to follow along with the telephonic or videoconference meeting.

The public must be provided access to a recording of any telephonic or videoconference meeting.

In answering open-meeting questions during this disaster, OAG should remind state and local officials of the many requirements that remain in place during this temporary suspension. OAG's request recognizes that transparency is essential at this time, even if face-to-face contact is not.

In accordance with section 418.016 of the Texas Government Code, and subject to the conditions set forth above, the Office of the Governor suspends the following statutes to the extent necessary to allow telephonic or videoconference meetings and to avoid congregate settings in physical locations:

- those statutes that require a quorum or a presiding officer to be physically present at the specified location of the meeting; provided, however, that a quorum still must participate in the telephonic or videoconference meeting
 - TEX. GOV'T CODE § 551.122(b)
 - TEX. GOV'T CODE § 551.127(a-3), (b)–(c), (e), (h)–(i)
 - TEX. GOV'T CODE § 551.130(c)–(d), (i)
 - TEX. GOV'T CODE § 322.003(d), (e)(2)
 - TEX. GOV'T CODE § 845.007(f)(2)
 - TEX. GOV'T CODE § 855.007(f)(2)
 - TEX. CIV. PRAC. & REM. CODE § 74.102(f)
 - TEX. INS. CODE § 2151.057(d)(1)
 - TEX. LOCAL GOV'T CODE § 379B.0085(a)
- those that require physical posting of a notice; provided, however, that the online notice must include a toll-free dial-in number or a free-of-charge videoconference link, along with an electronic copy of any agenda packet
 - TEX. GOV'T CODE § 551.043(b)(2)–(3)
 - TEX. GOV'T CODE §§ 551.049–551.051
- those that require the telephonic or videoconference meeting to be audible to members of the public who are physically present at the specified location of the meeting; provided, however, that the dial-in number or videoconference link provided in the notice must make the meeting audible to members of the public and allow for their two-way communication; and further provided that a recording of the meeting must be made available to the public
 - TEX. GOV'T CODE § 551.121(f)(1)
 - TEX. GOV'T CODE § 551.122(d)
 - TEX. GOV'T CODE § 551.125(e)–(f)
 - TEX. GOV'T CODE § 551.126(d)(1)
 - TEX. GOV'T CODE § 551.127(f), (j)
 - TEX. GOV'T CODE § 551.130(e)–(f)
 - TEX. GOV'T CODE § 551.131(e)(1)
 - TEX. GOV'T CODE § 322.003(e)(3)
 - TEX. GOV'T CODE § 436.054(e)
 - TEX. GOV'T CODE § 845.007(f)(3)
 - TEX. GOV'T CODE § 855.007(f)(3)
 - TEX. AGRIC. CODE § 41.061(c)–(d)
 - TEX. AGRIC. CODE § 41.1565(c)–(d)
 - TEX. AGRIC. CODE § 41.205(d)–(e)

- TEX. AGRIC. CODE § 62.0021(c)–(d)
- TEX. EDUC. CODE § 66.08(h)(2)(B)
- TEX. FAM. CODE § 264.504(e)
- TEX. FIN. CODE § 11.106(c)(4)–(5)
- TEX. FIN. CODE § 154.355(d)(2)–(3)
- TEX. INS. CODE § 462.059(a)(1), (c)
- TEX. INS. CODE § 463.059(d)
- TEX. INS. CODE § 2151.057(e)
- TEX. INS. CODE § 2210.1051(b)(2)–(3)
- TEX. INS. CODE § 2211.0521(b)(2)–(3)
- TEX. LOCAL GOV'T CODE § 379B.0085(b)(2)–(3)
- TEX. SPEC. LOC. DIST. CODE § 9601.056(c)
- TEX. TRANSP. CODE § 173.106(e)–(f)
- TEX. TRANSP. CODE § 366.262(c)–(d)
- TEX. TRANSP. CODE § 370.262(c)–(d)
- those that may be interpreted to require face-to-face interaction between members of the public and public officials; provided, however, that governmental bodies must offer alternative methods of communicating with their public officials
 - TEX. GOV'T CODE § 551.007(b)
 - TEX. GOV'T CODE § 551.125(b)(1), (d)

This suspension is in effect until terminated by the Office of the Governor or until the March 13, 2020 disaster declaration is lifted or expires.

Thank you,

James P. Sullivan
 Deputy General Counsel
 Office of Governor Greg Abbott



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

April 19, 2021

To: Mayor and City Council
Agenda Item: 4(b) Discuss the bidding process and contract award for the City's official newspaper.
Submitted by: Shannon Pleasant, Purchasing/Risk Manager

SYNOPSIS

Discuss the bidding process and execution of the contract for the City's official newspaper.

BACKGROUND

The City's contract for the official newspaper expired December 31, 2018. The Purchasing Division posted an Invitation for Bid (IFB) 20-022 to the DemandStar, the City's bidding website and published the legal notice in the City's official newspaper. The bid was posted June 29, 2020 to July 21, 2020. The bids were due July 21, 2020 at 2:00 p.m.

The Purchasing Division received proposals from two publications, the Fort Bend Independent and Fort Bend Star.

Fort Bend Star was awarded the contract. The initial contract term is for one year with three annual renewal options. The value of the contract may not exceed \$49,000. The information is now being provided to City Council for discussion of the bidding and contract award process.

SUPPORTING MATERIALS

1. Invitation for Bid (IFB) No. 20-022: Term Contract for Publication of Legal Notices and Advertising
2. Bid tabulation
3. Power Point Presentation (*forthcoming*)

STAFF'S RECOMMENDATION

Discuss the criteria and proposals for the City's official newspaper.

Director Approval: Allena Portis, Director of Financial Services

City Manager Approval: Bill Atkinson