

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
November 15, 2022**

The City Council of the City of Palm Valley met in a Regular Meeting on the 15th day of November 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
Jason Mann, City Attorney

Absent:
Councilwoman Lisa Taylor

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 Kathy Cherry.
4. **PUBLIC COMMENTS**

Jason Mann, speaking as a local resident, asked that the Council consider the brush removal option when discussing the proposal for waste services.

David Dixon, 1900 Tangelo, expressed comments regarding sewer odors in his vicinity and briefed the Council on an issue he had with his recent move as it related to large moving vans driving through the City.

5. **MINUTES FOR APPROVAL - REGULAR MEETING OF OCTOBER 18, 2022**

City Secretary Sylvia Trevino asked that the Council table this item.

Councilwoman Baker made a motion to table this item til the next meeting.

Councilman Wade seconded the motion.

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

6. BONUS PAY FOR PART TIME EMPLOYEES AND NEWLY HIRED EMPLOYEES APPROVED

Chief Garcia explained that during the last City Council meeting of October 18, the City approved payment of 'premium pay' for all full time employees. These funds came from the CLFRF grant that the City received in 2021 and 2022. This grant did not allow funds to be used to pay part time employees any kind of pay.

At that meeting, Councilwoman Taylor recommended that the part timers also be paid for their efforts during the COVID pandemic. If approved, these funds would have to be paid from the City's general fund.

Only two employees would qualify for this pay: Office Albino Cisneros and Jose Rivera who was a part time employee during the pandemic.

Chief Garcia recommended that these part time employees be paid ½ of what the full time employees were paid. Based on this, the following would be their pay:

Officer Cisneros \$14.42 / hour x 80 hours = \$1,153.60

Jose Rivera: \$16/hour x 80 hours = \$1,280.

Councilman Lucio made a motion to authorize this pay as recommended.

Councilwoman Baker seconded the motion.

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

7. CONTRACT BETWEEN THE CITY OF PALMM VALLEY AND WASTE CONNECTIONS FOR GARBAGE SERVICES APPROVED AND MAYOR PRO TEM OR HIS DESIGNEE AUTHORIZED TO SIGN THE CONTRACT.

Councilman Lucio stated that the contract has been amended to include brush pickup.

City Attorney, Jason Mann, commented that the start date of the contract is January 1, 2023. An ordinance will be drafted and presented at the December meeting which will require 100% participation by all residents.

Councilman Wade made a motion to approve the contract to include brush pickup as well.

Councilman Lucio seconded the motion.

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

8. CONTRACT BETWEEN THE CITY OF PALM VALLEY AND JASON MANN FOR LEGAL SERVICES RENEWED

Councilwoman Baker reminded everyone about conflict of interest and she proceeded to read the statute that governs conflicts among elected officials. She added that the City of Harlingen recently added this provision to their agendas and is read at every meeting.

Councilman Lucio made a motion to renew the contract for legal services between the City of Palm Valley and Jason Mann at an annual fee of \$10,000 per year.

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

9. CONTRACT BETWEEN THE CITY OF PALM VALLEY AND LUIS RAMOS AS BUILDING INSPECTOR RENEWED

Councilman Lucio commented that he had no problem renewing this contract but that he would ask that the Building Inspector not use his City of Harlingen shirt when conducting business for the City of Palm Valley.

Councilman Lucio made a motion to renew the contract for building inspection services.

Councilwoman Baker seconded the motion.

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

10. CONTRACT BETWEEN THE CITY OF PALM VALLEY AND TOPP MARKETING SERVICES TERMINATED

Councilwoman Baker commented that by staff doing the newsletter and terminating the contract would save the taxpayers of Palm Valley about \$9,000 annually.

Councilwoman Baker made a motion to not renew the contract and send a 30-day letter of termination.

Councilman Wade commented that the idea is to go paperless but the City is not ready to go entirely paperless but little by little it could happen and subscribers to the newsletter could register to receive texts informing them of the newsletter availability.

Councilwoman Baker stated that the City is planning towards that effort. Staff is very capable of producing the newsletter.

Councilman Lucio added that the newsletter will continue through staff's efforts and IT will propose a project to be able to implement the newsletter via a subscription or other digital method. The concern at this time is to terminate the contract and allow the staff to continue the newsletter.

Councilwoman Baker made a motion to terminate the contract between the City and Topp Marketing Services.

Councilman Lucio seconded the motion.

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

11. CONTRACT BETWEEN THE CITY OF PALM VALLEY AND JR IT SOFTWARE SOLUTIONS, LLC FOR IT SERVICES AND WEBSITE MANAGEMENT RENEWED

Councilman Lucio explained that IT is providing the same services except for the project of the management for the newsletter.

Jesse Rodriguez commented that this project is different from the IT contract. If the Council chooses to go with newsletter project there would be a one time fee of \$3,397.98. This item here is just to ratify the new contract for IT services.

Councilman Lucio made a motion to renew the contract for IT services with the exception of the project for the newsletter.

Councilman Wade seconded the motion.

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

12. ORDINANCE ADOPTED AUTHORIZING THE CITY'S PARTICIPATION AND ENROLLMENT OF EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM

Councilman Lucio explained that, currently, the City has a 457 plan and only about 7 employees are enrolled in this deferred compensation plan.

The recommendation is to go with Plan #2 which is a 5% employee contribution rate with a 1.5 to 1 matching ratio by the City. If the City does not take action now the actual price to the City will increase from \$26,614 to \$28,670 as the City's estimated annual contribution.

Currently, the City matches 1.25 to 1. With TMRS, the City will match 1.5 to 1 and these contributions do not fluctuate with the market.

When asked if the employees choose not to participate, then what? Councilman Lucio replied that TMRS requires 100% participation. Councilman Wade asked if the employees had been briefed on this new plan. The reply was no.

Councilman Lucio stated that TMRS is looking to enroll more participants throughout the state in order to keep costs down. He added that the funds in the current plan will not roll over to the TMRS.

Rosendo Flores, Public Works Director, commented that this new plan will not benefit his employees being that they are an older group.

Chief Garcia voiced his support in favor of the plan and commented that the City has never had an actual retirement plan and by implementing this plan it can serve as an incentive to attract new employees. He added that he and all of his officers are in favor.

Councilman Lucio stated that TMRS will give service credits so that there will be some benefit to the older employees.

Councilman Lucio made a motion to adopt the ordinance authorizing the City's participation in the TMRS retirement plan at the Plan 2 tier of 5% employee contribution with a 1.5 to 1 City matching ratio.

Councilwoman Baker seconded the motion.

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

13. DAVID FLINN AUTHORIZED TO CREATE A FIVE YEAR CAPITAL IMPROVEMENT FOR THE CITY OF PALM VALLEY

David Flinn commented that this has been talked about before and what he can see is going to be the biggest cost would be the sewer line replacement. He added it would be about \$30,000 for the proposal which he can submit at the next meeting.

He said the worst part of the sewer system will need to be identified and that streets would also be included in the proposal to continue with the crack sealing plus also address water and sewer issues.

Councilman Lucio commented that the first year of improvements could be funded through existing funds.

There was consensus among the Council that David Flinn come back with a proposal because at this time David Flinn did not have definite costs for any of the projects.

Councilman Wade made a motion to authorize David Flinn to come back with a proposal with specific costs identifying the projects.

Councilman Lucio seconded the motion.

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

14. CONSENT AGENDA:

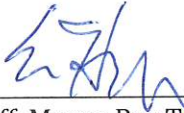
- A. Police Monthly Report – October 2022
- B. Municipal Court Monthly Report – October 2022
- C. Monthly Investment Report – October 2022
- D. Monthly Financial Report – October 2022
- E. Adopt Ordinance adjusting budget for FY 2022-23
- F. Monthly Check Listing – October 2022
- G. Council/staff liaison reports

City Secretary Trevino asked that the Council withdraw Items D and E from approval of the Consent Agenda. These items will be presented at the next Council meeting.

Councilwoman Baker made a motion to approve the Consent Agenda without Items D and E. 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 6:55 p.m. upon a motion by Councilman Wade and a second by Councilwoman Baker.



Eric Hoff, Mayor Pro Tem

Attest:



Sylvia R. Trevino, City Secretary