

**CITY OF CLARENDON
CITY COUNCIL AGENDA**

Notice is hereby given of a REGULAR MEETING of the City Council of the City of Clarendon to be held on **Thursday April 13, 2023, at 5:30 p.m.** at City Hall – 313 S. Sully Street, Clarendon, Texas, for the purpose of the following agenda items. All agenda items are subject to action. City Council meetings are tape recorded.

CALL TO ORDER

INVOCATION

PUBLIC COMMENTS

Citizens who have signed a card to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussing the subject and may respond only with statements of factual information or existing city policy. Citizens are limited to three (3) minutes for their presentation to the City Council.

AUTHORIZATIONS BY CITY COUNCIL

1. CONSENT AGENDA

- Meeting Minutes for Regular Council Meeting March 9, 2023
 - Meeting Minutes for Called Council Meeting March 29, 2023
 - Clarendon Volunteer Fire Department Report
 - Donley County Commissioners Report
 - Burton Memorial Library Report
 - Clarendon Municipal Court Report
 - Code Enforcement Report
 - Animal Control Report
 - Clarendon Chamber of Commerce Quarterly H.O.T Report
 - Clarendon Economic Development Corporation H.O.T. Report
2. Discussion and possible action on the Council Report (List of Bills).
 3. Discussion and possible action on the Statement of Revenue and Expense.
 4. Discussion and possible action on implementation of the LIWAP, Low Income Water Assistance Program through Panhandle Community Services.
 5. Discussion and possible action on engaging an attorney to review contractual obligations.
 6. Discussion and possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and 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 Clarendon and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

7. Discussion and possible action on approval of the City of Clarendon Investment Report for the quarter ending March 31, 2023.
8. Discussion and possible action on appointing an Election Judge and Alternate Election judge for the May 6, 2023, General Election.
9. Discussion and possible action on water service and rates for Clarendon Economic Development properties. (Mulkey Theater)
10. Discussion and possible action on setting hours of operation, cost of admittance, and term of season for the Clarendon Aquatic Center.
11. Discussion and possible action on a grant opportunity through Bringing Online Opportunities to Texas (BOOT) Broadband Funding Program.
12. Discussion and possible action on candidate search for the City Administrator position.
13. Discussion and possible action on adopting a Resolution of the City Council of the City of Clarendon, Texas, determining that an area of the City contains conditions which are detrimental to the public health, safety, and welfare of the community and constitutes a slum/blighted area.
14. Discussion and possible action on adopting a Resolution of the City Council of the City of Clarendon, Texas, authorizing the submission of a Texas Community Development Block Grant application to the Texas Department of Agriculture for the 2023 Downtown Revitalization Program cycle.
15. Discussion and possible action on determination of final disposition of the property located at 600 S. Bugbee Street.
16. Discussion and possible action on approving an Ordinance providing for a Franchise Agreement with G & L Utilities Services, Inc, d/b/a Greenlight Gas.
17. Discussion and possible action on a request for Christ Kids funding from the Community Programs line item.
18. Discussion and possible action on the City Administrators Report;
 - Project Updates
 - Update on Employees
 - TML Region 2 Quarterly Meeting April 20
 - Schedule Called Meeting
 - USDA Rural Development Project Completion Appreciation

MAYOR COMMENTS

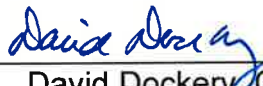
COUNCIL COMMENTS

ADJOURNMENT

The City Council reserves the right to meet in closed session on any agenda item pursuant to section 551.071, Consulting with Attorney; 551.072, Deliberations about Real Property; 551.073, Deliberations about Gifts & Donations; 551.074, Personnel Matters; 551.076, Deliberations about Security Devices; AND/OR 551.086, Discuss (A) Commercial or Financial Information Received From a Business Prospect with which the City is Conduction Negotiations, OR (B) Financial or Other Incentives to the Business Project; according to the Texas Government Code.

CERTIFICATION

I certify that the agenda of items to be considered by the City of Clarendon City Council was posted on the window of Clarendon City Hall facing Sully Street on Monday, April 10, 2023, at 9:20 a.m.



David Dockery, City Administrator

I certify that the agenda of items to be considered by the City of Clarendon City Council was removed from the window of Clarendon City Hall facing Sully Street on Friday, April 14, 2023.

Machiel Covey, City Secretary

ACCESSIBILITY STATEMENT

City Hall is wheelchair accessible. A sloped curb entry is available at the front entrance; accessible parking space is available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (806) 874-3438 or FAX (806) 874-5136 for further information.

Public Notice:

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the City of Clarendon 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 Clarendon is pursuing a contract with the Firm for the collection of delinquent utility accounts owed to the City of Clarendon. Through this contract the City of Clarendon 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 Clarendon 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 more than 400 individuals, including 59 attorneys. It uses a multi-office, fully integrated team approach allowing the City of Clarendon 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 Clarendon 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 Clarendon and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C). The Firm currently represents the City of Clarendon in the collection of both delinquent ad valorem property taxes and delinquent criminal court fees and fines.

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

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 Clarendon or taxpayers of the City of Clarendon. 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 Clarendon will bear the cost of these hourly fees and not the debtor, because Texas law does not expressly authorize the City of Clarendon to pay for collection services based on an hourly fee.

F. The City of Clarendon 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 Clarendon or its taxpayers.