

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
April 19, 2022**

The City Council of the City of Palm Valley met in a Regular Meeting on the 19th day of April 2022 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 George Rivera

Councilman Jerry Wade

Councilman Eric Hoff

Councilman Michael Galvan

Councilwoman Lisa Taylor

VIA ZOOM

Jason Mann

Councilwoman Cynthia Thompson

City Secretary: Sylvia R. Trevino (in person)

Staff present (all in person):

Chief A. R. Garcia

Rosendo Flores, Director of Public Works

Jose Rivera, Support Services Aide

1. **CALL TO ORDER** - The meeting was called to order by Mayor Rivera.
2. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance followed led by Mayor Rivera.
3. **LEGISLATIVE PRAYER** - The Legislative Prayer was recited by Mayor Rivera.
4. **PUBLIC COMMENTS** – None
5. **MINUTES OF THE REGULAR MEETING OF MARCH 15, 2022, APPROVED WITH CORRECTIONS**

Councilwoman Taylor pointed out two minor corrections, one on Page 1 (changing the word 'community' to 'committee' and one on Page 3 (adding a closed quotation mark). With the noted corrections, Councilman Wade made a motion to approve the minutes.

Councilman Hoff seconded the motion.

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

(At this time Mayor Rivera proceeded with Item 7 due to the absence of the applicant required for Item No. 6)

7. **VACANCY FILLED FOR THE CITY SECRETARY POSITION**

Mayor Rivera stated that he had received four applications: 2 from the Rio Grande Valley and 1 from San Antonio. He stated that another one was submitted but was rejected for failure to meet the qualifications.

Mayor Rivera stated that John Topp had been on vacation and so, therefore, he and Gloria Garza met to discuss the applications in detail. Mayor Rivera commented that he and Ms. Garza concluded he was the best candidate and they both are recommending that he appointed as the

City Secretary or City Administrator. He added that he knows all the residents and is aware of all the employees and issues and with guidance from the City Council he can provide the proper tools. Mayor Rivera proceeded to outline the qualifications of Ms. Garza as being the Vice President of Human Resources with a Fortune 500 company.

Councilwoman Taylor stated that she did not know of anyone else that knows the workings of this community or has done more as a Mayor and she is 100% on board to keep Mayor Rivera to administer the operations of the City.

Mayor Rivera stated that this is the perfect spot for him. He works well with the City Attorney, the City Engineer, the financial advisors, and he will make sure that Palm Valley stays as bright as possible.

Councilman Hoff believed Mayor Rivera should be removed from consideration. For transparency purposes, he asked that Michael Galvan be appointed Mayor Pro Tem and that the applications be reviewed by him.

Councilwoman Taylor explained that the position was advertised and candidates were sought out. They were either unqualified or did not have the experience. It takes money to readvertise and then there is the time that is required to train. There will be a time that will require two payrolls and making the selection to hire Mayor Rivera will save time and Mayor Rivera will not require much training.

Mayor Rivera stated that it was not his intention to work for the City when he started the review of the applications. There were applicants that would not stay here very long, and he knows he will be at the mercy of the Council which can remove him at any time. Tonight's decision is to hire him. At the May meeting, the Council can then appoint a Mayor Pro Tem and seat the new Council members and he will then resign his position as Mayor. The City Council will then have to decide on how to fill the position of a Councilmember. He stated that he would start training with the City Secretary on May 18.

Councilman Hoff commented that this is a conflict of interest when the Mayor is the applicant and he is also reviewing the other applications. He stated that he would like to see the other applications. Mayor Rivera commented that the two-person committee chose not to present the three applicants. He stated that he is the obvious choice to take the job.

Mayor Rivera commented that Gloria Garza, a member of the Committee, due to time constraints, could not be at the meeting this evening.

Councilman Hoff made a motion that every single candidate's application go to the Mayor Pro Tem and stated that Mayor Rivera should not have been opening the applications. He asked to see the other applications.

His motion died for lack of a second.

Councilwoman Thompson made a motion that the Council approve Mayor Rivera for the position of City Administrator.

Councilman Hoff reiterated that he would like to see the other applications.

Councilwoman Taylor seconded the motion made by Councilwoman Thompson.

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

Aye: Thompson, Taylor, Wade, Galvan

Nay: Hoff

At this time, Mayor Rivera stated that the Council now needed to discuss his salary and asked the City Attorney if the Council could go into Executive Session. He added that a salary range had been discussed last month. Jason Mann replied that if there is no fixed amount, the Council could go into Executive Session.

(At approximately 6:25 p.m. Councilman Hoff left the meeting)

Before proceeding with the Executive Session, it was concluded that the Council proceed with Item No. 6)

6. VARIANCE REQUEST FOR A FENCE AT 1625 PALM VALLEY DRIVE EAST APPROVED

Gary Ellis, the property owner, requested a variance for a proposed fence that will go across his patio. The fence line starts 33 ft. back from the Golf Course. There is a small portion of the fence that is 21 ft. back, and the end of the fence is 27 ft. back from the Golf Course. The fence will be 4 ft. high and will be black wrought iron.

Councilman Wade asked if variances are granted on a case-by-case basis. Mayor Rivera replied yes but others can come back and question why a variance was done for one and not for others.

It was the consensus of the Council that the requested fence for a variance would not be a problem. Mayor Rivera also stated that the neighbors can also bypass the Council's decision.

Jason Mann commented that if the adjoining neighbors do not object to the decision it is at the discretion of the City Council.

8. CONSENT AGENDA:

A. ORDINANCE NO. 2022-3, CHAPTER 50, WATER AND SEWER RATES SUBSECTION 50.01, CONNECTION RATES (ADDITIONAL LANGUAGE) AND SUBSECTION 50.02 ADDITIONAL FEES AND CHARGES REGARDING THE INCREASE IN THE RECONNECT FEE AND CHARGES.

B. RESOLUTION APPROVED DENYING AEP TEXAS INC'S TO AMEND DISTRIBUTION RATES WITHIN THE CITY AND OTHER RELATED PROVISIONS.

C. Police Monthly Report – January 2022

D. Municipal Court Monthly Report – January 2022

E. Monthly Investment Report – January 2022

F. Monthly financial report – January 2022

G. Monthly check listings – January 2022

H. Council/staff liaison reports.

Mayor Rivera commented that the budget is doing well, however, he pointed out that fuel costs have doubled. He stated that the bank accounts are doing well. Also, a budget adjustment will be required for the fuel surcharge that RedFish Recycling is now charging. Jason Mann asked to see the provisions of the contract to see if RedFish has the authority to add this surcharge.

Councilwoman Taylor commented that she reviewed the budget and if all stays on track the City could end up with a surplus of about \$184,658 among both the City and the Water funds.

There was minor discussion on the resolution denying AEP Texas Inc.'s request to amend their distribution rates. It was noted that they usually request an increase ever year. The attorneys representing the cities then go and negotiate the increase. In response to who pays the attorney fees, the reply was that AEP pays for the attorneys that represent the cities.

Mayor Rivera announced the passing of Jerry Schussler and Gary Cooley.

There being no further discussion of the Consent Agenda, Councilman Wade 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.

At this time, Mayor Rivera ceded his position as the Presiding Officer of the meeting to Councilman Galvan as Mayor Pro Tem. Mayor Pro Tem Galvan made a motion to go into Executive Session pursuant to Section 55.1074: Personnel to discuss the salary for the City Administrator.

Councilwoman Taylor seconded the motion.

Mayor Rivera exited the meeting and Mayor Pro Tem Galvan presided over the Executive Session. It was confirmed that there was a quorum at this time considering that Councilman Hoff left the meeting earlier, two Councilmembers and one Mayor Pro Tem were present, and one Councilmember was present vis ZOOM.

The Executive Session convened at 6:44 p.m. and concluded at approximately 6:51 p.m. with no action taken in closed session.

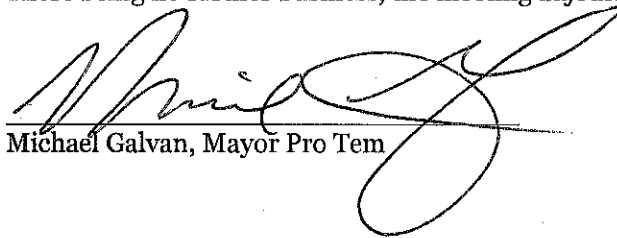
SALARY SET FOR THE POSITION OF CITY ADMINISTRATOR

Returning to open session, Councilwoman Taylor made a motion to offer the salary of \$70,000 per year to the newly hired City Administrator.

Councilman Wade seconded the motion.

Mayor Pro Tem Galvan took the votes and the motion carried unanimously by those present.

There being no further business, the meeting adjourned at 6:57 p.m.



Michael Galvan, Mayor Pro Tem

Attest:



Sylvia R. Trevino, City Secretary