

**City of West Orange  
City Council  
Monday, February 13, 2023  
Regular Session**

**West Orange Community Center  
2700 Western Avenue (rear entrance)  
West Orange, Texas  
5:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

Randy Branch  
Michael Shugart, Sr.

Meritta Kennedy

Jay Odom

**COUNCIL MEMBERS ABSENT:**

Lanie Brown

Brent Dearing

**APPOINTED OFFICIALS PRESENT:**

Jon Sherwin

Theresa Van Meter

**OTHERS PRESENT:**

Dustin Hartsfield  
Jane Branch  
Beverly Haggard  
Camillia Battle  
Tremain Wilson  
Gary Coker

Matt Frederick  
Rob Smith  
Gail Langton  
Brandy Stacy  
Charles Winter

Bobby Ashworth  
Mary Odom  
Gerald Thomas  
Richard Hill  
James Fisette

**Call to Order**

Mayor Branch called the meeting to order at 5:00 p.m. Council Member Shugart gave the invocation. The mayor then led in the Pledges of Allegiance to the American and Texas flags.

**Consent Agenda**

**Discussion and Possible Action on approval of the minutes of the January 9, 2023 Council meeting and the February 1, 2023 Special-Called Council meeting - Mayor Pro-Tem Kennedy made a motion that both sets of minutes be approved as presented. Council Member Odom seconded her motion. With there being no discussion, Mayor Branch called for a vote on the motion, which passed unanimously.**

**Staff Reports**

**Public Works – Jon Sherwin**

Mr. Sherwin stated that the Public Works Department had nothing new to report on streets or construction projects. He is still waiting for word on MacArthur Drive.

**Police Department– Matt Frederick**

Investigator Frederick gave the following statistics for the month of January, 2023:

- Traffic contacts: 45
- Crashes reported: 3
- Arrests: 56
- Reports: 46
- Calls for service: 394
- Miles driven: 9,486

**Code Enforcement**

- Violations investigated: 86
- Violations filed w/court: 5

**Volunteer Fire Department – Dustin Hartsfield**

Firefighter Hartsfield reported the following activity for the department during the month of January, 2023:

- Structure fires: 2
- Grass fires: 1
- Gas leaks: 1
- Medical assist calls: 6
- Smoke Investigation: 1
- Mutual aid calls: 3
- Good intent: 3
- False alarm – system malfunctions: 1

### Regular Session

**Presentation by Linebarger Law Firm regarding outstanding municipal court debt collection** – Mrs. Beverly Haggard introduced herself as the local representative of the Linebarger Goggan Blair & Sampson Law Firm in the Orange area. She gave a brief history of the firm in Orange County, explaining that they have implemented a very successful delinquent property tax program within the county. She and her colleagues were present at this meeting, however, to discuss the collection of delinquent municipal court debt. She then turned the presentation over to Ms. Stacy.

Ms. Stacy stated that Linebarger is the largest collection law firm in the nation and has over 46 years of government collection experience. Per Article 103.0031 of the Texas Code of Criminal Procedure, the firm is able to collect and provide this service at no cost to the City, and the debtor pays an authorized fee of 30% of unpaid court fines, fees and court costs. This 30% is added to the total amount owed and is collected at the end of the payment process by the debtor. At the end of each month, a collection report will be generated and Linebarger will invoice the City for their 30% at that time.

The firm's efforts include call and letter campaigns, advanced skip tracing, monthly portfolio reports and specialty campaign assistance such as warrant roundups.

There is a Linebarger computer module that will interface with the City's court software that will enable the electronic transference of files. There may be a fee for that module, but the firm will reimburse the City for that cost.

Mr. Hill further explained that the City will keep 100% of all money owed to it by the debtor. The 30% paid to Linebarger is added onto that 100% and is paid by the debtor.

Council Member Odom reported that he had spoken with the WO Municipal Court Clerk several months ago, asking what the court's outstanding debt from fines and court costs amounted to and he was informed that, at that time, it was \$1,030,000. He discussed this with Judge Thibodeaux and Mayor Branch, and looked into collection agencies that provide this service. He then decided to bring Linebarger before the Council for consideration of the court's outstanding debt collection.

**Discussion and Possible Action on an application to the WOVFD submitted by Kelton Clay Hutsell** – A motion was made by Council Member Shugart, followed by a second from Mayor Pro-Tem Kennedy to approve Mr. Hutsell's application to the WOVFD. With there being no discussion, a vote was cast; motion passed unanimously.

**Discussion and Possible Action on an application to the WOVFD submitted by Daniel J. Diaz** – A motion was made by Council Member Shugart, followed by a second from Mayor Pro-Tem Kennedy to approve Mr. Diaz's application to the WOVFD. With there being no discussion, a vote was cast; motion passed unanimously.

**Discussion and Possible Action on adoption of Ordinance No. 476, an ordinance authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2023; authorizing the hiring of lawyers and rate experts; authorizing the City's participation to the full extent permitted by law at the Public Utility Commission of Texas; finding that the meeting complies with the Open Meetings Act and declaring an effective date** - Mayor Pro-Tem Kennedy made a motion that Ordinance No. 476 be adopted as presented. Council Member Shugart seconded her motion. Mayor Branch explained that this is the ordinance that is adopted annually to allow the Lawton Law Firm to handle matters concerning Entergy with the Public Utilities Commission in Austin. With there being no questions, the mayor called for a vote, with the motion passing unanimously.

**Discussion and Possible Action on authorizing the Mayor to execute a contract with Arceneaux, Wilson, & Cole for engineering services under DR-4332-0113 (Dayton St. Lift**

**Station Generator)** - Council Member Odom made a motion that the Mayor be authorized to execute a contract with Arceneaux, Wilson, & Cole for engineering services under DR-4332-0113 (*Dayton St. Lift Station Generator*). Mayor Pro-Tem Kennedy seconded his motion. A vote was cast; motion carried.

**Discussion and Possible Action on approving the recommendation of the Selection Review Committee to award by resolution a contract for engineering services pertaining to the application and implementation, if awarded, of the City's 2023-2024 Texas Department of Agriculture TxCDBG grant and authorizing the execution of a contract –** Council Member Shugart made a motion that Council approve the recommendation of the Selection Review Committee to award by resolution a contract for engineering services pertaining to the application and implementation, if awarded, of the City's 2023-2024 Texas Department of Agriculture TxCDBG grant and authorizing the execution of a contract to LEAD – Leavins Engineering & Development, LLC. Mayor Pro-Tem Kennedy seconded his motion. Mayor Branch explained that the purpose of this \$300,000 grant is to prepare a strategic long-range plan for the City. He then called for a vote on the motion, which was unanimously approved.

**Discussion and Possible Action on authorizing the City Secretary to enter into a Joint Election Agreement with Orange County to conduct the May 6, 2023 General Election –** Council Member Odom made a motion that the City Secretary be authorized to enter into a Joint Election Agreement with Orange County to conduct the May 6, 2023 General Election. Mayor Pro-Tem Kennedy seconded his motion. With there being no discussion, Mayor Branch called for a vote, with the motion passing unanimously.

**Discussion and Possible Action on accepting into record the Quarterly Investment Report for the months of October, 2022 – December, 2022 –** Council Member Odom moved that the Quarterly Investment Report for the months of October, 2022 – December, 2022 be accepted into record as presented. Mayor Pro-Tem Kennedy seconded his motion. A vote was cast on the motion, passing unanimously.

**Discussion and Possible Action on a Resolution pertaining to the Enforcement of Commercial Motor Vehicle Safety Standards –** Council Member Odom made a motion that Council pass a resolution pertaining to the Enforcement of Commercial Motor Vehicle Safety Standards. Mayor Pro-Tem Kennedy seconded his motion. Mayor Branch read the resolution for those present. He then called for a vote on the motion, which passed unanimously.

**Discussion and Possible Action on a Resolution supporting the Homeland Security Grant Application (LETPA grant) –** Mayor Pro-Tem Kennedy made a motion that Council pass a resolution in support of the Homeland Security Grant Application (LETPA grant). Council Member Odom seconded her motion. Mayor Branch called for a vote on the motion, with it passing unanimously.

**Discussion and Possible Action on a Resolution supporting the Criminal Justice Program Application (JAG) grant -** Mayor Pro-Tem Kennedy made a motion that Council pass a resolution in support of the Criminal Justice Program Application (JAG) grant. Council Member Odom seconded her motion. Mayor Branch called for a vote on the motion, with it passing unanimously.

**Discussion and Possible Action on accepting the 2022 Racial Profiling Report as an official City record –** A motion was made by Council Member Shugart to accept the 2022 Racial Profiling Report as an official City record. Council Member Odom seconded his motion. The mayor called for a vote on the motion, which passed unanimously. Council Member Odom then asked where a member of the general public could view a copy of this report should anyone wish to do so. Mrs. Van Meter responded that she will have it in her office. It may also be available at the Police Department...she does not know that for sure, but it will be in her office.

### Announcements

Mayor Branch then made note of the following:

- Period to file for place on May 6, 2023 General Election ballot: January 18, 2023 (8:00 a.m.) - February 17, 2023 (5:00 p.m.)
  - *Periodo para solicitar el lugar en la boleta de las elecciones generales del 6 de mayo de 2023: 18 de enero de 2023 (8:00 a.m.) – 17 de febrero de 2023 (5:00 p.m.)*
- City Hall closed in observance of Presidents' Day – Monday, February 20, 2023
- Next Council meeting: Monday, March 13, 2023; 5:00 p.m.

**Adjourn**

With there being no further business before Council, Mayor Branch adjourned the meeting at 5:45 p.m.

R R Branch  
Randy Branch, Mayor

ATTEST:

Theresa Van Meter  
Theresa Van Meter, City Secretary

