

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
October 18, 2022**

The City Council of the City of Palm Valley met in a Regular Meeting on the 18th day of October 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:
Councilman Gilberto Lucio
Councilman Jerry Wade
Councilwoman Annette Baker

VIA ZOOM
Eric Hoff, Mayor Pro Tem
Councilwoman Lisa Taylor
Jason Mann, City Attorney

City Secretary: Sylvia R. Trevino (in person)

Staff present (all in person):
Kathy Cherry (City Secretary in training)
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 Pro Tem Eric Hoff.
2. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance followed led by Mayor Pro-Tem Hoff.
3. **LEGISLATIVE PRAYER** - The Legislative Prayer was recited by Councilman Wade.
4. **PUBLIC COMMENTS** – None
5. **MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 14, 2022, APPROVED**

There being no corrections, the minutes were approved upon a motion by Councilman Wade and a second by Councilwoman Taylor.

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

6. DISCUSSION HELD ON THE MARKETING SERVICES CONTRACT BETWEEN TOPP MARKETING SERVICES AND THE CITY OF PALM VALLEY

Councilman Lucio explained that a new contract to provide IT services will address every need related to the newsletter. The newsletter will be created by City staff and that is why the termination of the contract is contemplated. The direction is to go to a digitized version of the newsletter and make it a subscription by those that wish to receive it. This is also an effort to streamline the budget.

Councilman Baker added that the newsletter could be done a quarterly basis and send out a postcard informing the residents that the newsletter is on the City's website and making reference to it. Councilman Lucio stated that the IT consultant has already started making modifications to the City's website.

Councilwoman Taylor's concern was that the City is suggesting terminating the marketing services contract without having the discussion on Item No. 12. She felt that the City was putting the cart before the horse.

Councilman Lucio commented that the City already has the contract for IT services, and it is being renewed as per the terms.

Councilwoman Taylor asked who would be writing the content of the newsletter and who would be overseeing the review and final version of it. It was noted that City staff would be preparing the newsletter as they did before Mr. Topp was hired.

City Attorney Mann, when asked about his thoughts, commented that Item No. 12 should probably be considered first.

Councilwoman Baker stated that the City is paying \$750 a month for the newsletter and she was of the opinion that this is a waste of money. It is about streamlining and trying to be tech savvy and having the IT consultant can assist with that.

Discussion centered around how much would this direction actually save the City and also what would be the preferred choice of our residents on how to receive the newsletter as some might not be able to receive texts to their telephones or even have a computer at home that would provide them access to the newsletter.

Councilman Lucio clarified that the City is not getting rid of the newsletter. City staff can take on this responsibility. He indicated that he had personally spoken

to John Topp about terminating the contract and he had commented that he had other things to do should the City terminate his contract.

Councilwoman Taylor stated that she would really like to review the IT contract. The City Secretary will provide her with a copy. She commented that she would not like to get rid of one contract for vagueness of another.

A motion was made by Councilman Wade to postpone action on this item until the discussion was held on Item No. 12 regarding information technology services.

Councilwoman Baker seconded the motion.

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

7. ACTION TAKEN ON HALLOWEEN 2022 ACTIVITIES IN THE CITY OF PALM VALLEY

Chief Garcia reported that there will four officers working on that date starting at 6:00 p.m. As in the past he will provide food for the officers and he will request reimbursement from the City or he will use the City's credit card.

Chief Garcia recommended that the Council consider the possible closure of Bellino Drive from 6:00 p.m. to 11:00 p.m. Barricades will be placed at both Dilworth/Bellino and Bellino/Palm Valley East in an effort to control the amount of traffic coming in and out of the City during the peak Halloween hours. All police units will be utilized, the patrol bike and a golf cart.

Councilwoman Baker made a motion to authorize the closures as recommended by Chief Garcia.

Councilman Wade seconded the motion.

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

8. PAYMENT TO ESSENTIAL WORKERS AS ALLOWED THROUGH CORONA VIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (CLFRF) UNDER THE PREMIUM PAY CATEGORY APPROVED

Councilman Lucio noted that these funds must be spent by December 2024 or else the City loses it. A workshop is being considered to discuss potential projects needed throughout the City where these funds can be utilized.

Chief Garcia explained that these funds can be used to:

- Replace lost public sector revenue

- Respond to the far-reaching public health and negative economic impacts of the pandemic
- Provide premium pay for essential workers
- Invest in water, sewer, and broadband infrastructure

Chief Garcia explained that the City received a total of \$307,254.58 in 2021 in two different tranches. Of the first allotment, the City currently maintains a balance of \$99,188.29.

He has had a previous discussion with Councilman Lucio and he is requesting that the City consider using available funds to provide premium pay for essential workers that reported for work during the pandemic. This pay can be retroactively issued, and the City could designate all employees, not only public safety employees as being eligible for the premium pay.

Chief Garcia stated that both Cameron County and the City of Harlingen had approved and awarded premium pay to all their employees using these funds. He gave examples of the payouts.

He recommended the City consider awarding the employees a minimum of one month's pay as the City of Harlingen awarded and comparable to what Cameron County approved. The approximate cost of his recommendation would be four weeks pay for all full-time employees: \$34,000 approximately.

Minor discussion followed on other projects where these funds could be used if applicable according to the rules. It cannot be used for streets, it can be used for water drainage, possibly fire hydrant replacement; shut off valves and the cleaning of pipes.

Councilwoman Taylor pointed out that the City would still have to kick in for payroll taxes at the rate of .0765.

Councilman Wade made a motion to approve the recommendation by Chief Garcia and commented that the City spend the rest of the funds as quickly as possible.

Discussion then followed on lost revenue that the City might have experienced where these funds could also be used.

Councilman Taylor noted that no recommendation was made for part time employees. Chief Garcia stated that his recommendation was specifically for full time employees as the allowed use for premium pay. The only other option would be to pay the part time employee(s) out of City funds.

There was agreement that the extra pay for part timers be considered on the next agenda.

As for the effective date of this premium pay for full time employees, there was a consensus that it be paid out with the November 17 payroll in time for Thanksgiving.

Councilwoman Baker made a motion to authorize premium pay in the amount of \$35,000 plus applicable payroll taxes as required by law on November 17 to essential workers.

Councilman Wade seconded the motion.

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

9. PROPOSAL FOR GARBAGE/BRUSH COLLECTIONS FROM WASTE CONNECTIONS OF TEXAS – RGV ACCEPTED

Jennifer Gresham, a local resident, questioned the bidding process and asked why there were not other proposals submitted. Mayor Pro Tem Hoff replied that other companies had been contacted but one company did not even respond. Councilman Lucio added that this type of service does not have to be bid. He affirmed that all three other companies had been contacted but he received only one proposal. Waste Connections is a local company. He noted that this is only a proposal and not the actual contract. Councilman Lucio stated that there will be significant savings with this company than with the previous company.

Ms. Yomeida Trevino, representing Waste Connections, stated that they are the 3rd largest company in the United States. They have no call centers and calls are answered by staff. Ms. Trevino commented that it will be an adjustment for those that currently do not have service this time. The City can choose to charge whatever rate it wants to charge. \$18.00 will be the charge to the City.

Minor discussion followed on size of containers and the requirements for brush pickup. Jason Mann noted that the City will have to build a strong ordinance for the next Council meeting.

Concerning the brush pickup, there was concern expressed that the brush will sit out for a week or more. However, Ms. Trevino explained that it could be a scheduled process for various quadrants throughout the City. The only change will be during holidays where the schedule will vary. Trash could be picked up on Wednesdays and brush could be picked up the last week of the month. Residents can bag their clippings and they will be picked up.

It was noted that brush pickup service is in addition to the trash pickup. As to how to regulate this service, you could have a drop off on Saturdays for quarterly pickups through a roll off bin and it would require one City employee to check proof of residency and limit the amount that anyone can resident can drop off. It will be difficult to qualify tonnage.

Councilwoman Taylor commented that there will be people who will bring trailers full and thus, will not give others the opportunity to dump their brush loads. Jason Mann commented that this could be prohibited in the ordinance.

Ms. Trevino stated that the price includes a franchise fee of 10%. Most cities are charging their residents 10%-15% to handle the administrative fees by staff.

Ms. Trevino stated that Waste Connections could come up with a contract and create the ordinance also. She added that references are included in the proposal.

Councilwoman Taylor asked that Waste Connections send 2 versions with options to be able to create an ordinance.

Councilwoman Baker made a motion to formalize a contract and an ordinance with two options subject to approval of either option.

Councilman Wade seconded the motion.

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

10. NO ACTION TAKEN ON INCREASING WATER RATES AS RECOMMENDED BY REAL STRATEGIC SOLUTIONS

Councilman Lucio stated that Estrada Hinojosa was suggesting that a capital improvement plan be in place in order to determine what the amount of the increase should be.

With this in mind, no action was taken on this item.

11. DISCUSSION HELD REGARDING THE CITY'S AUTHORITY IN THE INSTALLATION OF PROPANE TANKS WITHIN THE CITY

Jason Mann explained that currently the City does have some authority through the International Building Codes that the City adopted. Installing propane tanks does require a permitting process through Table 6104.3. The City's Building Inspector does have the authority with this process. The current ordinance could be enhanced, however, as not to regulate aesthetics.

Councilwoman Taylor stated that the City could add that the tanks be enclosed so as not to be visible from the street. Jason Mann commented that as long as it does not run afoul from the current codes and does not interfere with safety issues.

Mr. Ted Shawhan, 1609 Palm Valley West, stated that he installed his propane tank because City staff told him he did not need a permit. He hired Mid Valley Propane to install it thinking they knew the regulations and it was placed too close to the street curb. He then had it relocated. He now wants a permit for a fence to cover it. He was told that there was no city ordinance regulating propane tanks.

Jason Mann stated that the City could make a space and distance requirement in the ordinance so that they are farther from the road and the ordinance could be tweaked some as long as it would not conflict with Texas Railroad Commission's guidelines. It would have more to do with location and distance.

Jerry Alexander, 149 Palm Valley West, commented that he recently installed a gas line to his property because he did not want propane. Texas Gas Service will install a line, free of charge, if there are other residents that are wanting the same. You can get a natural gas line anywhere here in Palm Valley.

Jason Mann added that the ordinance could be enhanced to provide safety rules.

12. DISCUSSION HELD REGARDING INFORMATION TECHNOLOGY SERVICES

Councilman Lucio explained that this is a renewal contract and was reviewed by the Attorney last year. The only thing that has changed is the price. This contract is not set in stone at this time. The issue with the City's newsletter is not part of this contract. It is a separate item as a 'project'.

Councilman Wade affirmed that the current contract expired October 1 but the services have continued.

The renewal of the contract would require Council action to approve with the new rate.

The newsletter project is to move to a digitized version through a subscription service and would be subject to privacy terms.

Jesse Rodriguez stated that the subscriber would receive a link to access the newsletter. The one-time fee for this subscription based newsletter would be \$3400 for the setup, afterwards it would be \$112.00 a month for technical support services and \$31.50 for approximately 700 SMS fees. Each SMS get charged \$.05 based on the number of subscribers. In house staff will do the newsletter and he will be enhancing the City's website to accommodate the newsletter. The IT contract is just a renewal with a slight increase from last year. (Approximately \$500).

He added that the basic service did increase to cover extra security as there have been more cyber-attacks reports. Mr. Rodriguez also commented that the City of Palm Valley was a 'referral' to him, thus, his charges are still less.

There was consensus among the Council to place the renewal contract on the agenda for next month.

6. TOPP MARKETING CONTRACT NOT TERMINATED

Councilwoman Baker was of the opinion that this contract is not needed and made a motion to terminate the contract giving the required 30 days' notice.

Councilwoman Taylor asked Kathy Cherry if the newsletter is done inhouse and moving forward does she have previous experience with doing this. Ms. Cherry replied yes.

Councilman Lucio seconded the motion made by Councilwoman Baker.

Those opposed were Councilman Wader and Councilwoman Taylor.

Being there were two votes for terminating the contract and two votes against, Mayor Pro Tem Hoff broke the tie and voted against terminating the contract. He commented that there is a lot going on right now and the contract could be cancelled at any time.

Councilwoman Baker commented that, for the record, the Councilmembers who voted against the termination are for 'overspending'.

13. CONSENT AGENDA:

- A. FIRE SERVICES CONTRACT BETWEEN THE CITY OF HARLINGEN AND CITY OF PALM VALLEY FOR FISCAL YEAR 2022-23.
- B. Police Monthly Report – September 2022
- C. Municipal Court Monthly Report – September 2022
- D. Monthly Investment Report – September 2022
- E. Monthly Financial Report – September 2022
- F. Monthly Check Listings – September 2022
- G. Council/Staff liaison reports

Councilwoman Taylor made a motion to approve the Consent Agenda.

Councilman Wade seconded the motion.

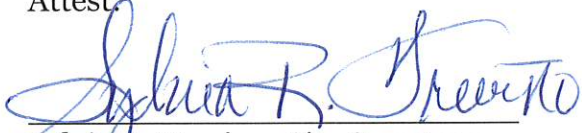
Mayor Pro Tem Hoff took the votes and the motion carried unanimously by those present.

There being no further business, the meeting adjourned at 8:07 p.m. upon a motion by Councilwoman Taylor and a second by Councilman Wade.



Eric Hoff, Mayor Pro Tem

Attest:



Sylvia R. Trevino, City Secretary