

CITY OF BRAZORIA
AGENDA
August 8, 2023
6:00 p.m.

NOTICE IS HEREBY GIVEN the City Council of the City of Brazoria will conduct a Regular Meeting at **6:00 p.m. on Tuesday, August 8, 2023**, located at City Hall, 201 S. Main, Brazoria, Texas 77422 at which time the following subjects will be discussed, to-witt:

- A. Call to Order Regular Meeting.
- B. Invocation and the pledge to the American and Texas flags by all.
- C. Consideration/Action to approve the minutes of the following meetings:
 - 1. Regular Meeting, July 11, 2023
 - 2. Special Meeting, July 18, 2023
 - 3. Special Meeting, July 24, 2023
- D. Citizens Communication.
- E. Discuss/consider a collection report from Michael Darlow with Perdue, Brandon, Fielder, Collins & Mott LLP.
- F. Discuss/consider action to approve a contingent fee contract with Perdue, Brandon, Fielder, Collins & Mott, LLP pursuant to Section 552.001(b) of the Texas Local Government Code, said contract being for the collection of delinquent utility accounts owed to the City of Brazoria and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.
- G. Discuss/consider adopting Ordinance 2023-010 providing for a fee to defray costs of collecting delinquent utility accounts receivable.
- H. Request to be placed on Agenda – Edith Ray
 - 1. Cat population on 200 block of 3rd Street
 - 2. Budget Workshop
- I. Waste Connections – Hector Torres, Operations Manager, to introduce himself to council and answer any questions or concerns.
- J. Discuss/consider action to adopt Ordinance 2023-009 regarding amusement redemption machines.
- K. Discuss/consider action to award the bid for the landfill.
- L. Discuss/consider action to authorize City Manager Williams to open a new account (contingency fund) with Texas Class Local Government Investment Pool.
- M. Discuss/consider action to authorize City Manager Williams to transfer \$400,000.00 to the Contingency Fund (new account with Texas CLASS).

- N. Discuss/consider action to authorize City Manager Williams to close the contingency fund account at First National Bank Lake Jackson (FNBLJ).
- O. Discuss/consider action to authorize City Manager Williams to open a vehicle and equipment replacement account in the general fund at FNBLJ.
- P. Discuss/consider action to authorize City Manager Williams to open a vehicle and equipment replacement account in the utility fund at FNBLJ.
- Q. Consideration/Action to approve an interlocal agreement with Brazoria County for street maintenance.
- R. Consideration/Action to approve a payment in the amount of \$84,017.65 to HCDT Insurance Agency for Windstorm Insurance.
- S. Review of bills paid in July 2023.
- T. City Department Heads Report.
 - 1. Court Department
 - 2. Police Department
 - 3. Public Service Department
 - 4. Fire Department
 - 5. BWA Report
 - 6. Brazoria Library
 - 7. Project Manager
 - 8. City Secretary
- U. City Managers Report.
- V. Reports from Mayor, City Council and City Attorney.
- W. Adjourn regular meeting.

ATTEST:

Clissa Mills
Clissa Mills, City Secretary



Philip Ray
Philip Ray, Mayor

I, the undersigned authority, do hereby certify that the above Notice of meeting of the governing body of the City of Brazoria, Texas was posted in a convenient and readily accessible area open to the general public at all times, and said Notice was posted on August 4, 2023 by 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting. Person with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille are requested to contact Clissa Mills, at (979) 798-2489 five (5) working days prior to the meeting so the appropriate arrangements can be made.

Dated the 4th day of August 2023.

Clissa Mills
Clissa Mills, City Secretary

Public Notice:

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the City of Brazoria will consider approving 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. 2254.1036 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 of Brazoria is pursuing a contract with the Firm for the collection of delinquent utility accounts owed to the City of Brazoria. Through this contract the City of Brazoria seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(1)(A).

B. The City of Brazoria 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 utility accounts. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs almost 400 individuals, including 61 attorneys. It uses a multi-office, fully integrated team approach allowing the City of Brazoria 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 a proprietary collection software that can be tailored to meet any special need the City of Brazoria 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 City of Brazoria and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C). The Firm currently represents the City of Brazoria in the collection of both delinquent ad valorem property taxes and delinquent criminal court fees and fines.

D. The City of Brazoria is unable to collect its own delinquent utility accounts. GOVT. CODE § 2254.1036(1)(D). The City of Brazoria 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 of Brazoria.

E. These collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(1)(E). The Texas Local Government Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent utility accounts. This percentage-based fee is assessed only against the debtor and not the City of Brazoria or taxpayers of the City of Brazoria. The collection of delinquent utility accounts 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 the delinquent utility accounts due. Moreover, the City of Brazoria will bear the cost of these hourly fees and not the debtor, because Texas law does not expressly authorize the City of Brazoria to pay for collection services based on an hourly fee.

F. The City of Brazoria 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 utility account. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the City of Brazoria or its taxpayers.