

**PALM VALLEY CITY COUNCIL  
MINUTES  
REGULAR MEETING  
February 12, 2018  
(rescheduled from February 20, 2018)**

The City Council of the City of Palm Valley met in a Special Meeting on the 12<sup>th</sup> day of February 2018 at 6:00 p.m. at 1313 N. Stuart Place Road, Palm Valley, Texas. The meeting was attended by the following persons:

Mayor           George Rivera

Councilmembers: Debe Wright, Julie Martin, Cynthia Thompson, Paul Powers  
Absent: John Widger

City Attorney: Jason Mann  
City Secretary: Sylvia R. Trevino

Staff: Chief A. R. Garcia  
Rosendo Flores, Waterworks Supervisor

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Rivera.
3. **CITIZEN COMMUNICATION** – None

(At this time Mayor Rivera took items out of order)

5. **RESOLUTION APPROVED APPROVING PARTICIPATION IN TEXAS COALITION FOR AFFORDABLE POWER (TCAP), A POLITICAL SUBDIVISION CORPORATION; APPOINTING A REPRESENTATIVE TO SERVE ON BEHALF OF THE CITY OF PALM VALLEY; AND APPROVING A PAYMENT OF AN INITIAL MEMBERSHIP FEE**

Jay Doegey, representing TCAP, explained the composition of the membership in TCAP. He explained that TCAP was founded in 2010 and currently has 170 members throughout four zones in Texas. In south Texas there are 15 municipalities that are members. He added that the passage of the resolution authorizes execution of a contract under a certain rate for energy usage. The initial

membership, onetime fee, is \$272.75 based on last year's electric billing at 1/2 of 1 % (0.5%). There is an aggregation fee of .008 billed on a monthly basis.

Mr. Doegey explained that the current contract with Gexa has a rate of .03720 which is good through tomorrow at noon. The City of Palm Valley can choose to enter into the contract with Gexa at their stated rate. However, if the City does not sign by tomorrow noon, the City can just ask for another rate.

If the price of natural gas goes below the contract price, then TCAP refunds the difference to the customer. However, if it goes above, then the entity pays the difference and this has only happened twice.

The action to be taken at this time is to become a member and pay the initial fee.

Jason Mann requested some time to review the contract with Gexa.

Councilwoman Thompson made a motion to enroll as a member of TCAP and to pay the initial onetime fee.

Councilman Powers seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**7. DESIGNS FOR THE EXTERIOR SIGN IN FRONT OF CITY HALL  
DISCUSSED AND ACTION TABLED.**

The design team, from TSTC, consisting of Mark Rosas, Rogelio Garcia, Sam Pizano and David Estrada were present to talk about the designs that were displayed on the board.

Various ideas and suggestions were made from the Council members on the various designs. They talked about color scheme, type of materials for construction, alterations, inclusion of the logo, etc. Ultimately, the Council suggested that the students go back and redesign the combination of Design "A" and Design "B" and to design some backlighting to the finished product.

Councilwoman Martin made a motion to table this item until the next meeting in March.

Councilwoman Thompson seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**4) MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2018 APPROVED**

With no corrections to be made, Councilwoman Martin made a motion to approve the minutes.

Councilwoman Wright seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**6) LETTER OF ENGAGEMENT WITH CRI FOR AUDITING SERVICES APPROVED**

Councilwoman Martin made a motion to approve the letter with CRI for auditing services for the fiscal year 2016-17.

Councilwoman Thompson seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**8) RESOLUTION FOR THE CITY'S ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY APPROVED**

Mayor Rivera stated the investment policy had no changes since last year.

Councilwoman Thompson made a motion to approve the resolution.

Councilwoman Martin seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**9) ORDINANCE ADOPTED ORDERING THE CITY'S GENERAL ELECTION FOR MAY 5, 2018 TO ELECT THREE (3) COUNCIL MEMBERS**

Mayor Rivera stated that this is the standard ordinance that orders the election as required by the Texas Election Code.

Councilman Powers made a motion to adopt the ordinance.

Councilwoman Martin seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**10) LEASE AGREEMENT FOR ONE (1) AUTOMARK TO BE USED ON ELECTION DAY AND DURING THE EARLY VOTING PERIOD FOR THE UPCOMING MAY 5, 2018 GENERAL ELECTION.**

Councilwoman Martin made a motion to approve the lease agreement.

Councilwoman Thompson seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present.

**11) BUDGET ADJUSTMENT APPROVED**

The City Secretary stated that this budget adjustment was necessary due to the increase in auditing services. The adjustment is for \$500.00

Councilwoman Thompson made a motion to approve the budget adjustment.

Councilman Powers seconded the motion.

Mayor Rivera took the votes and the motion carried unanimously by those present

**12) DISCUSSION HELD REGARDING THE BACKFLOW PREVENTION PROGRAM AS IT RELATES TO INSTALLATION, TESTING AND INSPECTIONS**

Mayor Rivera explained that this program was implemented by a prior Council. Annual testing of the backflow assemblies is required to make sure they are working properly. The fees range from \$45-\$100 and the residents chooses who they want to do the testing from a list of plumbers who do this type of work. Mayor Rivera questioned why not allow the City to do the testing? There would have to be an ordinance in place that would authorize the City to do this work and charge a fee on the residents' water bill. Should the resident not pay the fee, then the water service could be disconnected. The City could also consider doing the installation and also charge a set fee. Rosendo Flores, the City's Public Works

Supervisor is certified to do this type of work. The only question would be what is the City's liability if something goes wrong?

Jason Mann explained that the Texas Tort Act would come into place and the City's insurance policy would probably cover if there were some damage but the liability would be very minimal. The ordinance would ensure that the testing gets done annually.

Councilwoman Thompson commented that this would work out better rather than trying to keep track of everyone doing the testing at different times throughout the year.

Mayor Rivera commented that it would be a good revenue source for the Water Department. A range of fees could be provided and the components outlined in the ordinance.

Jason Mann stated that he would consider amending the current backflow ordinance.

**13) EXECUTIVE SESSION UNDER SECTION 551.054 OF THE TEXAS OPEN MEETINGS ACT: PERSONNEL MATTERS INVOLVING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE OR TO HEAR A COMPLAINT AGAINST AN OFFICER OR EMPLOYEE**

Councilwoman Martin made a motion to go into Executive Session.

Councilwoman Thompson seconded the motion.

The Executive Session convened at 6:56 p.m. and concluded at 7:11 p.m. with no action taken in closed session.

**14) CONSENT AGENDA:**

- A. Police Monthly Report -- December 2017/January 2018**
- B. Municipal Court Monthly Report -- December 2017/January 2018**
- C. Check Listing -- December 2017/January 2018**
- D. Financial Reports -- December 2017/January 2018**
- E. Investment Reports -- December 2017/January 2018**
- F. Council/staff liaison reports**

Mayor Rivera informed the Council that the old PD truck finally sold and it sold for \$3000.

He also mentioned the possibility of having an ordinance declaring a 'mean dog' and that, maybe, the fine be increased. In other words, consider revamping the ordinance.

Mayor Rivera briefly mentioned a resolution recently passed by the Development Council Board of Directors regarding a new ruling. The Supreme Court's current rulings have restricted states and municipalities from collecting sales tax on internet sales at the point of purchase rather than the point of sale. This could have a disastrous impact as consumers purchase less from brick-and-mortar retailers. He added that the municipality's ability to effectively collect sales tax from internet retailers is important to the health and vitality of our communities. The LRGV Development Council Board of Directors passed a resolution in support of South Dakota's petition to the Supreme Court to modify previous holdings restricting states from collection sales tax from internet retailers. He added that if the Supreme Court rules in favor, cities will lose revenue.

There bearing no further business, the meeting adjourned at 7:18 p.m. upon a motion by Councilwoman Martin and a second by Councilman Powers.



George Rivera, Mayor

Attest:



Sylvia R. Trevino, City Secretary