

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
MAY 15, 2018**

The City Council of the City of Palm Valley met in a Regular Meeting on the 15th day of May 2018 at 5:00 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, Michael Galvan

Absent: Paul Powers

City Attorney: Jason Mann

City Secretary: Sylvia R. Trevino

Staff: Rosendo Flores, Waterworks Supervisor

1) CALL TO ORDER

2) **PLEDGE OF ALLEGIANCE** – Led by Mayor Rivera.

3) OFFICIAL CANVASSS OF ELECTION RESULTS FROM THE MAY 5, 2018 CITY GENERAL ELECTION TO ELECT THREE (3) COUNCIL MEMBERS

The Canvass Committee consisted of Mayor Rivera and Councilwoman Martin. The City Secretary presented the tally sheets from both the early voting period and Election Day.

4) RESOLUTION APPROVED CANVASSING THE RESULTS OF THE ELECTION TO ELECT THREE (3) COUNCIL MEMBERS

The canvass resulted in the following votes casts:

Debe Wright	120
Michael R. Galvan	95
Charles Ramsey	61
Cynthia A. Thompson	106

Be it resolved that the following candidates were duly elected to office:

Debe Wright
Michael R. Galvan
Cynthia A. Thompson

Councilwoman Martin made a motion to approve the resolution.

Councilwoman Thompson seconded the motion.

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

- 5) **CERTIFICATES OF ELECTION AND STATEMENT OF ELECTED OFFICIALS (FORMS) ISSUED AND OATHS OF OFFICE ADMINISTERED TO NEWLY ELECTED OFFICIALS: DEBE WRIGHT, CYNTHIA A. THOMPSON, AND MICHAEL R. GALVAN**

Justice of the Peace Eloy Cano administered the Oath of Office to Councilwoman Thompson.

Justice of the Peace Sallie Gonzalez administered the Oath of Office to Council members Michael R. Galvan and Debe Wright.

- 7) **RESOLUTION DESIGNATING SIGNATORIES FOR TRANSACTIONS WITH THE CITY'S BANKING DEPOSITORIES APPROVED**

This resolution allows First Community Bank to update the signature cards on file for the City's bank accounts.

Councilwoman Wright 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.

At this time, Councilwoman Thompson made a motion to go into Executive Session pursuant to Section 551.071 of the Texas Open Meetings Act:

contemplated or pending litigation on matters where legal advice is requested of the City Attorney.

Councilwoman Wright seconded the motion and the motion carried by the following votes:

Aye: Thompson, Wright, Galvan

Nay: Martin

Councilwoman Thompson made a motion to go into Executive Session pursuant to Section 551.074 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.

- 12) EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT: CONTEMPLATED OR PENDING LITIGATION ON MATTERS WHERE LEGAL ADVICE IS REQUESTED OF THE CITY ATTORNEY.**
- 13) EXECUTIVE SESSION PURSUANT TO SECTION 551.074 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**

The Executive Sessions convened at 5:12 p.m. and concluded at 6:34 p.m. with no action taken in closed session.

(Note: Councilwoman Thompson left the meeting at 6:23 p.m.)

For the benefit of the public that was present, City Attorney Jason Mann announced there will be a response in a couple of weeks with a special meeting at some time in the future (between this meeting and the next monthly meeting).

6) APPOINTMENT OF A MAYOR PRO TEM TABLED

Councilwoman Wright made a motion to table the appointment of Mayor Pro Tem.

Councilman Galvan seconded the motion.

Mayor Rivera took the votes and the motion carried by the following vote:

Aye: Wright, Galvan

Nay: Martin

8) PUBLIC COMMENTS

Charles Ramsey, 708 Palm Valley Drive East, speaking in support of Chief Garcia, stated he has been a resident of Palm Valley for four years and has served the City as the Neighborhood Watch Coordinator. He has been active and acutely aware of actions and the discharge of duties by elected, appointed and employed individuals and the Palm Valley Police Department. Mr. Ramsey stated that Palm Valley is privileged these last eight-plus years to have a Police Chief with an exemplary record of experience and unmatched qualifications. Through his management skills the Chief has been remarkably able to keep the City virtually crime-free and the citizens well protected. He added that it would be a huge loss and a disservice to the City and its residents to not continue to have Chief Garcia in charge of the City's police force.

Nadine McDowell, 3706 Los Alamos, (a former patrol officer), commented that she was in the police force for 13 years and served proudly. Referring to online classes, she stated that online classes are easy for everyone involved and the officers are compensated for the hours they are training online. She has known Chief Garcia for many years and his work ethic is beyond reproach. She stated that it is imperative that the best person lead this city and it would be a 'travesty' to lose Chief Garcia.

Cristina Ramirez, a patrol officer for the City of Palm Valley, stated that she started working in January 2018 and Ms. Ramirez alluded to sexual harassment and a hostile environment. She has not been on the schedule or been assigned hours. She indicated that she received a call about this meeting but she did not know what was going on. She commented that officers have the option of online training because TCOLE allows it. She has a need to know what is going on because she has been excluded from everything.

Arturo Ramos, 1628 Military Highway, Brownsville, TX (a former patrol officer) stated that he worked for the Palm Valley Police Department for three years under the supervision of Chief Garcia. He worked night time shifts; therefore, he did online training as did other officers. They were compensated

with pay or comp time. Mr. Ramos stated that it was an honor to work under Chief Garcia's supervision.

Jaime Guerrero, 5502 Bougainvillea, commented that there is a lot of tension in the community. He stated that the seriousness of the allegations needs to be looked at very closely or a man's reputation could be ruined. There are a lot of people that stand behind the Chief and he asked that everyone step back and look at the facts. He would hate to see bad publicity for the City of Palm Valley and he does not want to see lawsuits created. He asked that the issue be studied really hard.

Mayor Rivera commented that the matter would be looked at very closely and quickly.

**9) MINUTES OF THE REGULAR MEETING OF MARCH 20, 2018
APPROVED**

There being no corrections, Councilwoman Martin made a motion to approve the minutes.

Councilwoman Wright seconded the motion.

Mayor Rivera took the votes and the motion carried by the following votes:

Aye: Martin, Wright

Nay: None

Abstained: Galvan (he had not been yet elected to the Council)

**10) RESOLUTION APPROVED DENYING AEP TEXAS INC'S
APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY
FACTORS TO INCREASE DISTRIBUTIONS RATE WITHIN THE CITY
OF PALM VALLEY**

Councilwoman Martin made a motion to approve the resolution.

Councilman Galvan seconded the motion.

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

11) **ORDINANCE REGARDING THE FEES ASSESSED FOR THE ANNUAL TESTING OF BACKFLOW ASSEMBLIES TABLED**

Mayor Rivera explained that this item came about because at the last meeting two residents were concerned that charging \$50 was too much. They were getting their tests done for \$35.00. Mayor Rivera stated that 22 tests had been conducted already by the City and he had not heard others complain.

The question was whether to leave the fees as stated in the ordinance or make an adjustment to the fees.

Councilwoman Martin stated that if the fees are not going to be adjusted, the City should provide a list of reputable contractors who do this type of testing. She indicated that she was not at the meeting when the ordinance was adopted.

Mrs. John Cutney commented that the residents do not have an option to get it done by an outside contractor and they are forced to pay \$50 when she can get it done for \$35.

Mayor Rivera explained that the ordinance came about so everyone could be on a level playing field, the fee would be assessed in the water bill and the residents would not have to worry about remembering when to get their backflow devices tested. The fees were discussed at two previous Council meetings. After the passage of the ordinance, then the objections started. Mayor Rivera stated that if the fees need to be adjusted, then this item needs to be tabled for further discussion.

Councilwoman Martin made a motion to table the item

Councilwoman Wright seconded the motion.

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

Note: Inspections will stop at this time and the 22 inspections that have been done will be billed accordingly.

- 14) **CONSENT AGENDA:**
- A. Police Monthly Report – April 2018**
 - B. Municipal Court Monthly Report – April 2018**
 - C. Monthly Check Listing – April 2018**
 - D. Monthly Financial Report – April 2018**
 - E. Monthly Investment Report – April 2018**
 - F. Council/staff liaison reports**

Councilwoman Martin commented on a statement made by a resident regarding the lack of patrolling. Sgt. Hunt stated that the patrolling has continued as before.

Mrs. Edna Butler commented that she has not seen any spotlighting in the area this past week.

Sgt. Hunt explained that there are two officers per shift. Their primary duty is to cover street by street and secondary is holding the line through surveillance.

Councilwoman Martin commented that she walked for 45 minutes and not a single officer drove by.

Under Council/staff liaison reports, Mayor Rivera informed the Council that the telephone system was going to be replaced as it is old and not working as it should be. It will be a cloud based system. It will be necessary to do a budget adjustment as the cost is over \$6,000.

He added that the budget numbers are in line at this time.

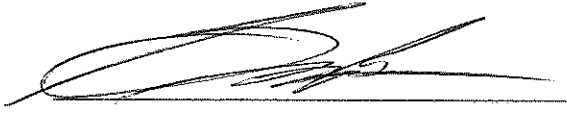
Councilwoman Wright made a motion to approve the Consent Agenda.

Councilwoman Martin seconded the motion.

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

Mayor Rivera welcomed Michael Galvan as the newly elected Council member and congratulated Councilwoman Wright on her re-election.

There being no further business, the meeting adjourned at 7:14 p.m.

A handwritten signature in black ink, appearing to read "George Rivera", written over a horizontal line.

George Rivera, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Sylvia R. Trevino", written over a horizontal line.

Sylvia R. Trevino, City Secretary