

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
October 16, 2018**

The City Council of the City of Palm Valley met in a Regular Meeting on the 16th day of October 2018 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: Cynthia Thompson, Lisa Taylor, Paul Powers
Absent: Julie Martin, Michael Galvan

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.

**ORDINANCE ADOPTED AUTHORIZING PARTICIPATION IN A
DOCKLESS VEHICLE PERMIT PROGRAM AND ALLOWING LIME TO
ADMINISTER BIKES IN THE CITY OF PALM VALLEY**

Blanca Davila, Economic Development Specialist, representing the LRGV Development Council explained the program. She explained that the shareholders committee awarded the program to Lime. The official launch is scheduled for November 9 @ 9:30 a.m. in Weslaco. Bikes will be provided to cities and scooters to the college campuses. The bikes are e-bikes although you can still pedal them. Lime will service the bikes once a week. All they are asking is that there is a point of contact to communicate any issues. Palm Valley would get 3-5 bikes since it is based on population. Lime's commitment is to maintain the bikes and there is 'zero' investment to participating cities. There will be a coordinated effort to match location and bikes so riders will know where to go. Users will need to be educated on the use of the e-bikes and riders will access an application on their phone to be able to use the bikes. Ms.Davila then proceeded to state what the costs will be to the riders. She added that Lime will pay the City

to initiate the program and there is an annual renewal rate of \$300.00. Lime will carry all required and necessary insurance.

Mayor Rivera asked if the ordinance is passed it just puts the City in a pool with other cities. A formal written agreement would follow between the City and Lime.

Councilwoman Taylor made a motion to adopt the ordinance understanding that it is only to become a participant and that a formal agreement with Lime would follow.

Councilwoman Thompson seconded the motion.

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

3) CITIZEN COMMENTS

Charles Ramsey, 708 Palm Valley Drive East, referred to an article that reported that the Council of the City of San Benito was conducting city business on their cell phones via text messaging during City Council meetings to include discussion of agenda items as well as discussions on agreements of how they planned to vote. He stated that these actions are in direct violation of the Texas Open Meeting Act of 2018.

It was Mr. Ramsey's hope that the City Council of Palm Valley would propose and approve a City ordinance prohibiting the use of any and all electronic communication devices during City Council meetings but no action has been taken. He added that there is a sign posted on the wall that states cell phones are to be turned off during meetings and court proceedings but it is not enforced. He asked that the Council consider drafting an appropriate ordinance that disallows the use of any and all electronic devices during official meetings or court proceedings.

Mr. Ramsey questioned if the City had to pay to have the street lights on Stuart Place Road installed since they were removed before.

5) MINUTES FOR APPROVAL – Special Meeting of August 28, 2018 and Special Meeting of September 4, 2018

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

Councilman Powers seconded the motion.

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

6) PROPOSAL FROM PROFESSIONAL SERVICE INDUSTRIES, INC. FOR ENVIRONMENTAL SERVICES FOR SEMI-ANNUAL EFFLUENT WATER AND ANNUAL SOIL TESTING AT THE WASTEWATER TREATMENT PLANT APPROVED

This is an annual invoice that, historically, has been submitted to the Council for approval. The invoice amount was \$3,270.00

Councilwoman Taylor made a motion to authorize the approval of the invoice for environmental services and annual soil testing.

Councilman Powers seconded the motion.

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

7) MEMORANDUM OF UNDERSTANDING FOR THE LEASE OF THE MEDIAN BETWEEN THE ENTRY AND EXIT OF EL CAMINO REAL FOR USE BY THE CITY OF PALM VALLEY TABLED.

Upon recommendation by Mayor Rivera, a motion to table this item was made by Councilwoman Taylor and seconded by Councilwoman Thompson.

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

8) TRANSFER OF SURPLUS FUNDS FROM FISCAL YEAR 2017 FROM THE CITY GENERAL FUND TO BE DEPOSITED ENTIRELY INTO THE WATER CAPITAL REPLACEMENT SPECIAL FUND MONEY MARKET ACCOUNT AUTHORIZED.

Mayor Rivera explained that there was an ending surplus in the City General Fund in the amount of \$144,356 and an ending surplus in the Water Fund in the amount of \$153,735 from fiscal year 2017-18-----a total surplus of \$298,091. He added that, by law, the City must retain at least \$150,000 in reserve and any Council member or Mayor has the authority to move funds. The operating budget has nothing to do with these numbers. He recommended directing these funds to the Water Capital Replacement money market account. Mayor Rivera commented that a decision needs to be made now and he does not wish to transfer too much of the funds but some in order to have funds to dredge one or two ponds.

Mayor Rivera commented that the City still has a couple of other money market accounts that would not be impacted by the transfer.

In summary, \$340,000 will be transferred from the City's tax account and \$425,000 from the Water Cash Account into the Water Capital Replacement Fund money market account. A total of \$765,000 added to the existing balance will total \$860,383.45.

Councilwoman Thompson made a motion as noted above.
Councilwoman Taylor seconded the motion.

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

9) AUTHORIZATION GIVEN TO SEEK MORE ENGINEERING PROPOSALS FOR THE DREDGING OF THE EFFLUENT POND AND TO PREPARE THE SPECIFICATIONS AND ADVERTISE THE SOLICITATION OF BIDS FOR THE PROJECT

Mayor Rivera explained that he received a proposal from David Flinn in the amount of \$35,000.00 to prepare the bid specs and solicit bids for the dredging of Pond #3. The bid specs are not required to be bid out since the amount is less than \$50,000. He added that David Flinn is very familiar with all of the ponds on the Golf Course and he is a local business in Palm Valley.

William Elmer commented that it would be good for the City to seek other proposals to have more than one source.

Councilwoman Taylor commented she concurs with the premise but she would not want other people to charge the City for submitting a bid. David Flinn is a local taxpayer but it would be a problem to pay the same company to be the engineer for the project. An engineer has to supervise the project whoever is hired. Mr. Flynn's proposal includes all of the supervision.

William Elmer was of the opinion that the engineer should not also be the project manager.

Dr. Julia Nathan commented that there are other local engineers who will provide a package. That engineer stamps the specifications and drawing and the project will be supervised by an engineer.

Mike Vargas added that the selection of an engineer could be based on a rating system.

A motion was made by Councilwoman Taylor to table this item to allow Mayor Rivera to seek other engineering proposals.

Councilwoman Thompson seconded the motion.

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

10) PARKS AND RECREATION BOARD MEMBERS REAPPOINTED.

Councilwoman Thompson made a motion to reappoint the following Board members whose terms expired in September. They will serve another 3-year term.

John Topp
Michael Galvan
Julie Herrington
Sylvia Rivera
Jimmie Traylor

Councilman Powers seconded the motion.

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

11) CONSENT AGENDA:

- A. Police Monthly Report – September 2018**
 - 1. Status report on property cleanup program**
- B. Municipal Court Monthly Report – September 2018**
- C. Monthly Financials – August/September 2018**
- D. Monthly Check Listings – August/September 2018**
- E. Monthly Investment Report – August/September 2018**
- F. Council/staff liaison reports**

Chief Garcia briefed the Council on his report (included in the packet).

Mayor Rivera stated that he empowered the Chief with the task of citing those that do not keep up with the maintenance on their properties. He is concerned and tired of the complaints on unkempt yards. The process requires that letters and pictures be sent and they are given 10 days to remedy the violation. 10 days is by law and cannot be changed.

Chief Garcia further explained the process and stated that after the 10th a citation is issued for violation of the ordinance and City staff then goes in and mows the yard and a bill is generated for the service and send to the resident.

Mayor Rivera commented that there should be 'zero' tolerance and there is no excuse, physically or financially, for this ordinance violation.

Councilwoman Thompson thanked the Chief for doing this and commented that it sends a strong message to be able to maintain a clean city.

Edna Butler commented that the letter does not have a signature and, therefore, not legal.

Councilwoman Taylor explained that the notice does not have to have a signature to be enforceable. The notice itself is sufficient.

Chief Garcia continued his report and stated that there will be 4 to 5 officers on Halloween night and no streets will be closed this year. He will put a notice out on the Next Door blog about Halloween.

Councilwoman Thompson 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.

COUNCIL/LIAISON REPORTS

Mayor Rivera commended staff for an exceptional year and for staying under budget.

It was noted that the next Council meeting is November 20----the week of Thanksgiving. Those present stated that they would be able to attend.

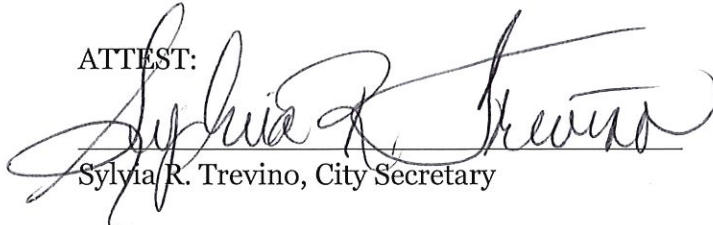
Councilwoman Taylor stated that, however, she would not be attending the December 18 Council meeting due to a prior commitment.

There being no further business, the meeting adjourned at 7:15 p.m. upon a motion by Councilwoman Taylor and a second by Councilman Powers.



George Rivera, Mayor

ATTEST:



Sylvia R. Trevino, City Secretary