**PALM VALLEY CITY COUNCIL**

**MINUTES**

**REGULAR MEETING**

**May 15, 2017**

The City Council of the City of Palm Valley met in a Regular Meeting on the 15th day of May 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

Council members: John Widger, Debe Wright, Julie Martin, Cynthia Thompson

Newly elected Council member: Paul Powers

City Attorney Jason Mann

City Secretary: Sylvia R. Trevino

Staff Present: Rosendo Flores, Waterworks Supervisor

1) **CALL TO ORDER –** Mayor Pro Tem Widger called the meeting to order.

2) **PLEDGE OF ALLEGIANCE** – Mayor Pro Tem Widger led the Pledge of Allegiance.

3) **ORDINANCE ADOPTED ACCEPTING THE CERTIFICATION OF UNOPPOSED CANDIDATE FOR THE MAYOR’S POSITION AND GEORGE RIVERA DECLARED AS THE ELECTED OFFICIAL**

The certification of unopposed candidate was submitted by the City Secretary as required by law as well as the ordinance accepting the certification and declaring the Mayor as the elected official.

Councilwoman Thompson made a motion to adopt the ordinance as presented.

Councilwoman Martin seconded the motion.

Mayor Pro Tem Widger took the votes and the motion carried unanimously by those present.

(at this time time, Mayor Rivera resumed his seat as Mayor)

4) **RESULTS FROM THE MAY 6, 2017 CITY GENERAL ELECTION TO ELECT TWO (2) COUNCIL MEMBERS AND THE SPECIAL ELECTION REGARDING THE SALES TAX PROPOSITION CANVASSED.**

Mayor Rivera appointed Councilman Widger and Councilwoman Thompson to canvass the results as presented by the Presiding Judge of the Ballot Board through the City Secretary.

7)  **ISSUANCE OF CERTIFICATES OF ELECTION AND STATEMENT OF ELECTED OFFICIALS AND OATHS OF OFFICE ADMINISTERED TO NEWLY ELECTED OFFICIALS: GEORGE RIVERA (MAYOR) PAUL POWERS (COUNCIL MEMBER) AND JULIE MARTIN (COUNCIL WOMAN)**

Judge Sallie Gonzalez administered the Oath of Office to Councilwoman Julie Martin.

Judge David Sanchez administered the Oath of Office to Councilman Paul Powers and to Mayor George Rivera.

Mayor Rivera presented gifts of appreciation to both Judge Gonzalez and Judge Sanchez.

8) **PLAQUE OF APPRECIATION AND GIFT PRESENTED TO OUTGOING COUNCILMEMBER JOE JONES**

Mayor Rivera presented Councilman Joe Jones a plaque of appreciation and a gift for his four years of service as a member of the Council.

5) **RESOLUTION ADOPTING CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY’S GENERAL ELECTION FOR TWO (2) COUNCIL MEMBERS**

The resolution provided the following results:

Paul Powers 82

Charlie Ramsey 79

Julie Martin 120

Councilwoman Wright made a motion to approve the resolution that elected Paul Powers and Julie Martin as the elected officials.

Councilwoman Thompson seconded the motion.

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

(at this time Paul Powers took his seat at the table).

6) **RESOLUTION APPROVED CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY’S SPECIAL ELECTION TO INCREASE THE SALES TAX BY 1%**

The resolution provided the following results:

“the adoption of a local sales and use tax in the City of Palm Valley at the rate of one percent (1%)”

For: 119

Against: 58

Councilwoman Thompson made a motion to approve the resolution declaring the results as noted above.

Councilwoman Wright seconded the motion.

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

9) **MAYOR PRO TEM FOR 2017-18 APPOINTED**

Councilwoman Martin made a motion to reappoint Councilman Widger as Mayor Pro Tem for 2017-18.

Councilwoman Thompson seconded the motion.

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

14) **ACTION TO PARTICIPATE IN THE HAZARD MITIGATION ACTION PLAN TO BE ELIGIBLE TO APPLY FOR A FEMA HAZARD MITIGATION ASSISTANCE GRANT AND ENTERING INTO AND EXECUTING AN INTERLOCAL AGREEMENT WITH THE TOWN OF LOS INDIOS AS THE LEAD PARTICIPANT TABLED**

Anthony Covacevich, with GrantWorks, explained that FEMA funds the plan at a 75% level with a local match being 25%. Once a plan is approved, cities under the Plan can apply for projects that help mitigate damage during a disaster. Items such as generators for plant operations or for the command centers are eligible as well as flood proofing projects. When other cities get involved, then the match requirement is smaller. He stated that if a City does not have a plan, the city will not be eligible for hazard mitigation grants.

The question arose as to what would the City of Palm Valley’s contribution be and the response was $4,250 in participation with the other cities: Military HWY Water Supply Corporation; Harlingen Irrigation District #2; Cameron County Drainage District #3; and Brownsville Drainage District #1 with Los Indios being the lead participant.

Comment was made that if the City applies, there is no guarantee of funding. It was noted that there would be no incurred costs in preparing the plan which Grant Works would do. The funding cycles were discussed and Councilman Powers asked if the plan would be ready for this hurricane season and the response was no.

Councilwoman Wright questioned where, in the budget, the money would come from considering this is not budgeted. With that in mind, Mayor Rivera recommended tabling this item for further study and to come up with a plan.

Councilwoman Martin made a motion to table this item.

Councilman Powers seconded the motion

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

13) **DISCUSSION AND ACTION TAKEN ON A PLAN FOR IMPROVEMENTS TO MAINTAIN AND IMPROVE DRAINAGE PONDS ON THE HARLINGEN COUNTRY CLUB GOLF COURSE**.

At the recommendation of the City Attorney, Councilman Widger made a motion to go into Executive Session under the Attorney-Client privilege and possible litigation.

Councilwoman Wright seconded the motion.

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

The Executive Session convened at 6:34 p.m. and concluded at 6:44 p.m. with no action taken in closed session.

Returning back to open session, Matt Gorges, speaking on behalf of the Harlingen Country Club, commented that there is confusion and misconception on the agreement between the Club and the City of Palm Valley on the maintenance of the ponds. He explained that he chairs a committee of three: Craig Lonon, Micky Boland, Jerry Wade. They want to work with the City in the spirit of cooperation and not confrontation. The problem with the ponds has to be addressed now. There is deterioration around the retaining walls. It does not have to be done all in one year----the work could be phased out. The first pond closest to the sewer plant could be addressed this summer and then work the next ponds in later years followed by a plan to do the remaining ponds. Both the City and the Club use the pond continuously. He stated that the one pond needs to be done by the end of August.

Councilman Widger stated that he looked at the pond and asked Mr. Gorges what issues he saw other than the retaining wall erosion. Has there been any issue with drawing water from the pond? Mr. Gorges replied no, it just needs to be maintained.

Mr. Gorges added that he is not an expert in ponds but a group of qualified people could determine the seriousness of the problem. He stated that the issue cannot be tabled until a later date. The main lake has got to be done this year!

Mr. Gorges stated that the ponds need to be done now. The Club is not in a position to let the agreement go perpetually. He would like to meet with the city people and his group and move on.

David Flinn, when asked about the condition of the ponds, explained that the work involved is in excess of $2 million for all ponds. The southeast winds are causing the wall erosion. It would require a vinyl wall with a wood whaler on top. He would continue the same job as what the Club did on a section of the wall----only the north side and about 1200 ft.

Mr. Gorges stated that Mike Richardson did repairs to that section because the Club had him fix it as an emergency.

Councilman Widger commented that his understanding is that nothing has been done within the last 40-50 years. About three feet of silt would be removed.

David Flinn explained that the silting would need to be removed and that testing would be required before hauling it away and there would be damage to the Golf Course. When asked about liquefying the silt, Mr. Flinn commented that this would be far more expensive.

Councilwoman Martin stated that her biggest concern would be the damage to the Golf Course.

Matt Gorges stated that it would be better to start at the south part of the pond from Bougainvillea. This would have less effect on the golf course. But, yes, there would have to be careful consideration on the disposal of the sludge.

David Flinn stated that you want to make sure not to go to the water table. If the sludge is ‘inert ’and not organic it could be used elsewhere in the city but it has to be tested for toxicity. These samples could be tested before actually removing the silt.

Councilman Widger asked Mr. Flinn if his estimate included the hauling of the toxic sludge and Mr. Flinn replied no.

Councilman Widger then asked Mr. Flinn if the ponds were dredged would it help with the City’s drainage. Mr. Flinn replied somewhat, but in a hurricane---no; because the whole area is in a bowl. However, it would not flood as much.

Mayor Rivera stated that he agreed with Mr. Gorges. Pond #3 needs to be addressed this year. However, he was not sure which proposal to go with and if the work would be completed by August. He suggested that a couple of Council members work with Rosendo Flores on a plan but, most importantly, how is the project going to be funded.

Mayor Rivera suggested that Councilwoman Wright and Councilman Widger work together to research long term funding. And, that Councilwoman Martin and Councilman Powers get with Rosendo Flores and the Club to see how best to approach this project. This project is an ‘age’ issue and deferred maintenance that should have been addressed a long time ago.

Councilman Widger commented that in 2013 the City applied for a grant and there could be a possibility of applying again. The City has only a million dollar budget for both the City and Water sides with very limited reserves. Mayor Rivera stated that the City has an obligation to get this project done.

A motion was presented that Councilman Powers and Councilwoman Martin get with Rosendo Flores to find a good bid to start the project this year. Further, that Councilman Widger and Councilwoman Wright seek funding options.

Mayor Rivera stated that in summary, start this year with addressing Pond #3. However, an August deadline might not be doable.

Councilwoman Martin was of the opinion that the sludge should be tested first. Councilwoman Wright added that there might be disaster funds for that.

Mayor Rivera reiterated that the Council has to commit to fix the problem.

Councilman Widger stated that he would agree to discuss the project further.

He stated that he had not yet heard a reason for fixing the problem.

Matt Gorges stated that they would like to have a meeting as soon as possible. It appears that the Council’s talk is not in sync with the Club. The Club wants to be reasonable. They do not want to pursue legal remedies but it is way past time that the maintenance of the ponds was done.

A recommended motion was to at least state the City would start the maintenance in 2017.

Councilwoman Martin stated that there is no question that the City has to do the project. Start working Pond #3 at the least cost possible. She offered a motion of the City going out for bids by June 20, at least three bids.

Mayor Rivera added that before there is a vote on that motion, the Council has to agree that the project will start this year.

Councilwoman Thompson offered another motion: that we move forward to improve Harlingen Country Club Pond #3 in 2017.

Matt Gorges commented that the City accept the motion as a minimum or run into legal issues. “You have got to be committed to do it”

Councilwoman Martin offered another motion: We will begin the necessary steps to make the necessary improvements to Harlingen Country Club’s Pond #3 in 2017.

Councilwoman Thompson seconded the motion.

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

Matt Gorges then commented that in addition the Council will work together with the Club to do the rest of the project.

Councilman Widger stated that he could not commit to a specific deadline.

Jason Mann, City Attorney, explained that this commits the City to go into Harlingen Country Club to maintain the ponds as funds permits.

Rosendo Flores was asked to explain the type of maintenance he has done. Mr. Flores explained that he cleans the culverts between the ponds just to remove the debris with the backhoe. Councilman Widger stated that the City has been maintaining the ponds in that respect.

Matt Gorges asked the Council take action on the motion---up or down.

Councilwoman Martin offered and made another motion to allow Rosendo Flores and David Flinn to do the testing of the silt at a cost of up to $3,500 and to do a budget adjustment, if necessary. This would be for Pond #3.

Councilman Powers seconded the motion.

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

**10) RESOLUTION APPROVED DESIGNATING SIGNATORIES FOR TRANSACTIONS WITH THE CITY’S BANK DEPOSITORIES**

Councilman Widger made a motion to approve the resolution designating signatories for transactions with the City’s bank depositories which added Councilman Powers.

Councilwoman Thompson seconded the motion.

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

**11) MINUTES OF THE REGULAR MEETING OF MARCH 21, 2017 APPROVED**

Councilman Widger noted some minor corrections to Pages 2, 3 and 5.

With the noted corrections to be made, Councilman Widger made a motion to approve the minutes.

Councilwoman Thompson seconded the motion.

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

**15) RESOLUTION APPROVED DENYING AEP TEXAS INC’S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY OF PALM VALLEY**

Mayor Rivera noted that, bottom line; there would be no cost to the City.

Councilwoman Martin made a motion to approve the resolution.

Councilman Powers seconded the motion.

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

**16) ACTION TAKEN REGARDING THE TIME OF CITY COUNCIL MEETINGS**

Councilman Widger made a motion to keep the meetings at 6:00 p.m. on the 3rd Tuesday of every month.

Councilwoman Thompson seconded the motion.

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

Aye: Widger, Thompson, Powers

Nay: Martin, Wright

The motion carried 3 to 2.

**17) CONSENT AGENDA:**

**a. Police Monthly Report – March/April 2017**

**b. Municipal Court Monthly Report – March/April 2017**

**c. Monthly Check Listing – March/April 2017**

**d. Monthly Financial Report – March/April 2017**

**e. Monthly Investment Report – March/April 2017**

Mayor Rivera praised Sgt. Hunt for a job well done on the recently missing person from Palm Valley.

Charlie Ramsey recommended removing the Neighborhood Watch as a standing agenda item since there has not been much activity to report on.

Councilwoman Thompson announced that the City’s modified website would go ‘live’ tomorrow.

Councilman Widger made a motion to approve the Consent Agenda.

Councilman Powers seconded the motion.

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

There being no further business, the meeting adjourned at 7:52 p.m. upon a motion by Councilman Powers and a second by Councilman Widger.

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George Rivera, Mayor

Attest:

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Sylvia R. Trevino, City Secretary