PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
June 19, 2018

The City Council of the City of Palm Valley met in a Regular Meeting on the 19th day of June 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
A.R. Garcia, Police Chief

1) **CALL TO ORDER** – Mayor Rivera called the meeting to order.

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

3) **PRESENTATION AND ACCEPTANCE OF THE CITY'S ANNUAL AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2017**

Quentin Anderson, representing Carr Riggs and Ingram, presented the City's audit and briefly went over the City's financial standing. He informed the Council that he had met with Mayor Rivera and the City Secretary prior to this meeting to go over the Internal Control Matters that were reflected as Improvement Points. In their opinion, the financial statements referred to present fairly, in all material aspects, the respective financial position of the governmental activities, the business-type activities and each major fund of the City of Palm Valley as of September 30, 2017. The assets of the governmental activities exceeded its liabilities at the close of the most recent fiscal year by $2,296,974 (net position) compared to $2,237,227 in the prior year. Of this amount $559,525 is unrestricted net position and may be used to meet the government's ongoing obligations to citizens and creditors. The assets of the City Water Services exceeded its liabilities at the close of the most recent fiscal year by

$2,556,245 (net position) compared to $2,533,389 in prior year. Of this amount, $699,187 is unrestricted net position and may be used to meet the Water Service's ongoing obligations to citizens and creditors. As of the close of the current fiscal year, the City's governmental fund reported ending fund balance of $551,992 and $442,916 for 2017 and 2016, respectively. The City's governmental fund reported unassigned fund balance of $55,993 at the end of the fiscal year, which amounts to an increase of $109,077 over the prior year. The City's enterprise fund reported unrestricted cash of $613,763 at the end of the fiscal year, which amounts to an increase of $97,908 over the prior year.

Mr. Anderson added that there were no areas of non-compliance and the statements reflect well the stewardship of the City.

Mayor Rivera pointed out that the $5 million in assets is comprised of fixtures, equipment, infrastructure and not actual cash and he felt it was important for the citizens to know this.

The City Secretary pointed out that the recommendations for the Internal Control Matters have already been implemented or are in the process of.

Councilwoman Martin made a motion to accept the audit as presented.

Councilwoman Thompson seconded the motion.

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

8) **OPTION NO. 1 CONSIDERED FOR IMPOSING A FRANCHISE FEE TO WASTE MANAGEMENT FOR GARBAGE COLLECTION SERVICES TO BE FOLLOWED WITH A FRANCHISE AGREEMENT**

Mayor Rivera stated that he has been after Waste Management for a franchise fee to help with the wear and tear of the streets. He is not looking to replace Waste Management as the residents have a very good relationship with the workers.

The Council agreed that Option 1 would be the better choice because the residents are used to the twice weekly pickup. The cost would increase from $27.20 to $35.00 with all the services remaining the same. This increase applies to single family residential only.

Councilwoman Wright commented that the townhomes at Los Amigos do not have a location to place bins and there are some residents that do not have service.

Councilwoman Thompson made a motion to go with Option 1 and allow the Mayor to enter into a franchise agreement as long as the City Attorney has reviewed all of the provisions.

Councilwoman Martin seconded the motion.

Under discussion, Lisa Taylor summed it up and stated that the City will get 10% of the new cost and Waste Management will continue to provide its services.

There was discussion from the audience that not everyone receives garbage collection services.

John Topp commented that the residents will get the increase and the City will get $3.50 of the increase. Mayor Rivera stated that he will see what the contents of the agreement will be which will also be reviewed by the City Attorney. He noted that the last increase to the customer was about five years ago.

Jaime Lopez, Regional Manager with Waste Management, stated that WM was going to impose an increase anyway, regardless of the franchise.

Edna Butler commented that it would be better if everyone placed their garbage in the front so the trucks would not have to enter the cul-de-sacs.

There being no further comments, Mayor Rivera took the votes and the motion carried unanimously.

4) PUBLIC COMMENTS

Edna Butler, 5516 Palm Valley North, read from a prepared statement, a copy of which is attached and made a part of the minutes.

John Topp asked about the dredging of the ponds at the Golf Course with the hurricane season fast approaching. He commented that last year, about this time, there was word that the Irrigation District would assist in that project and he wanted to know what the status is.

Mayor Rivera replied it would be discussed under the Consent Agenda.

5) MINUTES OF THE REGULAR MEETING OF MAY 15, 2018 AND THE SPECIAL MEETING OF MAY 23, 2018 APPROVED

There being no corrections, Councilwoman Wright made a motion to approve the minutes of both meetings.

Councilman Galvan seconded the motion.

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

6) MAYOR PRO TEM APPOINTED

Mayor Rivera stated that he had contacted Councilwoman Thompson to see if she was interested in the Mayor Pro Tem position and she had agreed.

Councilwoman Martin made a motion to appoint Councilwoman Thompson as the Mayor Pro Tem for 2018-19.

Councilman Galvan seconded the motion.

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

7) ORDINANCE NO. 2018-3 AS IT RELATES TO THE ANNUAL TESTING OF BACKFLOW ASSEMBLIES REMAINS THE SAME

Mayor Rivera pointed out that this issue was discussed several months back. The assemblies need to be tested and the residents were being charged $45-$125.00. The citizens then started asking why not the City conduct the testing and the revenue come to the City. So, the current ordinance was adopted and it contained a specific pricing for testing, repair and replacement. Since then 22 tests have been conducted and charged $50 without any complaints. However, Mrs. Butler and Mrs. Cutney want to have their own plumber do the testing because he only charges them $35.00. All other citizens were not opposed to the City doing the tests. The ordinance in place allows the City staff to do the testing.

Councilwoman Martin commented that a lot of residents are on fixed incomes and it is not right for the City to tell them to pay for the City to conduct the test.

Councilwoman Thompson stated that this was done for compliance and conformity so all testing could be done on a routine basis by Rosendo Flores, the City's certified inspector.

Councilwoman Martin asked if there is a list of certified plumbers that the residents could choose from. The response was yes, before the City started doing the testing. Mayor Rivera explained that there was one incident where the resident was charged $150 and was not even notified of the testing and this is what led to the ordinance that is currently in place.

Bill Elmer agreed that the $50 for testing by the City was a good price and if a repair or replacement was necessary, Rosendo could do it at a lesser cost than what a plumber would charge.

Councilwoman Thompson added that the City wanted to ensure there was follow-up and compliance. It would be more expensive for the resident to hire their own plumbers.

Mayor Rivera commented that now that revenue comes back to the City and not elsewhere.

Lisa Taylor commented that the City doing the testing assures individual compliance. What if the residents throw away the reminder notice? What if the resident does not comply? How would the City go about collecting the money?

John Topp agreed with the City doing the testing. There will be savings to the residents and revenue will be generated for the City.

John Hollingsworth also agreed that it would be best for the City to conduct the testing and felt that the cost was reasonable which would then, in turn, pay for Rosendos' license.

Mayor Rivera explained that there would be about $5,000 generated to the Water Department. It does not look like the Harlingen Irrigation District will be assisting with the dredging of the ponds and he, as the Mayor, is getting pressure from the Club. The dredging of one pond will cost about $800,000 and all the lakes have to be dredged. He has no choice but raise revenue the best way he can.

Lisa Taylor asked if this revenue would go to dredge the ponds and Mayor Rivera replied yes.

Councilwoman Thompson made a motion to leave the ordinance as is.

Councilman Galvan seconded the motion.

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

Aye: Thompson, Galvan, Wright
Nay: Martin

The motion carried 3 to 1.

9) **ORDINANCE ADOPTED AMENDING THE 2017-18 BUDGET TO ACCOUNT FOR THE COSTS ASSOCIATED WITH THE EMERGENCY INSTALLATION OF A NEW TELEPHONE SYSTEM**

Mayor Rivera explained this was necessary due to the telephone system being old and not functioning as it should.

The amount of the budget adjustment is $6,350 for new cabling and wiring and new telephone system.

Councilwoman Martin made a motion to adopt the ordinance amending the budget for the amount of $6,350.

Councilwoman Wright seconded the motion.

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

10) **ORDINANCE ADOPTED APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TO REVIEW AEP TEXAS INC'S REQUESTED APPROVAL OF AN ADJUSTMENT TO ITS ENERGY EFFICIENCY COST RECOVERY FACTOR; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND OTHER RELATED MATTERS.**

Councilman Galvan made a motion to adopt the ordinance.

Councilwoman Thompson seconded the motion.

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

11) **POLICE OFFICERS' PAID TRAINING DISCUSSED AND ACTION TAKEN**

Mayor Rivera explained that the City pays for officers training at home for whatever training the Chief wants them to train for. The officers get paid for the training but also get paid their hourly rate.

Councilwoman Martin commented that if the training is required she has no problem paying them.

Chief Garcia read from a handout that reflected a listing of all training where the word 'shall' is used. He explained that the department is deficient in some areas and they are working on some others. For example, five officers have to be recertified in CPR, tasers, and firearms. The department is deficient in the required bailiff's training. This online course is expensive. He is looking to see about the training offered by the Texas Municipal Courts Education Center. He added that most courses are free but those offered by the OSS Academy can run from $15-$40.00 but when he offers them he can also invite other cities officers to train

Chief Garcia stated that he usually picks the topics and the instructor course-train the trainer is required if you want to be an instructor.

Councilwoman Thompson commented that her concern is that, theoretically, the officers could bill for three hours of training and it could take them only one hour. Chief Garcia explained that he is able to log in and see how long they trained.

Charles Ramsey questioned whether there would be enough computers at City Hall to take the training.

Councilwoman Thompson asked for a list of officers that shows what training they have taken and what required courses they still need and how those courses would be taken.

Councilwoman Wright expressed concern that may be there is too much training for a community our size.

There followed some discussion on the patrolling while the Chief was suspended. Concern was expressed that the officers were not doing the spot lighting throughout the city. Mayor Rivera questioned this as there was the same number of officers on duty as before.

Mayor Rivera asked if the City should continue to pay for training when the officers can do it on their own time.

Bill Elmer commented that he was a training officer in the 70s and 80s and every corporation does off site training.

Councilwoman Thompson commented that she agrees that some training should be conducted but she would feel better knowing that the funds are better spent when the training is supervised. Her concern is supervision and monitoring. She stated that she would still like to see a listing of all required training and courses.

Chief Garcia related two incidents that occurred where the officers were able to demonstrate their skills acquired through training. He indicated he would be presenting letters of commendation to Officer Quintanilla and Mendiola. He added that because the officers do not get paid a high salary, that he can at least provide them as much training as possible.

Councilman Galvan asked if it is normal to advance an officer so quickly and how many officers continue to work in Palm Valley. Chief Garcia replied that Officers Quintanilla and Mendiola have been employed for a while as well as Officer Calvillo who has worked both part time and full time throughout the years.

Further discussion followed on normal everyday training and advanced training.

Councilwoman Thompson made a motion to allow the basic required and mandatory training for officers, for continuing education, and when done online that the training be conducted here at City Hall.

Councilman Galvan seconded the motion.

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

13) RESIGNATION FROM COUNCILWOMAN DEBE WRIGHT ACCEPTED

Mayor Rivera presented an appreciation plaque and gift to Councilwoman Wright for her many years of service to the City of Palm Valley. Councilwoman Wright resigned to move out of town.

At this time, Councilwoman Wright exited the meeting.

14) RESOLUTION APPROVED APPOINTING LISA L. TAYLOR AS A SUCCESSOR TO FILL THE VACANCY OF CITY COUNCIL MEMBER FOR A ONE YEAR TERM

Councilwoman Thompson nominated Lisa L. Taylor to fill the vacancy.

Councilwoman Martin nominated William Elmer to fill the vacancy.

Lisa Taylor stated that she has been a resident of Palm Valley for over four year and has been in the Valley for 26 years. She is an attorney and a CPA; a member of the State Bar of Texas; Treasurer for Texas Rural Aid. She added she has plenty of financial experience in both the private and public sector. Ms. Taylor stated she is happy to help the City and she has a zero political agenda.

William Elmer stated that he has been in Palm Valley for almost 18 years and previously had his own computer company. He has a lot of experience with budgeting. In his previous experience as a paramedic he was active in training and managing contract negotiations. He was a MIS coordinator and has also been in charge of jail operations. He is retired and very available and he, too, would be happy to help the City.

Councilwoman Thompson made a motion to approve the resolution and appoint Lisa L. Taylor.

Councilman Galvan seconded the motion.

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

Aye: Thompson, Galvan
Nay: Martin

The motion carried 2 to 1.

(Note: Ms. Taylor's swearing in will occur at the next meeting: July 17.)

15) **CONSENT AGENDA:**

A. Police Monthly Report – May 2018
B. Municipal Court Monthly Report – May 2018
C. Monthly Check Listing – May 2018
D. Monthly Financial Report (budget) – May 2018
E. Monthly Investment Report – May 2018
F. Council/staff liaison Reports

Chief Garcia went over his report briefly. Discussion followed on the number of officers and their tenure with the City.

Chief Garcia continued to inform the Council on the traffic plan for the Kids Triathlon on July 7 and the 4th of July parade.

Mayor Rivera commented that his biggest concern is the crossing of Stuart Place Road for the Triathlon.

Mayor Rivera added that the City Secretary is working on contracting someone to conduct sexual harassment training for the employees.

Mayor Rivera also touched upon the issues that have arisen over fences throughout the City. This needs to be discussed and the question would be if the Council wishes to hire an outside source to revamp the ordinance that addresses fences. He pointed out that the deed restrictions are not in line with the City's ordinance.

Councilwoman Thompson made a motion to approve the Consent Agenda.

Councilman Galvan seconded the motion.

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

12) **DISCUSSION AND ACTION TO APPROVE SALARY FOR INTERIM POLICE CHIEF DURING THE PERIOD OF MAY 5, 2018 THROUGH MAY 23, 2018**

At this time, Councilwoman Thompson made a motion to go into Executive Session under Section 551.074: Personnel.

Councilwoman Martin seconded the motion and it carried unanimously.

The Executive Session convened at 7:54 p.m. and concluded at 8:00 p.m.

Returning to open session, Councilwoman Thompson made a motion to take no action on the item.

Councilwoman Martin seconded the motion.

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

There being no further business the meeting adjourned at 8:00 p.m.

George Rivera, Mayor

Attest:

Sylvia R. Trevino, City Secretary

I'm Edna Butler and I have lived in Palm Valley since 2011. I have loved living here, and feel safe, but the last couple of months has not been so fun. There has been so much going on since we all voted not to have the play ground. One thing after another. I'm speaking for most of us here. I don't understand why its has to be this way. Look like mayor and council members you can see we are not happy with what you are trying to pull. You don't want to do what the people that live here want only what you want. Can't you all see this. I can tell you all one thing when electing time comes around again we sure won't put you back in, if you don't talk things over with the people that live here before you make a decision and see what we would like to have done. You need to understand you can get more with HONEY then Lemons.

I just hope you can see if we all work together things are much easier for everyone. I'm here to work with all of you and do my part, I think I can speak for everyone here.

So mayor , council members, chief, and city employees, let's all start loving and helping each other, bring our town back together and let everyone know this is a wonderful place to live. Right now everyone is walking on egg shells, hoping that shell doesn't break.

I love it here and I love all my neighbors, I don't always see eye to eye with everything they do, but that what make love grow. God bless each and everyone of you. I will keep you all in my prayers.