



WEST COLUMBIA CITY COUNCIL REGULAR MEETING AND SUPPLEMENTAL TELEPHONE CONFERENCE

Council Chambers, 512 E. Brazos
Monday, April 10, 2023 at 7:00 PM

AGENDA

The City Council of the City of West Columbia will conduct its regular meeting scheduled for **Monday, April 10, 2023 at 7:00 PM in person. The public may participate by telephone / video conference.** This Notice, the meeting agenda, and the agenda packet can be found online at:

www.westcolumbiatx.org

The public will be permitted to offer public comments telephonically as provided below and as permitted by the Mayor during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

If you require accommodation to participate in this meeting, contact the City Secretary at 979-345-3123 or citysecretary@westcolumbiatx.org at least 6 hours prior to the meeting start time.

THE PUBLIC TOLL-FREE DIAL-IN NUMBER TO PARTICIPATE IN THE TELEPHONIC MEETING IS:

1 (346) 248-7799

ONCE YOU ARE CONNECTED, YOU MUST ENTER THE FOLLOWING INFORMATION:

MEETING ID NUMBER: 879 0234 9667

PASSCODE: 886907

You may also connect to the meeting on your phone or on your laptop by going to the following internet address:

<https://us02web.zoom.us/j/87902349667?pwd=dIZmMUEwaDQ0WU5rdVJITjVFNS9iZz09>

Once you are on the website, you may need to enter the following:

MEETING ID NUMBER: 879 0234 9667

The Agenda for this meeting will be as follows:

INVOCATION & PLEDGES.

ROLL CALL OF COUNCIL.

MAYOR AND CITY COUNCIL GREETINGS.

CITIZEN'S COMMENTS.

Members of the public wishing to address Council should seek recognition by raising their hand, and when acknowledged, move to the podium and state their name and address. Specific factual information or a recitation of existing policy may be furnished in response to an inquiry made by a member of the general public but any deliberation, discussion or decision with respect to any subject about which the inquiry was made that is not on the agenda shall be limited to a proposal to place such subject on the agenda of a future meeting for which notice is provided in compliance with the Texas Open Meetings Act. The public is requested to limit presentation of comments regarding agenda and non-agenda items to five (5) minutes.

CITY MANAGER'S REPORT.

1. Public Works * Municode * Grants * Parks * Upcoming Meetings & Events

CONSENT AGENDA. *All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a member of Council, in which event, the item will be removed from the consent agenda and considered separately.*

2. Previous Meeting Minutes
3. Treasurer Report
4. Municipal Court Report
5. Police Department Report
6. Code Enforcement Report
7. Fire Marshal Report
8. Fire Department Report
9. Public Works Report
10. Pay Request No. 8 from W. W. Payton

PUBLIC HEARINGS.

11. Application for Mixed Beverage Restaurant Permit with Good and Beverage Certificate for Republic BBQ located at 226 E. Brazos Ave., West Columbia, TX 77486
12. Public Hearing to Submit an Application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (TA) Call for Projects

OLD BUSINESS.

13. Consider a Resolution Declaring Certain Code Violations to be a Public Nuisance Located at - 318 S. 16th St.

NEW BUSINESS.

14. Consider authorizing City Secretary's signature on application for Mixed Beverage Restaurant Permit with Food and Beverage Certificate for Republic BBQ located at 226 W. Brazos Ave., West Columbia, TX 77486
15. Consider Delinquent Tax Collection Report and Consider approving a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Tax Code, said contract being for the collection of delinquent government receivables owed to City of West Columbia and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.
16. Discuss and consider award of bids for telephone and internet service to City facilities

17. Consider approving an ordinance granting a franchise agreement to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations
18. Consider a Resolution Supporting the City of West Columbia's Application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (TA) Call for Projects

ADJOURN.

I certify that I did on the 6th day of April 2023 post this notice of meeting at 512 E. Brazos.

Kaili M. Avirett

Kaili Avirett, City Secretary

Public Notice:

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the City of West Columbia (“City”), will consider entering into a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. (“Firm”) and hereby posts this notice pursuant to Sec. 2254.106 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(2) of the Government Code and shall announce the following:

A. The City is pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to the City and through this contract the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(1)(A).

B. The City believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(1)(B). The Firm has collected delinquent government receivables for over 50 years, including the collection of delinquent ad valorem taxes. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma, and Florida. It employs more than 400 individuals, including 60 attorneys. It uses a multi-office, fully integrated team approach allowing the City access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the City may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between the City and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C). The Firm has represented the City since 1997 in the collection of delinquent ad valorem taxes.

D. The City is unable to perform collect its delinquent ad valorem taxes. GOVT. CODE § 2254.1036(1)(D). The City currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the City.

E. These collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the debtor and not the City or taxpayers of the City. The collection of delinquent ad valorem taxes is a high-volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed amount of delinquent ad valorem taxes due. Moreover, the City will bear the cost of these hourly fees and not the debtor,

because the Tax Code does not expressly authorize the City to pay for collection services based on an hourly fee.

F. The City believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless the number of hours the Firm spends researching, contacting and mailing to collect the delinquent debt. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the City or taxpayers in the City.