

**City of Sullivan City  
Regular Called Meeting  
Monday  
February 5, 2024  
6:00 pm**

A Regular Called Meeting of the City of Sullivan City, Texas will be held at the Sullivan City Hall located at 500 S. Cenizo Dr., Sullivan City, TX 78595

*The City Council of Sullivan City meetings are available to all persons regardless of disability. If you require assistance, please contact the City Secretary at (956)485-2828 at least 48 hours in advance of the meeting.*

*The City Council of Sullivan City reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matter as authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and/or 551.087 (Economic Development).*

**AGENDA**

**1. Open Meeting & Determination of Quorum**

**2. Pledge of Allegiance/Invocation**

**3. Certification of Posting**

**4. Public Comments**

**5. Recognition and/or Presentation**

- a) Maintenance staff
- b) Royal Court

**6. Monthly Department Reports**

- a) Police Department
- b) Municipal Court
- c) Fire Department
- d) Code Enforcement

**7. Approval of Minutes for the month of January 2024.**

**8. Discussion, consideration, and action on the following items:**

- A. Discussion, consideration, and possible action regarding an Energy Contract Renewal with Engie.**
- B. Discussion and action to adopt written findings as to collection services contract and approve a contingent fee contract with Perdue, Brandon, Fielder, Collins and Mott, LLP pursuant to Article 103.001, Texas Code of Criminal Procedure, said contract being for the collection of court fines and fees owed to the City of Sullivan City (the "City"), and notice of which is provided with the agenda in accordance with Section 2254.1036 of the Government Code.**
- C. Consider the approval of an Ordinance to establish a fee to defray costs of collecting delinquent fines, fees, court costs, and other debts pursuant to Article 103.0031 of the Texas Code of Criminal Procedure; providing for severability; and establishing an effective date.**
- D. Discussion, consideration, and possible action on El Faro Flood Mitigation Project.**
- E. Discussion, consideration, and possible action on the request to change street name Cuevitas Rd.**
- F. Discussion, consideration, and possible action regarding Stripes located at 800 W Expressway 83 to obtain a business permit.**
- G. Discussion, consideration, and possible action regarding approval of business permit application for Health Services LLC located at 211 E Expressway 83 Suite E.**
- H. Discussion, consideration, and possible action regarding approval of business permit application for Red's Truck Stop LLC located at 915**

W Expressway 83.

I. Discussion, consideration, and possible action regarding the LRGVDC Ready Conference taking place May 9-10<sup>th</sup> at South Padre Island.

J. Discussion, consideration, and possible action for Resolution to open an account for El Faro Mitigation Project.

K. Discussion, consideration, and possible action approving Resolution 2024-01, Operation Lonestar FY24.

L. Discussion, consideration, and possible action regarding Ordinance 2023-04.

M. Discussion, consideration, and possible action to amend Rules and Regulations for Operations of Coin-operated Amusement Redemption Machine Game Room and Application for Game Room Permit.

N. Discussion, consideration, and possible action to approve Ordinance 2024-01 Regulating Silver Exchanges.

9. Executive Session: In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (Open Meetings Act), the City Council of Sullivan City, Texas will meet in Executive (Closed) Session:

A) Texas Government Code, Section 551.071 (Consultation with Attorney)

a) Discussion regarding City Secretary position.

B) Texas Government Code, Section 551.074 (Personnel Matters) Pursuant to Section 551.074, the Sullivan City Council may convene in a closed, non-public meeting to discuss any matters related to personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee. Sullivan City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

C) Pursuant to Section 551.075, the Sullivan City Council may convene in a closed, non-public meeting to discuss any matters with any **employees to receive information or question the employees**. Sullivan City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

D) Pursuant to Section 551.076, the Sullivan City Council may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel of devices**. Sullivan City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such a discussion is informative and developed.

E) Pursuant to Section 551.084, the Sullivan City Council may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation**. Sullivan City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

**F) Pursuant to Section 551.086**, the Sullivan City Council may convene in a closed, non-public meeting to discuss any matters regarding **economic development negotiations**. Sullivan City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

**10. Return to Open Session**

**11. Other Business**

**12. ADJOURNMENT**

Posted on this 2<sup>nd</sup> day of February 2024 at 6:00pm at the Sullivan City Hall Bulletin Board located at 500 S. Cenizo Dr. All agendas are also posted at [www.sullivancity.org](http://www.sullivancity.org) and at the Sullivan City Post Office located at 200 Cenizo Dr.

"CERTIFICATION ON POSTING"

I, MAGDA LISA RIVERA, CERTIFY THAT I POSTED A TRUE AND CORRECT COPY OF THE FOREGOING NOTICE OF THIS AGENDA AT A PLACE ACCESSIBLE TO THE PUBLIC AT LEAST 72 HOURS PRIOR TO THE MEETING.

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MAGDA LISA RIVERA, CITY MANAGER  
POSTED THIS 2<sup>nd</sup> DAY OF FEBRUARY 2024

**NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036**

WHEREAS, the CITY OF SULLIVAN CITY, TEXAS (“City”), will consider entering into 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 is pursuing a contract with the Firm for the collection of delinquent fines and fees owed to the City and through this contract the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(1)(A).

B. The City 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 more than 50 years, and more specifically the collection of delinquent fines and fees for nearly 20 years. The Firm currently has 15 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 400 individuals, including over 60 attorneys. It uses a multi-office, fully integrated team approach allowing the City 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 proprietary collection software that can be tailored to meet any special need the City 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 work-flow.

C. The nature of any relationship between the City and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C).

The Firm has represented the City since 2020 in the collection of delinquent taxes.

D. The City is unable to perform the collection of its delinquent fines and fees. GOVT. CODE § 2254.1036(1)(D). The City 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.

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

F. The City 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 debt. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the City or taxpayers in the City.