

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
April 18, 2023**

The City Council of the City of Palm Valley met in a Regular Meeting on the 18th day of May 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
Councilwoman Lisa Taylor

Present:

Jason Mann, City Attorney

Staff present (all in person):

City Secretary: Kathy J Cherry
Interim 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 Councilwoman Baker.
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. **PUBLIC COMMENTS**
NONE

5. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MARCH 7, 2023, AND THE REGULAR MEETING OF MARCH 21, 2023**
Mayor Pro Tem Lucio, will come back to that one as Councilmembers are still reading.

Councilwoman Taylor, regarding the special meeting on page 2, under #6 DISCUSSION AND POSSIBLE ACTION OF THE EMPLOYMENT STATUS OF THE INTERIM POLICE CHIEF AND INTERIM SERGEANT.

Technically, and this has nothing to do with you Chief. What we put on the record Councilwoman Baker made a motion to appoint at the time Sergeant Quintanilla as the Interim Police Chief and I seconded the motion, carried unanimously. Then he was referred to as the Chief in the newsletter. The minutes are correct, but we need to currently change his title to interim Police Chief and once he does his final qualifications as a full Chief then we can bring it up by motion again for the appointment of a Full fledged Police Chief. In the change of title does not affect his pay. I would like to make that clarification of a technicality.

The only other correction is on #6 on the resignation, removal of Chief Garcia "Councilwoman Taylor, reluctantly, very reluctantly" I and it should be aye as in aye. Other than that, those are my only corrections to the minutes.

Councilman Wade, I make a motion to approve the minutes as corrected.
Councilwoman Baker, second motion

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

6. DISCUSSION (ONLY) WITH RICKY LEAL FROM FIRST COMMUNITY BANK
Ricky Leal spoke representing First Community Bank. The contract goes back to 2010 as this was a 3-year contract. FCB has continued to honor the terms of the contract. We have 8 accounts. As of today, the accounts stand under \$2.5M. The current situation and options. The interest rate has dropped. Half of our accounts are earning 0 interest and they are just checking accounts. Other cities compatible to the city, FCB has offered a 4-week treasury rate. 50% of the 4-week treasury rate of current Money Market Accounts. FCB will not offer this rate if the city decides to go out for bid over the next few months.
7. DISCUSSION AND POSSIBLE ACTION TO APPROVE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM VALLEY AND COMMUNITY LOAN CENTER OF RGV.

Rose Jaramillo from Community Loan Center of RGV. Community Loan Center programs are resources provided through the non-profit organization. This is a need for employees to get immediate funds. This program is not designed to put the employee in debt but to offer an affordable loan should they need it. The loan is no more than \$1,000.00. The employee has 12 months to pay back the loan. If the employee leaves the company, CLC will not pursue the employer or business but will seek the employee only as the agreement is between the employee and CLC. This is done through payroll deductions. Credit history will not be run on the employees that apply. Do not ask for collateral or car titles. The employee must be employed in the city 90-days (3 months). Must have a bank account.

Councilwoman Taylor, this program is for employees and not for residents? What is the liability or what will you be asking the city to do regarding this program?

Rose Jaramillo, this is only for City employees and not City residents. We come to the city for 2 things. Verification of employment and payroll set up. Anything outside of that, we will take care of.

Councilman Wade, what is the typical interest rate from these predatory lenders and typical interest rate from CLC?

Rose Jaramillo, on a \$1k loan an admin fee of \$20 is charged. We give the employees 12 months to pay the loan off. The interest rate is 18%. Payday loans interest rate can start anywhere from 350% 400%.

Councilwoman Taylor made a motion to enter into a Memorandum of Understanding between the City of Palm Valley and Community Loan Center.

Councilman Wade seconded the motion.

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

8. DISCUSSION AND POSSIBLE ACTION TO APPROVE REQUEST FOR BIDS (RFB) FOR GRANT WRITING SERVICES FOR THE CITY OF PALM VALLEY. Mayor Pro Tem, last meeting we had grants writers to present and one (1) no show. We want to start the bids to see what they can do for us.

Councilwoman Baker made a motion to approve request for bids for grant writes.

Councilwoman Taylor seconded the motion.

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

9. DISCUSSION (**ONLY**) FERRIS, FLINN, & MEDINA, LLC REGARDING THE UPDATE ON THE 5-YEAR PLAN FOR THE CITY OF PALM VALLEY.

David Flinn, this is about the 5-year capital improvement plan. Started December of 2022. Part of the proposal was to prepare a map for the CPV. CPV now has a Water map, Sewer Map, and Drainage map. (completed) Met with Chendo for accuracy. Discussed existing conditions (water and wastewater).

Important problem from Greatest problem to least important

-Water Map, water system has several problems. Water loss, Chendo has to dump water which will happen again, fire flow (no fire flow)

Back in 2011, Flinn presented to TCQ, you have to have some type of pressure element. Booster pumps were put in because that was the least expensive way. CPV stated they were going do an elevated storage tank. Since then, no action has taken place.

Flinn, begins to explain in detail what is needed for phase 1.

The cost of Phase 1 is an estimated cost of \$4.5M.

Councilwoman Baker, is this the same thing that cost \$800k that is now \$2.5m

Flinn, \$800k in 2011, yes.

Councilwoman Taylor, kicking the can has not been a good financial plan?

Flinn, no.

Mayor Pro Tem, I spoke with Jaime Lopez on this and Rolando Vela trying to help to get money for this project.

Flinn, the next step is to get with the financial advisor and schedule workshops to see what this looks like.

Phase 2 is running 12 inch line

Councilwoman Taylor, you're presenting today, this is not currently in our 20-year plan that we previously went over and approved?

Flinn, if you are talking about what George was doing, decided to lump everything and that was \$22M, which did not pass.

This project is broken down by water and breaks up into phases which Flinn suggested and was denied by George.

Councilwoman Taylor, there was an increase in water bill of \$24 to pay for things, money from grants. That is different from what is being proposed?

Flinn, most cities do a capital improvement plan. This shows someone has studied this and has documentation on what is needed to receive possible funds (grants etc.)

Jason, is there enough information to go out for bid?

Flinn, these are estimates based on previous bids they have done. These are suggestions.

Councilwoman Baker, This is just a plan for us to stay on course because we've never had that. This could possibly help us get grants.

Flinn, you have to be low to moderate income to get approved for full grants.

Councilwoman Taylor, we are not going to be able to get grants to cover a substantial portion of phase 1.

Flinn, the drainage for \$24, George wanted to do all of the drainage improvements after the 2019 event and we tried FEMA and other avenues to receive money, but it was not going to happen. Four years later, no money has come in all has been done is studies, regional studies.

Mayor Pro Tem, the State Senator and State Rep are looking to get rid of the LMI and do a SVI, which states it doesn't matter how much you make, you're flooded you still may qualify for it.

Flinn, that \$24, he figured out through the financial advisors, raise rate and use that money for drainage only and it builds up capital and go out for a loan.

Flinn continues to discuss and explain each phases in detail.

Councilman Hoff, me and Gil met with Chendo and we will start taking little bites of the project. Has that started?

Mayor Pro Tem, no we budgeted \$25,000 but there was a sewer plant project that needed to take place. Which was in bad shape. It was more than that and Chendo was able to talk down the price.

Flinn, continued to discuss the phases.

10. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE REQUEST FOR A FENCE AT 5610 BEN HOGAN CIRCLE

Mayor Pro Tem, a resident wants to build a fence right against PVD W, near the club house.

The owner of the home comes to the mic and begin to explain the structure. Per the resident, El Camino Real is their backyard. At the entrance, they would like to build a fence. Their front yard is facing Ben Hogan. Per the building inspector, you can build a fence on the back yard. You can be approved quickly. But cannot approve on the Ben Hogan side.

Councilwoman Baker, how tall?

Citizen, 6 feet. There are a lot of other houses that have the same fencing (Haciendas)

Councilman Wade, what type of construction?

Citizen, a wooden fence.

Councilmember, why a wooden fence and not a rod iron fence?

Citizen, for privacy.

Councilwoman Taylor, you are asking for a variance to be able to build a 6-foot wooden fence privacy fence that faces Ben Hogan, which is a main street.

Citizen, yes. We could build it facing El Camino Real.

Councilmembers along with Mayor Pro Tem begin to discuss the location of the home for clarity.

Councilman Hoff, where is your front door? El Camino Real?

Citizen, on Ben Hogan

Councilman Hoff, how would you enter your property?

Citizen, we will have a sliding door?

Councilmembers continue to discuss the location of the fence, structure

Citizen, request to pull up google maps to get a clear visual.

Mayor Pro Tem, thinks this should be tabled this item.

Councilwoman made a motion to table and get more information.

Councilwoman Taylor, second motion.

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

Councilwoman Taylor, we are not saying no, we're just saying let's see.

11. DISCUSSION (ONLY) RESOLUTION ON ARTIFICIAL DRAINAGE SYSTEMS LEGISLATION. (ROLANDO VELA)

Mayor Pro Tem Lucio, I thought this was an action as well.

City Secretary will add to approve as well as discussion the next agenda meeting. I was not told that information.

12. PRESENTATION AND ACCEPTANCE OF THE CITY'S AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 2022.

Quentin Anderson, from Carr, Riggs, and Ingram (CRI), worked the City Secretary and financial department. The Financial statements were presented.

The City Secretary went to get the correct financial statements for the Council to review.

Quentin Anderson, assets are \$2.3M, net position of a similar balance. Business activity is \$5.2M in total assets. Primary source of revenue are property tax, sales tax revenue, and Franchise fees.

Compliance-Did not identify any non-compliance and internal controls.

Councilwoman Taylor made a motion to approve the acceptance of the City's Audit for Fiscal year ending September 2022.

Councilman Wade, second 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 REMOVED EASEMENT ON 1309 EAST PALM VALLEY.

Councilwoman Baker, when the previous owner of the home lived in the house, they wanted to arrange the house. The original golf course access was on the south side of this house. But because of the way they wanted to do their pool, they wanted to switch the golf cart access to the north side. A golf course easement deed the easement on the north side only, but what never happened, they abandoned the easement on the south side, which that part of the transaction never happened. The new resident that brought the home does not want this issue to come up because part and permanent structures have been built. Mr. Sewell wanted this to be recognized as abandoned.

Councilwoman Taylor, on the north of the current location there's a brick golf cart pathway. Do we have a proper legal easement for that?

Councilwoman Baker, yes we do. (she also provided documentation, which were in all of councilmembers packets)

Councilwoman Taylor, made motion for the Southside easement on 1309 East Palm Valley Drive be officially removed as an easement of the City of Palm Valley.

Councilwoman Baker, second motion.

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

14. DISCUSSION AND POSSIBLE ACTION TO TAKE ACTION ON 218 PALM VALLEY DRIVE WEST REGARDING AN UNPERMITTED FIXTURE.

Councilman Wade, the resident build an addition on to the house that is listed on the market, its connected to the house. There was not a permit issued for that. It also infringes on the 25ft set back. The Building Inspection stated this is a violation. The resident never did anything.

Councilwoman Baker, can we do a lien?

Jason Mann, we can send notices, define the penalties if we can. See if the City can pay to have it removed and file a municipal lien against the property sells. Have the Council to authorize the city staff to initiate that procedure as described. It could be building inspector, police can.

Councilwoman Taylor, if the citizen has already moved, where would we send the notice?

Jason Mann, property address or mail forward address that required.

Jason Mann, motion to have city staff to take action to cause removal of unpermitted structure on 218 Palm Valley Drive West.

Councilman Wade made a motion to "acknowledge what Jason Mann stated"

Councilwoman Taylor, second motion

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

15. EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT: PERSONNEL MATTERS INVOLVING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE OR TO HEAR A COMPLAINT AGAINST AN OFFICER OR EMPLOYEE.

Mayor Pro Tem Lucio, the next four (4) items are Executive Session

Councilwoman Taylor, made a motion to go into Executive Session

Councilwoman Baker, second motion

Mayor Pro Tem Lucio took the votes, and the motion was carried unanimously by those present. Going into Executive Session at 7:55 pm.

Going into Executive Session at 7:55 pm.

- 16. DISCUSSION AND POSSIBLE ACTION TO TERMINATE THE CURRENT MUNICIPAL JUDGE CONTRACT WHICH ENDS MAY OF 2023.**

Councilman Wade, I would not like to renew this contract with Judge Weaver. I make a motion that we not to renew the current contract for Municipal Court Judge that expires May of 2023 and provide written notification to Ms. Weaver. Not going to reappoint.

Councilwoman Taylor, second motion.

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

- 17. DISCUSSION AND POSSIBLE ACTION TO REPLACE CURRENT MUNICIPAL JUDGE POSITION.**

Councilman Wade, the candidate that we have Oscar Guerra. He has considerable time as a Municipal Judge in Santa Rosa. He opt out of Santa Rosa for political situations. He has stayed current with all his qualifications. He's just wanting to keep his hand in the arena.

Councilman Wade, I make a motion to appoint Oscar Guerra as our new Municipal Judge at a salary of \$200, per month.

Councilwoman Taylor, provided that he accepts the offer.

Councilman Wade, there will not be any more zoom court. It will all be in person.

Councilman Hoff, second motion.

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

- 18. DISCUSSION AND POSSIBLE ACTION TO RESIND PREVIOUS ACTION TAKEN REGARDING A TAKE HOME UNIT #009 POLICE VEHICLE UNIT AND SALE THE POLICE VEHICLE UNIT.**

Councilwoman Baker made a motion to rescind the previous action regarding a take home unit vehicle #009 and move to sell that same police vehicle #009.

Councilwoman Taylor and Councilman Wade both seconded motion at the same time.

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

- 19. DISCUSSION AND POSSIBLE ACTION TO APPROVE TO HIRE AN ADMINISTRATOR ASSISTANT FOR THE CITY OF PALM VALLEY WATER DEPARTMENT.**

Mayor Pro Tem Lucio, at a salary of \$13.00 per hour.

Councilwoman Taylor made a motion to take action to establish or to fill a position of Administrative Assistant for the City of Palm Valley Water Department and to advertise applications for that position.

Councilman Wade second motion

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

- 20. CONSENT AGENDA:**
- A. Police Monthly Report-March 2023**
 - B. Municipal Court Monthly Report- March 2023**
 - C. Monthly Investment Report- March 2023**
 - D. Monthly Financial Report (Budget) - March 2023**
 - E. Monthly Check Listing- March 2023**
 - F. Council/Staff liaison report**
 - G. Park and Recreation Advisory Board- March 2023**
 - H. APPROVE A LEASE AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF PALM VALLEY FOR ONE (1) AUTOMARK FOR USE IN THE CITY'S GENERAL ELECTION ON MAY 6, 2023**

Councilman Wade made a motion to accept the consent agenda as presented to the Council.

Councilman Hoff, if Councilwoman agrees, I will accept.

Mayor Pro Tem, I just want to make sure they don't have anything to add. Chief or Chendo. Do you have anything?

Interim Chief Qunitanilla, a new officer was sworn in today. We want to show you what the officers do on a nightly basis. And give some insight on a daily with the Police Officers.

Mayor Pro Tem, do you have anything Julie?

Julie Herrington (Vice Chairman of Park and Recreation Board) No, I don't have anything.

Mayor Pro Tem, Chendo do you have anything? No


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

Councilwoman Taylor, there's one more. H, is apart of the Consent Agenda.

Councilman Hoff made a motion to adjourn the meeting.

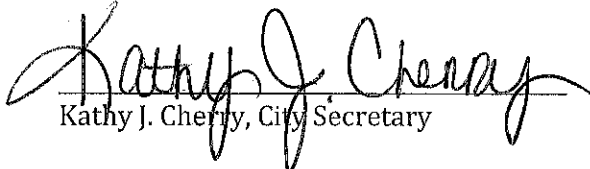
Councilman Wade, second the motion.

There being no further business, the meeting adjourned at 8:28 p.m.



Gilberto Lucio, Mayor Pro Tem

Attest:



Kathy J. Cherry, City Secretary