

**STATE OF TEXAS
COUNTY OF WALLER
CITY OF HEMPSTEAD**

BE IT REMEMBERED that on the 6th day of July, A.D., 2021 at 6:00 P.M. the City Council met in Special Session at the City Hall in said City, there being present, to-wit:

Dave Shelburne, Mayor
Lonnie Garfield, Mayor Pro-Tem
Erica Gillum, Councilmember
Cindy Pearce, Councilmember

Raul Villarreal, Councilmember
Chase Murray, Councilmember
Charles Williams, City Attorney
Barbara Haffelfinger, City Secretary

Others present at the meeting included Rooster Smith, David Hartley, Kollye Kilpatrick, Katherine Ragston, Karen Vannerson, Brandy Stacy, Richard Hill – Linebarger Goggan Blair & Sampson, LLP, Lawrence Foster, Cheryl Hardwick, Margie Hamner, Carolyn Smith, Mildred Jefferson, Jessica Holloman, and Robert Holloman.

Mayor Shelburne called the meeting to order at 6:00 P.M. and Mayor Pro-Tem Garfield gave the invocation.

The Pledge of Allegiance was given.

Under Public Comments, Cheryl Hardwick praised the fireworks display on July 4th.

Mayor Shelburne recommended that Council accept the resignation of Councilmember Position 2 by Katherine Ragston. Council was unanimous in acceptance of Katherine Ragston’s resignation from Councilmember Position 2.

Mayor Shelburne recommended to Council that Cindy Pearce be appointed to the Councilmember Position 2 vacancy. Councilmember Villarreal made a motion to approve appointment of Cindy Pearce to Councilmember Position 2. The motion was seconded by Chase Murray and carried unanimously.

Mayor Shelburne administered the Oath of Office to Cindy Pearce, Councilmember Position 2.

Councilmember Villarreal made a motion that Councilmember Lonnie Garfield be appointed as Mayor Pro-Tem. Councilmember Gillum made a motion that she be appointed as Mayor Pro-Tem. Mayor Shelburne called for a vote for Councilmember Garfield to be appointed as Mayor Pro-Tem, with the following vote, to-wit:

AYES: Councilmember Cindy Pearce, Councilmember Lonnie Garfield
Councilmember Raul Villarreal, Councilmember Chase Murray

NOES: Councilmember Erica Gillum

ABSENT: None

With a majority vote Councilmember Garfield was elected as Mayor Pro-Tem.

A Public Hearing was held for the purpose of approval of an agreement with the law firm of Linebarger Goggan Blair and 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. Richard Hill said Linebarger has been in the business of collection of unpaid fines, fees and court costs for over 40 years. Councilmember Villarreal questioned if they would be able to collect on delinquent utility accounts. Mr. Hill advised that they will also be presenting an agreement in September for collection of unpaid utility bills since new legislature will allow that beginning in September. There being no additional comments Mayor Shelburne adjourned the public hearing.

Mayor Pro-Tem Garfield made a motion to approve the agreement with the law firm of Linebarger Goggan Blair and 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 motion was seconded by Councilmember Gillum and carried the following vote, to-wit:

AYES: Mayor Pro-Tem Lonnie Garfield, Councilmember Erica Gillum,
Councilmember Cindy Pearce, Councilmember Raul Villarreal,
Councilmember Chase Murray

NOES: None

ABSENT: None

**RESOLUTION
NO. 21-022**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMPSTEAD REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS SPECIAL COUNCIL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION AS PROVIDED IN TEXAS CODE OF CRIMINAL PROCEDURE, ARTICLE 103.0031.

WHEREAS, providing adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the consideration of a Contract for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson, LLP, and

AFTER EXERCISING ITS DUE DILIGENCE, THE CITY OF HEMPSTEAD FINDS THAT:

1. There is a substantial need for the legal services to be provided pursuant to the Contract for Fines and Fees Collection Services; and
2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Hempstead at a reasonable cost; and
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the collection fee authorized by TX Code of Criminal Procedure Art. 103.0031 and because the City of Hempstead does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees; and
4. Linebarger Goggan Blair & Sampson, LLP is well qualified and competent to perform the legal services required to comply with the terms of this contract; and
5. Linebarger Goggan Blair & Sampson, LLP will represent the City of Hempstead with competence and professionalism, in the collection of unpaid fines, fees and court costs beginning in 2021; and
6. The contract with Linebarger Goggan Blair & Sampson, LLP is the result of an arm's length transaction between the City of Hempstead and Linebarger Goggan Blair & Sampson, LLP and is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS THAT:

SECTION 1. This statement set out in the preamble to this Resolution are true and correct.

SECTION 2. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings, Texas Government Code, Chapter 551.

PASSED AND APPROVED this the 6th day of July, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Councilmember Villarreal made a motion to approve an agreement for Municipal Financial Advisory Services with U.S. Capital Advisors. The motion was seconded by Mayor Pro-Tem Garfield and carried unanimously.

Margie Hamner presented a request from the Waller County Fair Association for Hotel/Motel funds in the amount of \$5,000.00 for the September 25 – October 2, 2021 Waller County Fair. Mayor Pro-Tem Garfield made a motion to approve the request for \$5,000.00. The motion was seconded by Councilmember Murray and carried unanimously.

There being no further business, Mayor Pro-Tem Garfield made a motion to adjourn the meeting at 6:14 P.M. The motion carried unanimously.

PASSED AND APPROVED this the 19th day of July, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary