

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
March 21, 2023**

The City Council of the City of Palm Valley met in a Regular Meeting on the 21st day of March 2023 at 6:00 p.m. at 1313 N. Stuart Place Road, Palm Valley, Texas. (ZOOM videoconferencing was available for the public).

Council members present:

Mayor Pro Tem Gilberto Lucio
Councilman Eric Hoff
Councilman Jerry Wade
Councilwoman Annette Baker

Via Zoom:

Councilwoman Lisa Taylor

Present:

Jason Mann, City Attorney

Staff present (all in person):

City Secretary: Kathy J Cherry
Chief A. Quintanilla
Rosendo Flores, Director of Public Works
Jose Rivera, Support Services Aide

1. **CALL TO ORDER** - The meeting was called to order by Mayor Pro Tem Gilberto Lucio.
2. **LEGISLATIVE PRAYER** - The Legislative Prayer was recited by City Secretary.
3. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance followed led by Mayor Pro Tem Lucio.

Mayor Pro Tem Lucio read the "Conflict of Interest" under section state law.

4. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 15, 2023, AND THE SPECIAL MEETING OF MARCH 7, 2023**

Mayor Pro Tem Lucio, we do not have the minutes for the special meeting of March 7, 2023, but we do have the minutes for the February meeting.

Councilwoman Taylor, "I am sorry I do not see that in my packet Gil"

Mayor Pro Tem Lucio, "No, she presented at the meeting when we walked in today."

Councilman Hoff, "Mayor Pro Tem I make a motion for agenda item 4 to approve the minutes of February 15th, 2023 and the special meeting."

Councilman Wade second motion

Councilwoman Taylor abstain. Did not have copy of meeting minutes.

Mayor Pro Tem Lucio took the votes, and the motion was carried unanimously by those present.

5. **PUBLIC COMMENTS**

None

6. **DISCUSSION (ONLY) PRESENTATION FROM GRANT WORKS REGARDING GRANT WRITING.**

Mayor Pro Tem Lucio. We have Grant Works here regarding some grant writing that the City is looking to possibly further our assistance from the State of Texas to maybe get some money coming our way and they will do a presentation at this time.

Presentation from Grant Works Nelda Barreta, Client Service Manager for Grant Works. Grant Works met with Mayor Pro-Tem Gilberto Lucio and the City Secretary about a month ago to discuss the programs they had as well as ask about the needs and priority of the city. Grant Works Texas based company and expanded over 8 states. They were founded in 1979. They have certified planners and mappers. We also have 400 employees that work with the agency. Grant Works specializes in State and Federal grant programs and has completed over 3000 projects in the course of our existence. We've managed and secured \$8 billion in state and federal funds and also managed over 8 million dollars in ARPA funding. They do the procuring for the city and Grant Works do not do retainer contracts. The fees are taken out of the grant awarded. Some of the programs Grant Works market are: The B.R.I.C.K Program, FEMA Program (which are looking for multiple partners), Broadband Program, Economic Development, and Water Development Board,

Councilman Hoff, the references you show, Hidalgo County and Edinburg I.S.D?

Councilmembers, no, that is the wrong one?

Grant Works, our primary clients are cities and counties.

Mayor Pro Tem Lucio, when speaking with Nelda, she stated, our city does not qualify for the CDBG grants?

Grant Works, you are an eligible community, it depends if you can find an eligible project that is over 51%, Low to moderate income. Another way you can qualify for CDBG is if you take in an area from another community that does qualify.

Mayor Pro Tem Lucio. could you put us in contact with those communities?

Grant Works, we help you to develop the program and if you have a particular need and you know your drainage goes through a particular community, we will work with you.

Councilman Hoff, your experience with cities, the majority of the cities apply for CDBG by themselves, or do they do it through grant writers?

Grant Works, most of the smaller communities do it through grant writer's consultants. Well, a community may be able to fund its own, can't say who does.

Councilwoman Taylor, I have a question, I'm sorry if I missed it but you stated that there was no monthly fee for your consulting services and you only paid if the grant get awarded, is that correct?

Grant Works, we don't have a retainer type of contract where we charge you a monthly fee, no. Now we might charge you, once the grant is funded and we provide a service that's where we get paid. There are applications where we do charge a fee because we can't guarantee or estimate if you're going to get funding or not.

Councilwoman Taylor, is it based on a percentage or what is it based?

Grant Works, it's based on the percentage of the grant amount.

Councilwoman Taylor, and what would that percentage be?

Grant Works, it varies. I'm going to give you an estimate. It's hard to say what the fees are going to be depending on how complicated the program is.

Councilwoman Taylor, just a ballpark.

Grant Works, ballpark for a \$350,000 grant it may be 9 to 11 percent. The Federal and State agencies put caps on how much you can charge.

Councilwoman Taylor, ok, thank you.

Mayor Pro Tem Lucio, thank you very much for your time. I appreciate it. Thanks for coming down here.

7. DISCUSSION (ONLY**) PRESENTATION FROM RGV GRANTS CONSULTANTS, LLC. REGARDING GRANT WRITING.**

No show

8. DISCUSSION (ONLY**) PRESENTATION FROM WATER WORKS INC. REGARDING SMART METERS.**

Brad Miller and Tom Gomez from Water Works, we are the distributors from South Texas. Previously met with Mayor Pro-Tem (Gilberto Lucio) City Secretary (Kathy Cherry) we are here to present the AMR, which is Automated Meter Reading system. Tom is holding the meter and the node.

Mr. Miller begins to explain how the equipment works. (Had to walk away from the mic to show and explain the equipment to the City Council.)

You can upgrade from an AMR to an AMI system.

Tom Gomez, AMI is an Advance Metering Infrastructure. You can sit remotely and monitor your whole system. For a small city, an AMI is not necessary as it was designed for larger municipalities.

Tom Gomez begins to explain how the equipment works.

Mayor Pro Tem Lucio, we have a very antiquated Access system. Pretty much outdated. But could you work with Access?

Water Works, we should be able to. We work with over 100 different software's. Access should not be a problem the only thing is the generic excel spreadsheets are a little tricky.

Water Works, continues to explain how the equipment and software works.

We will receive small leak alarm, high leak alarms, no flow, battery, or if the customer is tampering with the system. For instance, if a customer has to be disconnected, the driver can stay in his car and with a click of a button, the water will disconnect within 18 seconds as well as reconnection, push of a button and 18 seconds, its reconnected. Also, with seasonal customers it works the same. Tom goal is to keep you up and running at 98%.

Mayor Pro Tem Lucio, a lot of the residents have mentioned once the meter is covered in water, how long will it last?

Water Works, they are made for water. Tom continues to explain with the type of material the equipment (meter) is made from. Water will not penetrate. 10-years guarantee battery life. If something should ever happen in the first 10 years, it's under factory warranty, the battery gets replaced and your warranty will start all over again.

Councilwoman Baker, and you stated it will detect a leak because we have that problem here.

Water Works, yes, that is a big deal because sometimes there are leaks in a system and there's not human eye that can detect it. This will send you alerts if it finds a small leak or a large leak. That is a huge value. It will cut down big time on your water loss.

Mayor Pro Tem Lucio, will you be able to detect not only on the customer side but the city side?

Water Works, as far as the leak detection it will be on the customer side. Ideally, it's watching the meter go round and round.

Councilwoman Taylor, that was exactly my question Gil and Annette, thank you. That's exactly my question, is can this system detect the kind of leak that Chendo found a little while ago where it was not a customer thing but it was water coming in from the City of Harlingen and going straight back out into the sewer system but not being charged to any customers but the City was having to pay for them.

Water Works, there are systems that can detect main leaks. Anything over 2 inches uses a magnetic that detects particles traveling from point A to point B.

Councilman Wade, but we're not talking about that. We're talking about residential.

Mayor Pro Tem Lucio, Lisa, we had Harlingen Water Works to come last week and did a test and they reviewed their water meter coming in because they have a smart meter where the

water is coming into the city, and they stated it was operating correctly. Isn't that right Chendo? They were providing the service, so the water loss is on our side. I think with these smart meters that will be a good idea. At least the residence doesn't get over charged because we have the mechanicals right now.

Councilwoman Taylor, we can compare what the city says it's giving us verses the total usage from the customers to see if there is a big variance and that will indicate a leak somewhere between the city, what we're getting and what is going to the customer.

Water Works, that is correct.

Councilman Wade, you said when Harlingen came by, we registered on how much they were sending us and were we finding out that we were still having considerable leakage or what. Are we still having a considerable amount of water loss, are we? It seems like that's one of our primary issues right now and that we want to deal with that and this is fine what we're talking about here but it's still not going to deal with our delivery system that's antiquated and it's not getting the job done.

Water Works, yes, that's part of water infrastructure. You said it was a 50% loss?

Mayor Pro Tem Lucio, its 40 to 50 percent loss. And usually most cities loss between 10 and 15 percent.

Mayor Pro Tem Lucio, well thank you very much for your time.

Councilwoman Taylor, did we get a price on that or is it because I do not see it?

Mayor Pro Tem Lucio, we are going to be voting on a proposal after they do another presentation by Aquaworks Lisa.

Councilwoman Taylor, ok, thank you.

9. DISCUSSION (ONLY) PRESENTATION FROM AQUAWORKS REGARDING SMART METERS.

My name is Joe Flores, and I am with Aquaworks Pipe and Supply. We have offices in Brownsville, Texas and Edinburg, Texas. This is my partner, Erin Ortega. He is a municipal sales representative. And what he's passing out to you is a pamphlet with an overview of what our meters are about.

Mr. Flores begins to show and explain to the Councilmembers what the meter looks like. There are no wires, no internal batteries. They are the only company with an ultrasonic meter that has gone through a 20-year life cycle. And have a .5 % failure rate worldwide. In the Valley we have Edinburg, East Rio Hondo, and we have multiple projects in the pipeline. AMR is a great place to begin.

Mr. Flores from Aquaworks, begins to show and explain the interior of an analog meter. (He is away from the mic)

Councilman Wade, by analog that's what we have right now?

Aquaworks, yes, that's what you have right now. The meter that you see has no moving parts. That's why we can do 20 years. 10 years for warranty and 10 years are prorated. We've had an incredible amount of success with that meter. You can go from AMR to AMI system.

Mr. Flores from Aquaworks shows the software on his cell phone. This software can connect to a server, download meters, set routes, and read meters and have antenna if needed. Our meter detects leaks, reverse flow, tampering, and a couple of other things. High temperature and low temperature. If the meter freezes, it will give you a warning. Tampering, once you take it apart, you cannot put it back together again.

Mr. Flores from Aquaworks, shows the Councilmembers the 2200 meters. We can do this by financed, leased, BuyBoard, or direct. However, you want to do it, we can do it.

Councilman Wade, when you have a long run of a main in between meters, the last meter you past out. Does it have to be within a certain distance from where the leak is? I can see in between houses.

Aquaworks, so the idea is to have system wide listening device so its not the 2 meters, it's the entire system listening constantly to try to find out where the leak is. The first week we had the meters in Rio Hondo installed. We went out to train them and there was a meter that was having a problem, we went out there and sure enough a main that had leaked, they found it and it was leaking a tremendous amount of water. They did not know about it.

Councilman Wade, from what distance from that meter.

Aquaworks, that was about 150 feet from the meter more or less. In addition, they found residents who had broken pipes.

Councilwoman Baker, so it has a battery, and it also works will it read if the wifi is down?

Aquaworks, actually it's not wifi. The signal that comes off is a licensed radio frequency or the AMI system. It cannot have interruptions. If there's a problem we will call FCC and they will investigate and shut down to see who's trying to interfere with the system. AMR uses 950 MHz. Its temporary, so as you are driving by the house or the area it picks up all the reads for you.

Mayor Pro Tem Lucio, who are your customers right now?

Aquaworks, the City of Edinburg, Sharyland, Alamo, East Rio Hondo, Valley MUD. Been approved in Kingsville. We also have the Houston area, several MUD districts. I can give you a reference list for you to call. We can also take you to the other cities to get a first hand glance of how the system works to make an informed decision.

Mayor Pro Tem Lucio, thank you.

Councilman Wade, you are doing one or the other AMR or AMI?

Aquaworks, you can start with the AMR, which is the most cost effective way to get started. You can get over to AMI, which will be a one (1) antenna and do it all from the office. And the ALD is an enhancement to detect the leaks.

Councilman Wade, if you have the acoustic leak detection are you exclusively through AMI.

Aquaworks, yes that's how it works.

Councilman Wade, so AMI is one antenna and the AMR is a drive by. Is that essentially the difference?

Aquaworks, yes.

Councilman Wade, is there a considerably difference in cost?

Aquaworks, value? What is it worth to you right?! It's not that much when you consider the investment. Remember this is going to last you 20 years.

Councilman Wade, are you advocating for AMR or AMI?

Aquaworks, if you're going to invest your money in to it, I would go with the 2200 AMR AMI ALD complete system. All of them fall back to AMR. Let's say if everything goes down, you can go back to AMR at any time.

Councilman Wade, you're just driving by and as you get in a close proximity.

Aquaworks, a close proximity on this system is about a quarter mile. You can always go from an AMI back to an AMR in an emergency.

Scott Bennett (Mr. Flores Manager) But you can't go from an AMR to an ALD. ALD is a separate system. That is more data driven. ALD is an enhancement to your system to detect the leaks.

Councilman Wade, these devices, when they submerged for some period of time, they are good to go?

Aquaworks, they are IP 68 is standard.

Councilwoman Baker, can we get rid of those ugly backflow devices?

Aquaworks, no.

Councilman Wade, how many different companies have we spoken with?

Mayor Pro Tem Lucio, three (3)

10. DISCUSSION AND POSSIBLE ACTION TO REQUEST FOR COMPETITIVE SEALED PROPOSALS (RFCSP) FOR SMART METERS FROM VENDORS.

Councilman Hoff, Chendo, what timeframe and number of employees and hours does it manually take to read the meters?

Chendo, it's about a day to read the meters.

Councilman Hoff, one day. How many guys?

Chendo, two (2).

Councilman Hoff, so you're talking 16 labor hours to read it plus the cost of the equipment. And percentage, what's the failure of the old equipment were using now. Is it 10% per year?

Chendo, probably 20%.

Councilman Wade, what do you mean by failure?

Councilman Hoff, replacement of meters.

Mayor Pro Tem Lucio, and you know on what it takes Chendo one (1) day, it takes Nora (the Office Clerk) two (2) days. So, this is what happens. Chendo guys go out there with a "ole time" book and they hand write the numbers and they come back to the office, when Nora has time she enter.

Councilman Hoff, so 16 hours manual and 16 hours admin.

Mayor Pro Tem Lucio, weekly we have to give refunds to people because of the discrepancy of the reading. And maybe one number gets transposed. The reason I brought them in is I think we should get some smart meters for the city and get a true value of how much water they are using in their residence. Regardless of which way we go with any company, at least we will know where we stand with the water loss. About a month ago we contacted Harlingen Water System because we thought the water loss was Harlingen Water Works trying to get over on us. But they were very generous calibrated the smart meter they put into the line coming into our city and everything checked out. Chendo was with them, and their meter works perfectly fine because it is a smart meter.

Councilman Wade, I make a motion to Request for Competitive Sealed Proposals (RFCSP) for Smarts Meters from vendors.

Mayor Pro Tem Lucio, is there a second?

Councilwoman Taylor second motion.

Mayor Pro Tem Lucio took the votes, and the motion was carried unanimously by those present.

11. DISCUSSION (ONLY) REGARDING CONCERNS AS TO CONSTRUCTION OF WOODEN PRIVACY FENCE ABUTTING GOLF COURSE.

Councilwoman Taylor, Gil I believe some pictures were given to you showing a wooden privacy fence that had been constructed around T box 13, and we were reviewing the City ordinance regarding fences and specifically section 150.099. First of all, if you look at section H, it says "no fence may extend past the front wall of each side of the house." And it appears this house does and also, if you look in section G, it says, "a fence permit must be obtained from the Building Inspector and the application for that building permit has to include detail drawings that were given to the City Secretary for approval by the Building Inspector." So, my concern and again I'm not trying to single out that property, but I don't want to get in a situation again like we had

with the propane tank that we don't think about whether or not there's compliance until its already happened and we have to deal with it. I wanted the Council to discuss this issue and my first concern is, was there a building permit issued for that fence which appears by the naked eye should not comply with the City ordinance. And if it doesn't comply then why is our Building Inspector giving approval for the permit?

Councilman Hoff, what's the address on this?

Mayor Pro Tem Lucio, 5210 N

Mayor Pro Tem Lucio, I did ask Jose if a permit was pulled, and he did not find a permit.

Jose, there is a permit.

Attorney Jason Mann, is there a pre-building designed plan?

Jose, yes it does have survey. I can go pull it.

Councilman Hoff, is this the backyard? And it faces the course?

Councilwoman Taylor, yes.

Councilman Wade, it's the only wooden fence on the golf course. I see some fences that are like dividing between one house and another, but they are single and they don't turn a corner like this one.

Mayor Pro Tem Lucio, and so the Building Inspector approved that fence?

Councilwoman Taylor, well I haven't seen the drawing. So.....

Councilman Wade, I don't know about the wooden fence but I was reading ordinances and I could not quite see....

Councilwoman Taylor, Jerry I can answer that question. If you look at section 150.099, if you look at section F1, "Fences on golf course lots. On lots abutting the golf course, no fence or wall, hedge may be built nearer the rear lot line abutting the golf course than the building set back line therefrom. The set back line is contained in the property's deed restrictions." So now we have to go to the deed restrictions in the deeds in the deed records for the lots that are abutting the golf course. I was in the middle of doing that and apparently the deed restrictions, Jason if you want to take notes, well I got the numbers. They are found in Cameron County deed records volume 975 page 138, amended volume 1066 page 799, and volume 980 page 566. The investigation on that issue Jerry is half way done but we need to pull those deed restrictions that are of record in Cameron County deed records to see what it specifically says about building fence abutting the golf course, which as a lot of you may recall that we all know especially me, filed a lawsuit many years wanting to build a fence abutting the golf course and it was not allowed and she lost.

Councilman Wade, and that was all about set back right?

Councilwoman Baker, and she wanted an 8-foot fence.

Councilwoman Taylor, I'm sorry Annette, I couldn't hear you.

Councilwoman Baker, and she wanted a tall privacy fence.

Councilwoman Taylor, right which is what this house has. It has a regular size privacy fence.

Councilman Wade, this one has a 6-foot fence and not 8-foot and to me it's set back sufficiently. My main contention is the appearance and it being the only wooden fence on the golf course. And all you have to do is give it time about 6 to 8 years, it's going to be grey. There's nothing on the golf course that looks remotely like this. We have a problem with the set back and it's close to the house. It the material they used.

Councilwoman Taylor, I agree. I think they did comply with the actual setback, but it's a matter of aesthetics. Here we have a golf course and the view and that's part of the whole appeal is the golf course is that it is the unobstructed view and your concerns being 8 years down the road and not nice looking. My concern is within 5 years we will have a golf course that have wooden fences all around it and it takes away from the value, which is the whole purpose. Personally, I don't know of any golf course community that allows 6-foot wooden fences abut the actual course itself.

Councilman Wade, that's what I would have like to have read in here (the ordinance) and I don't quite see that and I don't know if that's something we need to address.

Councilwoman Taylor, so that's a question for Jason is that if we. Let's just for discussion sake. Let's just say that when we do look up the deed restricts deed records in Cameron County, let's say it does not say anything about building wooden fence versus a rod iron versus whatever. Then the question is Jason, are we able to take the city ordinances and say no fences can be erected abutting the golf course out of wooden material or that don't have pickets so far apart and limit on height. And if we can do that, can we make it retroactive, I think the answer is unfortunately no.

Jason, the answer is we can do an ordinance and then you would just be waiting on things to be repaired on that particular fence. But anyone that hasn't built a fence would have to comply with whatever ordinance is in effect at the time the permit was requested.

Councilwoman Taylor, so basically it like the situation when they had those fishing houses in the bay that as long as they were still standing they could but once they fell down then they were not allowed to rebuilt.

Jason, any repair or modification would need to be done in compliance with the existing ordinance. I'm not sure this fence is complete. And I haven't seen this proposal yet. I see utilities and some other things that may require an extra step that maybe did not occur.

Councilwoman Taylor, does the drawing indicate the side of the fence is protruding on the side of the house?

Jason, no, I don't think the "as built" reflects what's the plan is.

Councilwoman Taylor, so what is our recourse?

Jason, we'll have to ask him to take it down.

Councilwoman Taylor, all of it or just the offending part?

Jason, the offending part.

Councilwoman Taylor, ok. And what is the Inspector had signed off on it and said it looks fine but its not in compliance, then what is our recourse?

Jason, it would be a rare instance were a community member would have to object to that and it would have to go through an appeal process with the City Council and ultimately a partition. And it every disagrees with the District Court.

Councilwoman Taylor, Jose can we find out if the Building Inspector has done his or her final inspection on the construction on that fence to compare it to the drawing that was submitted?

Jose, there has not been a final inspection done.

Councilwoman Taylor, ok, can we make sure the Building Inspector is aware of this issue and to make sure it is in compliance?

Jose, yes

Councilwoman Taylor, thank you. I will check the deed records and get back with the Council on what I find.

Councilman Wade, I don't think we got any restrictions on wooden fences abutting the golf course like this. Do we?

Jason, it has to be in the deed restrictions.

Councilwoman Taylor, can we in the future perhaps put on the agenda something along the lines of an ordinance to prohibit the construction in the future of wooden fence abutting the golf course regardless if they are within the setback?

Jason, I think that would make sense because it's dangerous to have wooden fences because of the golf balls ricochet off of them. It's a safety issue.

Mayor Pro Tem Lucio, so Lisa you're going to check on the deed restrictions?

Councilwoman Taylor, yes, I will check on those and report back. If they don't address it, I would like it on the agenda for next time so we can nip this in the bud.

Mayor Pro Tem Lucio, any other further discussion on the construction of wooden fences.

12. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF CITY ISSUED CELLPHONES FOR EVERY POLICE OFFICER, CITY STAFF, AND CITY OFFICIALS TO ENSURE COMPLIANCE WITH S.B. 944.

Mayor Pro Tem Lucio, we put this on the agenda because we were informed by our IT that we are in violation by using our cell phones communicating and doing city business. The emails we get on our phones. Jesse downloaded the Microsoft app onto our phones to look at emails. But all your information, they can go into your phone because you are conducting city business. They cannot go into your personal information on your own personal cell phone.

Councilman Wade, how many phones are we talking about here?

Mayor Pro Tem Lucio, and they have to be smart phones.

Councilwoman Baker, so we're really not supposed to use our phones?

Mayor Pro Tem Lucio, you can but you run a risk. Police Officers cannot use the phones for personal use. He did bring it up and it's been in effect since 2019 or longer. We do not know the cost at this time. Just to have the phone for City use.

Councilman Hoff, does TML have anything on cells.

Mayor Pro Tem Lucio, that is from TML.

Councilman Hoff, but there's no cost?

Mayor Pro Tem Lucio, yes there is a cost.

Councilman Hoff, I know there is a cost but you're not listing the cost?

Mayor Pro Tem Lucio, we are not listing the cost at this time.

Councilman Wade, so you're saying 10? And City Officials?

Mayor Pro Tem Lucio, that would be us, the Council

Councilwoman Taylor, so we don't get city emails on our personal phone and then they can take our personal phones for evidence.

City Secretary, that is correct because you are doing official city business.

Mayor Pro Tem Lucio, anytime you are doing official city business. Like for example, I get emails from the city of Outlook or Kathy (City Secretary) will send an email saying "there's this event going on." It's my personal phone and now my personal phone is subject. They can't go into your personal stuff, but they can take your phone.

Councilwoman Taylor, you have to trust that they don't go into your personal stuff. Ok, so we don't have a price. Do we have to get bids? How does that work Gil?

Mayor Pro Tem Lucio, well we talked to Jesse and he is still trying to come up with the basic line cellphones. It does have to be a smart phone and it cannot be the flip phone that the Police Officers have. And we have to include the service area and pay Jesse.

Councilman Hoff, but we don't have to use our IT guy to purchase phones.

Mayor Pro Tem Lucio, no, we don't have to use our IT guy to purchase phones, but he is shopping around for us. It has to be compatible with our system because our system is very antiquated.

Councilman Hoff, how many phones are we talking about?

Mayor Pro Tem Lucio, 10 phones

Jason, you didn't say for the Councilmembers, did you?

Mayor Pro Tem Lucio, yes, for the Councilmembers.

Councilwoman Baker, so Gil calls on his personal phone and he's talking to Primera Mayor. That's not official city business?

Jason, that is.

Councilwoman Taylor, but the reality is asking for forgiveness versus permission. Because what's going to happen they are going to assume that there is city business on there and then they go through your phone and see your personal stuff. It's a done deal because they are going to assume, and the burden is on you. The better course of action here would be to comply with that State ordinance is to have the city smart phones for City Council and Police Officers and we know that if Annette is calling me or Gil to say "what do you think about an agenda item of x", that she does it on that phone versus "hey Lisa, I'm having an open house on Sunday, why don't you come by." And she would do that on her personal phone.

Jason, yeah, you're just isolating those communications but I don't think it's required. It's not a quorum and it's not a government action.

Mayor Pro Tem Lucio, would you like to make a motion or table it?

Councilman Hoff, we need more a lot more information.

Councilwoman Baker, I think there are certain people that may need a phone or I might need a phone.

Councilman Wade, I rather not have one myself.

Councilman Wade, I make a motion to table any decision on this matter.

Councilman Hoff, second the motion.

Mayor Pro Tem Lucio took the votes, and the motion was carried unanimously by those present.

13. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CITY OF PALM VALLEY HOSTING AND TAKING THE PROPER SAFETY AND HEALTH

**PRECAUTION FOR THE TRI CITY CLASSIC 5K, 10K, AND 1 MILE FUN RUN
TO BE HELD AT PALM VALLEY CITY HALL ON APRIL 29, 2023.**

Mayor Pro Tem Lucio, the reason why I brought this up again is because we need to vote to close some of the streets that will be happening on that day. I think we are closing one side of the street of El Camino Real, closing the street between El Camino Real and Bougainville and this is to allow residents if they need to leave and we can escort them out there. We also need to mark the streets and we need to put banners up because I know the ordinance states we can't put up banners unless it's approved. We have to put banners throughout the city that day. We will be putting arrows on the city streets where the runners will go. We had a meeting with this past Thursday with Cameron County Sheriff, Constables, Fire Department, EMS STAX, the City Primera and Combes, and the Harlingen Chambers, they will be promoting our event. We reached out to some vendors and put out some bids to purchase t-shirts and I think we got it down to the lowest price.

Councilman Wade, are we going to purchase t-shirts and then sell them?

Mayor Pro Tem Lucio, no.

Councilman Wade, oh, its part of the package.

Mayor Pro Tem Lucio, yes, its part of the package. Everyone is going to get a metal and a T-shirt at the end. The 1 mile fun run is only \$5 for all the kids and they are also having a special needs participation. There's two organizations here in Harlingen that are bringing their kids here. We may get 50 to 60 kids and some of them in wheelchairs. They will have their volunteers as well.

Councilman Hoff, made a motion on agenda item 13 to approve.

Councilwoman Taylor, second the motion

Mayor Pro Tem Lucio took the votes, and the motion was carried unanimously by those present.

14.

CONSENT AGENDA:

- A. Police Monthly Report-February 2023
- B. Municipal Court Monthly Report- February 2023
- C. Monthly Investment Report- February 2023
- D. Monthly Financial Report (Budget) - January and February 2023
- E. Monthly Check Listing- February 2023
- F. Council/Staff liaison report
- G. Park and Recreation Advisory Board- February 2023

Chief Quintanilla, we added some positions. Our Sergeant is moving on. That's been the problem of officers leaving. I had an officer inquire about a full-time position as well as a former Commander from Harlingen asking for a reserve position. So that is the focus right now is to hire.

Mayor Pro Tem Lucio, and we have coverage through the month?

Chief Quintanilla, yes sir. We have coverage for the month.

Mayor Pro Tem Lucio, how many tickets were written for the blue trash can?

Chief Quintanilla, we are at 100% compliance. The last cycle, I gave 2 warnings the last cycle.

Councilman Hoff, did we give tickets or warnings?

Chief Quintanilla, warnings.

Councilman Wade, what is the amount of time we are allowing them to leave it out?

Chief Quintanilla, they pick it up on Wednesday, within 24 hours.

Mayor Pro Tem Lucio, Chendo do you have anything?

Chendo, no sir.

Mayor Pro Tem Lucio, Julie? (Vice Chair of the Park and Recreation Advisory Board)

Julie, I submitted an updated budget. If you flip on page 2. The things highlighted in pink are the events that are coming up. Which they have a cost of \$3,400 for the rest of the year. We have a total of \$7800 in the budget to spend. If we do not overspend, we will have a total of \$4,400 to invest in a project. Also, there was a video requested from a January 9th meeting. The email was sent on January 26th requesting the video be preserved and saved because I know there may be storage issues.

Mayor Pro Tem Lucio, we contacted Jesse and because our system is outdated and it does not hold a lot of storage. There was a lot of movement. When we spoke at the Park and Rec meeting, that video was already gone. As a city, we went with the lowest storage.

Councilman Hoff, it's a good thing that the video is lost because I would like the whole subject to be lost. I'm sick of it.

Julie, this is sensitive because we lost a valuable person and I'm just asking you to recognize that.

Councilman Hoff, change happened. He quit. He resigned and he did not come to the Council. I called him and said, "you should have come to the council because the Mayor Pro Tem works for the council." So, he elected to resign, so let's move on with a great Park and Rec board.

Mayor Pro Tem Lucio, I know the next thing you are going to mention is the ordinance. We are still looking at it and we are trying to see how the appointments are going to be made.

Julie, do you all have any questions about the ordinance?

Mayor Pro Tem Lucio, I thought the ordinance was very vague. It did not address a lot of duties. I'm just not focused on the Park and Rec board ordinance. We are looking at all the ordinances. You will be first to know once we are done.

Julie, because I am updating the committee. Just continue to kind of delay and wait.

Mayor Pro Tem Lucio, you can continue on with whatever you got going, it's just doing the duties and the appointments going forward.

Jason, in drafting it, I'm trying to make it mirror the election of City Council so when that cycle occurs, we have appointment of new ones. To see if we want to preserve and have it cycle out ever so often. It will flow just like the City Council election cycle.

Julie, are there any suggestions or concerns that you all have as council members.

Councilwoman Baker, what did you say the balance was. I never saw that. (Julie hands a copy of her spreadsheet and explains the budget)

Mayor Pro Tem Lucio, now that you mentioned Memorial Day, I have a Commandant of the Military Academy wants to speak at our Memorial Day. There is a lady that would like to present what Memorial Day means and she gives a pretty good presentation.

Councilwoman Baker made a motion to approve the consent agenda.

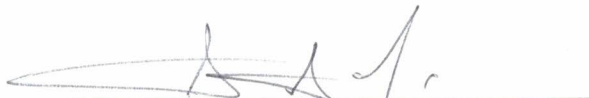
Councilman Wade, second the motion.

Mayor Pro Tem Lucio took the votes, and the motion was carried unanimously by those present.

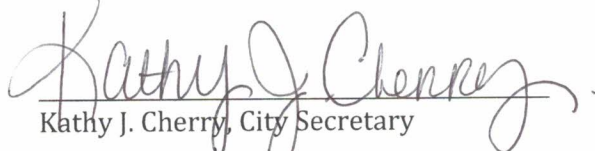
Councilman Hoff made a motion to adjourn the meeting.

Councilman Wade, second the motion.

There being no further business, the meeting adjourned at 7:55 p.m.


Gilberto Lucio, Mayor Pro Tem

Attest:


Kathy J. Cherry, City Secretary