

AGENDA
City of Elmendorf, Texas
Regular City Council Meeting
September 17th, 2020
7:00 P.M.
8304 FM 327 (Elmendorf City Hall)
Elmendorf TX 78112

I. City Council will convene for a regular meeting at the Elmendorf City Hall at 7:00 p.m. September 17th, 2020.

Call to Order
Pledge of Allegiance
Invocation
Roll Call
Citizens Participation

II. Mayor and City Council Comments. Limited to 3 minutes each.

(Comments are limited to statements of specific factual information or recitation of existing policy in response to an inquiry raised by a member of the public about a subject that is not on this agenda.)

III. Open Public Budget Hearing

1. Discussion regarding proposed city budget and tax rate for fiscal year 2020-2021.
2. Citizens' comments regarding proposed budget.

IV. Adjourn Public Budget Hearing

V. General Business - Consent Agenda

The items under the consent agenda are deemed by the City to be routine in nature and will be approved by one motion adopting the staff findings and recommendation as part of the approval. The items on the consent agenda will not be discussed. Any member of the City Council desiring to discuss an item on the consent agenda may request that it be removed and placed on the individual consideration agenda to be heard at the beginning of that section of the agenda. Similarly, members of the public may also request that any item on the consent agenda be discussed in the individual consideration section by noting the item they want moved on the public comments sign-up sheet located at the front of the hall.

1. Adoption and approval of the city council minutes from August 20, 2020.
2. Adoption and approval of the city council minutes from August 27, 2020.
3. Approval of the previous month's bills paid and financial reports.
4. Adoption and Approval of Resolution number 9-17-2020-1R, adopting the City of Elmendorf Investment Policy.
5. Approve the Elmendorf Economic Development Corporation budget for fiscal year 2020-2021.

VI. General Business - Individual Consideration

6. Discuss and possible action regarding repairs at CID-04 Elevated Storage Tank, presented by Garry Montgomery and representatives of Landmark Structures. The foregoing agenda item (#6) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with

- attorney).
7. Discussion and appropriate action regarding Ordinance number 9-17-2020-1 adopting the annual budget for fiscal year 2020-2021.
 8. Discussion and appropriate action regarding Ordinance number 9-17-2020-2 adopting and setting the tax rate for 2020.
 9. Discuss and possible action regarding the selection of a Supervisory Control and Data Acquisition (SCADA) integrator subcontractor for the Elmendorf water project in response to a request for qualification.
 10. Discuss and possible action regarding the setting of an order for the chip sealing of roads by city staff in the next fiscal year.
 11. Discuss and possible action regarding Resolution 9-17-2020-2R, authorizing the execution of a contingent fee contract with Linebarger Goggan Blair & Sampson, LLP for fines and fees collection services. This is a renewal agreement for five years.
 12. Discuss and possible action regarding Resolution 9-17-2020-3R, authorizing the execution of a contingent fee contract with Linebarger Goggan Blair & Sampson, LLP for delinquent tax collection services. This is a renewal agreement for five years.
 13. Discuss and possible action regarding the appointment of a department head selection committee in the search for a Water Supervisor.
 14. Discuss and possible action regarding a potential contract with Enriched Organics for contract operating services of the Elmendorf Wastewater plant.

VII. Adjournment

**Posted this 14th day of September 2020
City of Elmendorf**


By: Cody D. Dailey, City Administrator

9:45 am
Time

CERTIFICATION

I certify that the above Agenda of the Elmendorf City Council was posted on the bulletin board located at the Elmendorf Administration Building, 8304 FM 327, Elmendorf, Texas pursuant to Chapter 551 of the Texas Government Code. This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [deliberations about real property], 551.073 [deliberations about gifts and donations to city], 551.074 [deliberations on certain personnel matters] or 551.076 [deliberations about deployment/ implementation of security personnel or devices] and 551.086 [Economic Development]. The City of Elmendorf is committed to compliance with the American with Disabilities Act and does not discriminate based on race, national origin, sex, age, religion, or disability in the employment, meetings, or provisions of service.

NOTICE OF A PUBLIC MEETING

Pursuant to Section 2254.1036 of the Texas Government Code, Notice is hereby given that a meeting of the City of Elmendorf (hereinafter City) will be held on September 17th, 2020 at 7:00 PM at Elmendorf City Hall, 8304 FM 327, Elmendorf, Texas 78112 for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect delinquent property taxes and authorizing the execution of such agreement.

The agreement to be considered is necessary for the delinquent taxes owed to the City to be collected in the most effective manner. The City desires that such delinquent tax, penalties and interest be collected as provided in the Texas Tax Code.

The Linebarger Goggan Blair & Sampson, LLP firm is fully qualified to provide this representation, being the largest delinquent tax collection law firm in the State of Texas, as well as the United States and having been engaged in this specialized legal service for more than 40 years. In addition, the Linebarger Goggan Blair and Sampson, LLP firm possesses infrastructure and technology, such as call center technology, that the City does not currently possess.

Linebarger Goggan Blair & Sampson, LLP has represented the City for the past forty-two years with competence and professionalism, in the collection of delinquent property taxes, beginning in 1988.

The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the City due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.

Linebarger Goggan Blair & Sampson, LLP will be compensated on a contingent fee basis as provided in the Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48. These Texas Tax Code sections specifically provide for an additional penalty on delinquent taxes to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the City.

Entering into the proposed agreement is in the best interests of the residents of the City because the delinquent taxes will be professionally and competently collected without the additional costs to City of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.

NOTICE OF A PUBLIC MEETING

Notice is hereby given that a meeting of the City of Elmendorf, Texas will be held on September 17, 2020 at 7PM at 8304 FM 327, Elmendorf, Texas 78112 for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect unpaid fines, fees and court costs as provided in Tx Code of Criminal Procedure Art. 103.0031 and authorizing the execution of such agreement.

The agreement to be considered is necessary for the unpaid fines, fees and court costs owed to the City of Elmendorf to be collected in the most effective manner. The City desires that such unpaid fines, fees and court costs be collected as provided in the Texas Code of Criminal Procedure.

The Linebarger Goggan Blair & Sampson, LLP firm is fully qualified to provide this representation, being the largest law firm specializing in the collection of governmental receivables in the State of Texas, as well as the United States, and having been engaged in this specialized legal service for more than 40 years. In addition, the Linebarger Goggan Blair and Sampson, LLP firm possesses infrastructure and technology, such as call center technology, that the City does not currently possess.

Linebarger Goggan Blair & Sampson, LLP has represented the City for the past five (5) years with competence and professionalism, in the collection of unpaid fines, fees and court costs beginning on October 8, 2015.

The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the City due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in- house attorneys and staff with the level of experience and competence necessary to perform these activities.

Linebarger will be compensated on a contingent fee basis as provided in Tx Code of Criminal Procedure Art. 103.0031. This Article specifically provides for an additional collection fee in the amount of 30 percent in certain cases to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the City.

Entering into the proposed agreement is in the best interests of the residents of the City because the unpaid fines, fees and court costs will be professionally and competently collected without the additional costs to the City of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.