

**PALM VALLEY CITY COUNCIL
MINUTES
SPECIAL MEETING**

October 9, 2017

(this meeting replaced the Regular Meeting of October 17, 2017)

The City Council of the City of Palm Valley met in a Special Meeting on the 9th day of October 2017 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: John Widger, Debe Wright, Cynthia Thompson, Paul Powers
Julie Martin

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) PUBLIC COMMENTS**

Larry Crow, 1416 Palm Valley Drive East, was present to express his concern with illegal dumping behind his residence. He alleged that the neighbors across from his alley are depositing their debris behind his house. Mr. Crow asked that the Council consider amending the current ordinance to reflect a higher penalty for violation of the ordinance. As it reads right now the penalty is only \$25. He asked that the City consider increasing it to \$200 plus a deposit of 1 1/2 times for the culprit to haul it off. He stated that he would personally deliver a revised ordinance to the person doing the illegal dumping and to the neighbors in the Country Club Estates.

Mayor Rivera informed Mr. Crow that he would contact County Commissioner Gus Ruiz about the issue.

4) MINUTES FOR APPROVAL – SPECIAL MEETING OF SEPTEMBER 5, 2017

Councilwoman Thompson noted some corrections to Pages 2 and 4.

With the corrections to be made, Councilwoman Martin made a motion to approve the minutes.

Councilman Widger seconded the motion.

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

5) ORDINANCE ADOPTED AMENDING THE BUDGET FOR FISCAL YEAR 2017-18

Councilman Widger explained that this amendment was necessary to account for the increase in the fire service fee which is based on property values. The values increased 2% and this amendment adds \$800 to the budget line item for the fire service fee.

Councilwoman Thompson made a motion to approve the ordinance.

Councilwoman Martin seconded the motion.

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

6) ORDINANCE ADOPTED ESTABLISHING A ROAD INFRASTRUCTURE REPLACEMENT SPECIAL FUND FOR SPECIFIC CAPITAL PROJECTS

Mayor Rivera pointed out that this topic has been discussed on several occasions. Funds would need to be designated every year as part of the budget process.

Councilman Widger stated that the surplus is not official until audited.

Mayor Rivera read the contents of the ordinance and commented that he likes the idea of making it difficult for future Councils to tap into the designated funds but he also does not want to burden them.

Councilman Widger stated that he is not in favor of the ordinance. This just adds more work for little to no benefit. In the past, the reserves have been designated through a

verbal motion. He does not want to lock in future Councils. The bigger issue should be to have a specific plan to know what we are shooting for. He would prefer to do a verbal motion but, better yet, start planning the actual projects and place the emphasis on the planning part of it.

Mayor Rivera stated that the tax increase was sold on the premise that it would be earmarked for major capital projects. If not designated by ordinance, it would be easy to comingle the funds through the general fund.

Councilwoman Thompson agreed with the idea of having a dedicated fund and an amount to start with. While it might be inconvenient to set up a new account, in the long run it will be beneficial for the City. This sends a clear and strong message to the public that we are following with the purpose of the tax increase.

Jason Mann commented that a special fund has legal meaning. As part of the budget process each year, there would be a motion to include the designation of the reserve and indicate what it will be used for. You would have to fund it annually, only if there is a true surplus.

Councilman Widger stated that the time to do it would be after the audit. He repeated that he does not wish to lock in a future Council.

Jason Mann added that it would be a special fund for specific projects.

Councilman Widger stated that this could be accomplished through a motion as well.

Jason Mann commented that the ordinance locks the reserve for specific purposes and the Council would fund it as needed.

Mayor Rivera stated that if a future Council wants to eliminate the ordinance, the fund would still exist.

Jason Mann commented that if a future Council is consistent with the spirit of the ordinance, it would take someone to challenge that the fund was not being used for the specified purpose.

Councilman Widger stated that the ordinance encompasses what the Council already does and he is still against an ordinance.

Councilwoman Thompson made a motion to adopt the ordinance establishing a Road Infrastructure Replacement Special Fund in the amount of \$100,000.

Councilman Powers seconded the motion.

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

Aye: Thompson, Powers, Martin

Nay: Widger, Wright

The motion carried 3 to 2.

7) ORDINANCE ADOPTED ESTABLISHING A WATER CAPITAL REPLACEMENT SPECIAL FUND FOR SPECIFIC CAPITAL PROJECTS

Councilman Widger questioned what would water capital replacement consist of. There have been concerns over the water pressure; sewer lines will need to be replaced; what about equipment infrastructure?

Councilman Widger added that his objections still apply to this ordinance also.

Councilman Powers suggested modifying the wording to read:”water capital and/or replacement” in the body of the ordinance.

Councilwoman Thompson made a motion to approve the ordinance establishing a water capital replacement special fund for specific capital projects in the amount of \$95,000 with the modifications as pointed out by Councilman Powers.

Councilman Powers seconded the motion.

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

Aye: Thompson, Powers, Martin

Nay: Widger, Wright

The motion carried 3 to 2.

8) ACTION TAKEN FOR NON COMPLIANCE OF ORDINANCE NO. 2011-2 AS IT RELATES TO THE BACKFLOW PROGRAM

Mayor Rivera informed the Council that there were about 57 residents that have not complied with the program.

Rosendo Flores, Waterworks Supervisor, stated that he has not finished with the inspections but out of those 57, 11 have water wells and the remaining have backflow preventers but they have not been tested.

Mayor Rivera commented that some of the 57 are actual renters and it could be that the owners of the property may not be aware of the requirement to install a backflow preventer assembly. If the properties are vacant, then there is no problem---the water should already be cut off.

Rosendo Flores stated that he is about 90% complete in one year. If the State should come out, the City has done pretty well to comply with the program. He added that when a customer signs up for water service, it is at this time that they are informed of the provisions of the backflow program.

Mayor Rivera stated that he was not in favor of shutting off the water if they were non-compliant to which Councilman Widger disagreed and commented that the water is shut off every month when customers do not pay their water bills. People have reasonable options if they choose to not comply such as capping their water well and using city water or capping their sprinkler system or the Council could change the rules for those who have wells.

Mayor Rivera stated that if we don't enforce the ordinance and we let those that are non-compliant get away with it, it is not fair to all of those that did comply. If there is still resistance on the part of the residents, the City can install the backflow preventer and charge them for it. If they do not pay, then the City can file a lien against the property. This would be the easiest way to recover our costs.

Councilman Widger felt that this item should be tabled for a later Council meeting.

Mayor Rivera referred to the letter that requires a certified engineer be hired certifying that there is no cross connection. This would be another option. The letter will not go out until Rosendo Flores has finished with his inspections. From the 57 non-compliant it could be narrowed down to maybe 20.

Councilman Widger stated that the contents of the letter would require that the ordinance be amended since the current ordinance does not call for a certified engineer. Mr. Mann explained that the current ordinance allows for this provision as written. This resolved Councilman Widger's concern.

Councilwoman Thompson suggested that certain wording be changed in the letter.

Councilman Widger commented that the Mayor could send the letter without Council approval but Mayor Rivera stated that he wants Council permission.

Councilwoman Martin made a motion to approve the letter allowing the Mayor to make minor revisions at his discretion.

Councilman Powers seconded the motion.

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

9) MEETING DATE CHANGED

After some minor discussion on the appropriate date, Councilwoman Martin made a motion to hold the November 21 Council meeting on Monday, November 13, 2017 due to the Thanksgiving holiday being so close to November 21.

Councilman Powers seconded the motion.

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

10) CONSENT AGENDA:

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

Chief Garcia briefed the Council on the highlights of his report.

Councilwoman Wright commented that she continues to receive favorable comments from the public on the visibility of the officers throughout the community.

Chief Garcia informed the Council that he would have five to six officers on duty on Halloween plus cadets from the Academy; all four units, the bicycle patrol and golf carts as well as the Public Works pickup.

Chief Garcia also informed the Council of the new law that calls for the creation of a Court Security Committee. He explained that he met with the Municipal Court Judge

as she would be the Chair of the Committee plus other designated persons that would serve on the Committee. This Committee would meet at least once a year and official minutes would be taken. The purpose is to address stricter Court security as a result of the Judge that was murdered recently in Texas.

Additionally, the bailiff(s) are now required to undergo a 40-hour training course. The curriculum has not been set yet.

Council/liaison reports

Mayor Rivera reported on the TML Conference that he and two other Council members attended early in October. He commented that the classroom sessions were not the best this year but his big 'take away' was that a City came up with a succession plan which was well received. On some items, there is a big concern over the burden of costs associated with some new laws.

He added that there will be a demo of sealcoating on El Jardin Circle. This will just be a spray which is the least expensive option. The demo will not fill the cracks. The spraying might not do much.

Councilwoman Thompson also reported briefly on the TML Conference and her big 'take away' was on communications. Her thought was to be able to send the City's newsletters via emails instead of hand delivery of hard copies which entails, ink, paper, staff hours, etc. She also liked the huge attendance and felt that more Council members should attend.

Councilman Widger felt that those that attend could share their ideas gathered from the Conference at a Council workshop.

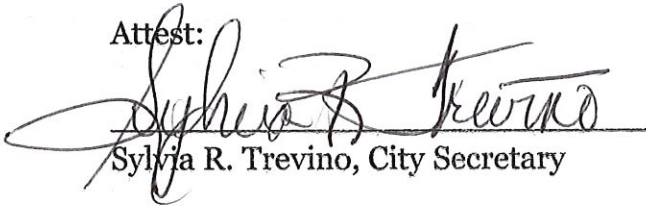
Mayor Rivera reported on the water pressure issue and stated that it is increasing as a result of the modifications done to the booster pump station. However, it comes with consequences in that there have been two water breaks so far at 42 PSI.

There being no further business, the meeting adjourned at 7:25 p.m. upon a motion by Councilwoman Martin and a second by Councilwoman Thompson.



George Rivera, Mayor

Attest:



Sylvia R. Trevino, City Secretary