

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
December 19, 2017**

The City Council of the City of Palm Valley met in a Regular Meeting on the 19th day of December 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,
Julie Martin

Absent: Paul Powers

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 COMMENTS** – None.
- 4. MINUTES APPROVED – REGULAR MEETING OF NOVEMBER 13, 2017**

Councilwoman Wright made a motion to approve the minutes as presented.

Councilwoman Martin seconded the motion.

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

5. ACTION TAKEN ON CONTRACT BETWEEN THE CITY OF PALM VALLEY AND LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR FINES AND FEES COLLECTION SERVICES

John Guevara, managing partner with the collection firm, explained the agreement is standard and is the one used by his other clients. He explained that if there is a delinquency in outstanding fines the defendant pays their fee. The firm gets their fee only what they collect on. The Judge has complete control to waive any fees based on indigence. He further explained that under the Code an account has to be at least 60 days delinquent for them to pursue collections.

Councilwoman Thompson asked if the Judge waives due to indigence, would the City then have to pay the collection fee? Mr. Guevara replied no and repeated that they get paid only on what they collect.

Mr. Guevara explained the collection process by stating that they will send out letters asking the defendants to contact the firm or contact City Hall. They do address research, skip tracing and they have a call center campaign with bilingual staff and they generate calls throughout six days out of the week.

Mr. Guevara added that they are familiar with the City's software and will be able to access the portal.

Jason Mann, City Attorney, asked for an errors and omissions and indemnification clause to the contract.

Mr. Guevara agreed to revise the contract to add such a clause as requested by the City Attorney.

6) RESOLUTION APPROVED AUTHORIZING COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY OF PALM VALLEY AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR.

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.

(Item No. 5 continued)

- 5) Councilwoman Thompson made a motion to approve the contract contingent on the amendment as requested by the City Attorney.

Councilman Widger seconded the motion.

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

- 7) **ORDINANCE ADOPTED ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF SMALL CELL FACILITIES IN THE RIGHTS-OF-WAY OF THE CITY OF PALM VALLEY, TEXAS AND ADOPTING A CITY OF PALM VALLEY WIRELESS SERVICES (SMALL CELL) DESIGN MANUAL AND APPLICATION**

Councilwoman Wright explained that if the City does not adopt such an ordinance, contractors can just come in and do anything they want. (Note: a full discussion was held at the last meeting).

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

Councilman Widger seconded the motion.

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

- 8) **ACTION TAKEN ON A LEASE AGREEMENT BETWEEN THE HARLINGEN COUNTRY CLUB AND THE CITY OF PALM VALLEY FOR THE MAINTENANCE OF THE LAND AREA BETWEEN THE EAST AND WEST LANES OF EL CAMINO REAL (THE MAIN ENTRANCE TO PALM VALLEY)**

Mayor Rivera explained that he had sent a letter to the Club's Board President to see if they were interested in the lease agreement. He added that the City uses the median for the Lighting of the Palms event each year and the City pays for 1/2 of the water bill. He stated that there are concerns that city funds would be used towards a public entity. If the City took it over it could be more appealing.

Currently, there are temporary cables for the lights and he would like to see something done nicer and better. He asked that the Council allow the City Attorney to draw up an agreement with some stipulations. Mayor Rivera asked if the Council was interested in pursuing a lease where the City could have authority over the median.

Councilman Widger commented whether the median is leased or not, city funds would still be used. He added that he would be more in favor of a relationship with the Club for services and he would agree to pay for the December electric usage.

Mayor Rivera explained that by having a long term lease, it should not be an issue using it for city purposes. The City would pay for maintenance, the water, removal of the dead palms which the Club is not pulling. He stated that a document for approval by the Council could be ready by March.

Councilwoman Martin felt it would be better if the City actually purchased the piece of land and felt that leasing is not the way to go. The deed needs to be in the City's name or it could cause problems in the future.

At this time, Mayor Rivera suggested going into Executive Session under Section 551.072, Open Meetings Act: Deliberations about Real Property – ***A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.***

Councilwoman Thompson made a motion to go into Executive Session.

Councilwoman Wright seconded the motion.

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

The Executive Session convened at 6:20 p.m.

Upon a motion by Councilwoman Thompson and a second by Councilman Widger, the Council returned to open session at 6:21 p.m.

Councilwoman Martin reiterated that she still felt that leasing the property could cause the City problems.

Councilwoman Thompson commented that she could see the point but the property is also a part of the City and the City has the ability to make improvements to it. The City could enhance it to make it more appealing.

Councilman Widger pointed out that depending on the City's stipulations, the Club could easily veto the agreement.

Councilwoman Thompson felt that she would be agreeable to a 5-year lease vs a 15-year agreement.

Councilwoman Wright commented that she could not see how it would not benefit the Club. There is no downside to it.

Jason Mann commented that if the Club enters into a long term agreement it impacts the salability of the Club.

Mayor Rivera outlined the expenses incurred this fiscal year: water/electrical/the sign/cameras/ breakers/temporary lighting with extensions---only breaker was added. Next year the City might be able to do anything and he does not anticipate any expenses incurring until 2019 if a lease agreement is entered into.

Councilman Widger added that even without doing anything with the median the City has contributed about \$2,000 with the electrical and the (4) cameras which are constantly on plus the lighting on the sign.

Mr. McPhearson, a local resident, felt it was more important to enhance the old Stripes building than the median. Councilwoman Wright explained that they have a long term lease and they have no incentive to sell the property. The City has already tried to discuss a sale.

Mayor Rivera polled the Council to see who was interested in pursuing a lease agreement. Two were in agreement and two were against.

A motion by Councilwoman Thompson was made to allow the City Attorney to come up with a long term lease.

Councilwoman Wright seconded the motion.

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

Aye: Thompson, Wright

Nay: Widger, Martin

Mayor Rivera broke the tie vote and voted 'aye'.

Councilman Widger added that the Parks Board could also contribute to the enhancement of the median.

9) **ORDINANCE ADOPTED TO AMEND BUDGET FOR FISCAL YEAR 2017-18**

Councilman Widger explained the adjustment was necessary due to the increase in the quarterly appraisal fee from the Appraisal District. The amount of the adjustment is for \$600.00.

Councilwoman Martin made a motion to adopt the ordinance amending the budget in the amount of \$600.00. The new budgeted amount will reflect \$6,800.00.

Councilwoman Thompson seconded the motion

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

10) **MAYOR PRO TEM (SUCCESSOR) APPOINTED**

Mayor Rivera announced that Councilman Widger would be resigning at the end of January. He stated that he had spoken with Councilwoman Wright to fill the position of Mayor Pro Tem until May and she had accepted.

Councilwoman Thompson made a motion to appoint Councilwoman Wright as Mayor Pro Tem.

Councilwoman Martin seconded the motion.

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

11) **CONSENT AGENDA:**

A. Police Monthly Report – November 2017

B. Municipal Court Monthly Report – November 2017

- C. Check Listing – November 2017
- D. Financial Reports – November 2017
- E. Investment Reports – November 2017
- F. Council/staff liaison reports – November 2017

Chief Garcia reported that there have been no break-ins in Palm Valley and reported briefly on his remaining report.

Mayor Rivera briefed the Council in the City's budget and commented that expenses are holding and there are no concerns at this time. He added that earlier conversations with County Commissioner Ruiz were that the County could consider helping out with the street project. He will wait until the new year to continue those discussions.

Councilwoman Thompson made a motion to approve the Consent Agenda.

Councilman Widger seconded the motion.

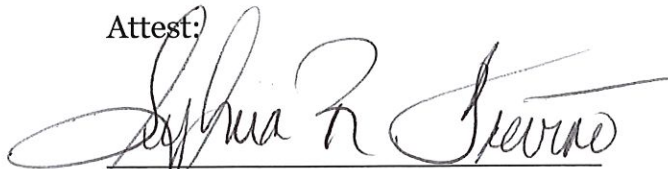
Mayor Rivera took the votes and the motion carried unanimously by those present.

There being no further business, Councilwoman Thompson made a motion to adjourn. Councilwoman Martin seconded the motion which carried unanimously by those present. The meeting adjourned at 6:43 p.m.



George Rivera, Mayor

Attest:


Sylvia R. Trevino, City Secretary