

Notice of Regular Meeting Agenda Wilmer City Council

Wilmer Community Center
101 Davidson Plaza, Wilmer, Texas 75172



Serving Our Community

Thursday, September 19, 2019 at 7:00 p.m.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE: Councilmember Phyllis Slough

PROCLAMATION: Hispanic Heritage Month

COMMUNITY ANNOUNCEMENT

CITIZENS' COMMENTS:

At this time citizens who have pre-registered before the call to order will be allowed to speak on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three (3) minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.

CONSENT:

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Consider approval of minutes from the City Council Special Meeting held on August 22, 2019 and August 29, 2019.
2. Consider Resolution 19-0919A authorizing the City to submit an Application to the Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grant Program.
3. Consider approving by Minute Entry the monthly Financial Statement for July 2019.

PUBLIC HEARING:

4. Conduct a public hearing, discuss and consider Ordinance No. 19-0919A on a request to establish Restricted Commercial (C1) as the appropriate zoning classification for a 0.9± acre property that is generally located at the northeast corner of E. Belt Line Road and Wilmer Heights Drive (legal description: Tract 8 in the C.A. Warfield Survey, Abstract No. 1612, Page 065, in the City of Wilmer, Dallas County, Texas).

ACTION:

5. Discuss and consider by Minute Entry a request to approve a development plat for US Auto Recycling Addition. The subject 66.5± acre property is generally located at the northeast corner of Interstate Highway 45 and Patrick Pike Road (legal

description: Tract 2 in the John Warren Survey, Abstract No. 1593, Page 540, in Dallas County, Texas).

6. Discuss and consider Resolution 19-0919B adopting the provisions of Article 103.0031 of the Texas Code of Criminal Procedure, imposing a collection fee of thirty percent (30%) to defray the costs of collection on delinquent fines, fees and costs imposed by the City of Wilmer.
7. Discuss and consider authorizing the City Administrator/Mayor to execute a contract for delinquent Municipal Court collection services. This item will be considered at a meeting of the City Council of the City of Wilmer to be held on Thursday, September 19, 2019, for the purpose of considering and taking action relating to the 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 Texas Code of Criminal Procedure Article 103.0031 and authorizing the execution of such agreement.
8. Discuss and consider authorizing the City Administrator/Mayor to execute a contract for delinquent Utility Billing collection services. This item will be considered at a meeting of the City Council of the City of Wilmer to be held on Thursday, September 19, 2019, for the purpose of considering and taking action relating to the 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 utility billing fines and fees and authorizing the execution of such agreement.
9. Discuss and consider the adoption of Ordinance 19-0919B authorizing the issuance of such notes and including of all matters incident and related to the issuance and sale of "City of Wilmer, Texas, Tax Notes, Series 2019."
10. Discuss and consider awarding a contract and authorizing the Mayor to sign for Trash Collection services.
11. Discuss and consider awarding a contract and authorizing the Mayor to sign for Banking Depository Services.
12. Discuss and consider awarding a contract and authorizing the Mayor to sign for Financial Auditing Services.
13. Discuss and consider by minute entry extending the professional service agreement between Joe Flores and the City of Wilmer for Director of Development Services.
14. Discuss and consider Ordinance 19-0919C regarding the proposed revenue increase from levying ad valorem taxes for fiscal year 2019/2020 at \$0.562900 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current maintenance and operation expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; providing a homestead exemption and disability exemption.
15. Discuss and consider Ordinance 19-0919D amending the budget for Fiscal Year 2019-2020 adopted by Ordinance 19-0905C.

EXECUTIVE SESSION:

16. The City Council shall convene into closed executive session pursuant to:

- a. Section § 551.072 of the TEXAS GOVERNMENT CODE, discuss and deliberate the acquisition, purchase, exchange, lease or value of real property as deliberation in this open meeting would have a detrimental effect of the position of the City of Wilmer in negotiations with third persons.
- b. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation, duties or dismissal of a public officer, to wit: the City Administrator.

17. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/ session matters executive.

NOTICE OF A PUBLIC MEETING FOR ITEM 7:

Notice is hereby given that a meeting of the City Council of the City of Wilmer will be held on Thursday, September 19, 2019, at 7:00 p.m., 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 Wilmer 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 a 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 23 years with competence and professionalism, in the collection of delinquent ad valorem taxes beginning in October 1995.

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 thirty percent (30%) 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.

NOTICE OF A PUBLIC MEETING FOR ITEM 8:

Notice is hereby given that a meeting of the City Council of the City of Wilmer will be held on Thursday, September 19, 2019, at 7:00 p.m., 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 utility billing fees and fines and authorizing the execution of such agreement.

The agreement to be considered is necessary for the unpaid utility billing fees and fines owed to the City of Wilmer to be collected in the most effective manner. The City desires that such unpaid utility billing fines and fees be collected via this agreement.

The Linebarger Goggan Blair & Sampson, LLP firm is fully qualified to provide this representation, being a 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 23 years with competence and professionalism, in the collection of delinquent ad valorem taxes beginning in October 1995.

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 where compensation for these services is thirty percent (30%) of the total amount of all the utility accounts collected by Linebarger. 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 utility billing fines and fees 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.

ADJOURNMENT

EXECUTIVE SESSION: The City Council reserve the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the Texas Government Code to seek legal advice concerning such subject.

ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-441-6373, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

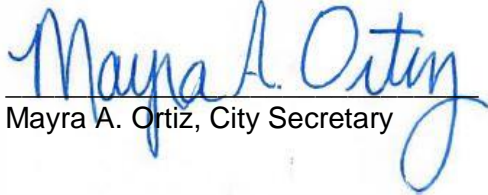
PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS

CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

CERTIFICATE

I hereby certify the above Notice of Meeting was posted at the Wilmer City Hall on September 13, 2019 @ 6:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, and Council members.



Mayra A. Ortiz, City Secretary