

**PALM VALLEY CITY COUNCIL
MINUTES
REGULAR MEETING
January 17, 2023**

The City Council of the City of Palm Valley met in a Regular Meeting on the 17th day of January 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

Not in attendance:

Councilwoman Lisa Taylor

Present:

Jason Mann, City Attorney

Staff present (all in person):

City Secretary: Kathy J Cherry
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 Gilberto Lucio.
2. **LEGISLATIVE PRAYER** - The Legislative Prayer was recited by Councilman Hoff.
3. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance followed led by Mayor Pro Tem Lucio.
4. **APPROVAL OF MINUTES OF THE REGULAR MEETING FOR DECEMBER 20, 2022**
Upon a motion by Councilwoman Baker, the minutes were approved without any corrections.

Councilman Hoff seconded the motion.

Mayor Pro Tem Lucio took the votes and the motion carried unanimously by those present.
5. **PUBLIC COMMENTS**

Julie Herrington, 7 Los Amigos, spoke about the beautification Value and Community Impact of the center island. Her letter is attached and made a part of these minutes as an attachment.

Lester Gresham, 5315 Papaya Cir, spoke about transparency. Transparency in the decisions, transparency in the actions. Not sure on where to get minutes and what is the standard operating procedures for the meetings.

6. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CITY OF PALM VALLEY POLICE OFFICERS TO PROVIDE ADDITIONAL SECURITY SUPPORT TO THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.

Chief Garcia explained that he was contacted by Constable Eddie Solis in regard to this issue with the school security. The school district is under staff and would the City of Palm Valley Police department be willing to assist as long as the school district approves. The school district will only employ full time officers and not part time nor reserve officers. If approved by City of Palm Valley and HCISD, the Police Officers will work on their days off. Harlingen PD has a few officers working this shift. Cameron County Sherriff Office, Precinct 5 Constables and Precinct 3 Constables out of San Benito. HCISD is needing between 20-25 officers a day.

Councilman Hoff asked the question, "Is there any negative in us approving now because this is a slam dunk."

Chief Garcia emailed the documents to Mr. Jason Mann. The document was copied, and paste based on what Eddie Solis sent to the Chief.

Councilman Hoff is in complete support of the \$45/per hour. Mayor Pro-Tem Lucio, \$10/per an hour per each police car used.

Chief Garcia for visibility, they will use the units and park in front of the school and the school district will pay the City directly \$10/per hour for the use of the unit, not the officer. For example, if the unit is there for 8 hours, that's \$80 paid directly to the City.

Councilman Wade, "Is the vehicle running that 8 hour?"

Chief Garcia, "No, the vehicle is just parked."

Councilman Wade, "The officers are inside the school?"

Chief Garcia, "Yes, the officers is inside the school doing his rounds."

Councilman Wade, "Different uniforms from different agencies are going around in that school?"

Chief Garcia, "Well there is 1 officer per school." "The middle schools may have 2 and the High Schools have 2 to 4." "All Elementary has 1."

Councilman Wade, "Which Officers, just full timers?"

Chief Garcia, "Yes, just full timers."

Councilman Hoff, "That's 5 right now, right?"

Chief Garcia, "Well right now it's 4, we have an opening."

Councilman Wade, "The officers are inside the school?"

Chief Garcia, "Yes, the officers is inside the school."

Councilman Wade, "I was hoping some of the up and comers would be helping them and it's really not helping the lower people on the totem pole?"

Chief Garcia, "No sir because they are reserve, and I have 1 part timer and 3 reserves officers and they do not qualify."

Councilman Wade, "Do they not have the qualifications yet to meet?"

Chief Garcia, "Well they're not full time with us."

Councilman Hoff, "Is that Harlingen request to be full-time?"

Mayor Pro-Tem Lucio, "Yes, it's Harlingen request to have full-time officers."

Attorney Jason Mann, "My only comments for the Council to make sure our insurance company is aware of this and there is some liability by us being there."

Councilman Hoff, request to City Secretary, TML to verify liability insurance.

Councilman Hoff made a motion pending insurance, make a motion on agenda item #6 to approve the MOU with HCISD.

Councilman Wade seconded the motion.

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

Councilman Wade, "Out of curiosity, somebody that volunteers are they going to get 2 shifts per week?"

Chief Garcia, "That is up to the school district."

Councilman Wade, "Are these new regulations that they are that shorthanded this year?"

Mayor Pro Tem Lucio, "No, this is the first time they have done it."

Chief Garcia, "Harlingen has not had enough Police Officers to cover it."

7. DISCUSSION AND POSSIBLE ACTION TO APPROVE MEMBERSHIP WITH THE TEXAS RURAL WATER ASSOCIATION (TRWA)

Mayor Pro Tem Lucio, this was brought to him by Chendo concerning the benefits they offer to us by doing the GIS mapping.

Chendo, they also started connections with the water loss.

Mayor Pro Tem Lucio, which is at no cost to the City as of now, but in order to get all the other benefits.

Chendo, we are trying to find the water leak within the City and we are losing a lot of water which is about 40% to 50%, By joining them, they have all the equipment.

Mayor Pro Tem Lucio, that cost is about \$1200.00 but it provides leak detection, smoke testing, slow meter testing, water mapping, tank inspection, rate studies, anything to do water, free rate study, emergency funding, provide TCEQ training courses, and anything dealing with TCEQ. It is an annual basis.

Councilman Wade noticed an amount between 400.00 and 5200.00 and they determined based on our population? Yes, that is correct. It will be \$1200.00. On the leaks, is it an audio type of thing and is it something they will hear it?

Chendo, "Yes sir." They put something on their ears and start to locate where the leak is at. We are losing a lot of water

Councilman Wade, is it mainly going in the drains?

Chendo, mostly you can spot a leak. Opening an manhole, you can see water flow going in, I can see it on my supplants.

Councilman Hoff, *Chendo*, "Have we ever belong to this before?"

Chendo "No"

Councilman Hoff, "And you are supporting it, correct?"

Chendo, "Yes sir"

Councilman Wade "So when the check is provided, *Chendo*, will you contact to bring their equipment?"

Mayor Pro Tem, the vendor is currently providing service by GIS mapping.

Per Councilman Hoff, feels it is a benefit and try it for a 1 year and see if it's a benefit.

Councilman Wade made a motion to become a member of the TRWA.

Councilman Baker seconded the motion.

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

8. DISCUSSION AND POSSIBLE ACTION TO APPROVE MEMBERSHIP AND TIER LEVEL WITH THE GREATER CHAMBER OF HARLINGEN.

Mayor Pro Tem Lucio, currently the State of Texas has a \$23B surplus to give back to cities for infrastructure. The Greater Chamber of Harlingen has instituted a small coalition, which includes Combes, Primera, Palm Valley, Rio Hondo, and San Benito. Collectively all these cities will go together as a group to the State Capitol to speak to our State Representatives, Governor, or Attorney General to talk about what we need for our city. However, if we are not a member we will be excluded for the conversation. We will not be excluded from the money, but we will not have the opportunity to give any input on the state of our city. Hopefully, someone will read our Capital Improvement Plan and look at Palm Valley to say yes or no. Combes, Primera, Rio Hondo, and San Benito are a part of the Greater Chamber of Harlingen. This membership will provide, chamber facility rentals, digital billboard, networking opportunities, new member orientation, and enhance website and email blast annually. We do not need more than the bronze package.

Councilman Wade, the cities mention, they are a part of this?

Mayor Pro Tem Lucio, yes, they are. Per Mayor Pro Tem, The Greater Chamber of Harlingen has had monthly meetings gear up for the 88th Legislator. The City of Palm Valley presented the Capital Improvement Plan without the prices.

Councilman Wade likes the way it sound, but how would the City of Palm Valley fit in because we are all one group. How is it decide what goes to Palm Valley?

Mayor Pro Tem, it is up to the State Rep

Councilwoman Baker, how much is it?

Mayor Pro Tem and *Councilman Hoff*, \$1,000.00

Councilman Wade, is it important we have number associated with our project?

Mayor Pro Tem, we should have the numbers, yes. We are relying on David to provide the amount for each project.

Councilman Wade made a motion to join The Greater Harlingen Chamber bronze level for a \$1,000.00 a year.

Councilman Hoff seconded the motion.

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

9. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CERATION OF A SOCIAL MEDIA PAGE FOT HE CITY OF PALM VALLEY.

Mayor Pro Tem Lucio has looked at this as a way to communicate with the citizens of Palm Valley which is at no cost to the city. We have Nextdoor as a social media platform, which is not very friendly. Even the smallest cities such as Santa Rosa with a population of 400 has a Facebook page. There's not a city that does not have Facebook. This Facebook page will be monitored by Jose Rivera.

Councilman Wade Does it impose a time or effort on his part.

Mayor Pro Tem Lucio, it will be 2 to 3 post a week and it will be information based. There will be no responses and we cannot suppress any information that comes in. Other than someone posting a vulgar comment or inappropriate, we can remove those. However, all comments will remain on the website.

Councilwoman Baker, "Will someone look at those comments in case we need to This will help with transparency. Also, include a comment section.

Councilman Hoff, Community input. The community can go on the website and look at things that are happening in the city. Second, for emergencies. We can post emergency items on Facebook to get the information out.

Mayor Pro Tem Lucio Harlingen puts out emergency information about accidents and things that are happening in their area.

Councilman Hoff made a motion on agenda item # 9 to approve the creation of a social media page for the City of Palm Valley.

Councilman Wade seconded the motion.

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

10. DISCUSSION (ONLY) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF PRIMERA TO CONTRACT AN ANIMAL CONTROL OFFICER FOR THE CITY OF PALM VALLEY.

Mayor Pro Tem Lucio, currently the City of Palm Valley does not have an animal control. Chief Garcia, we currently do not have an animal control, and this is a conversation that the Chief and Mayor Pro Tem have had. In the past, the city has tried to contract with the City of Primera, as the City of Palm Valley does not have the equipment. We do not have a contract with the County, however, how it works is it is on an "as needed" basis. If called and the animal is not aggressive or not attacking anyone, they have up to 3- days to respond. If aggressive, they will respond in an hour. They are a kill shelter. According to the fee schedule, on the low end its around \$70.00, however, on the high end, the fee is \$100 because they charge per day, room and board, disposal and the City of responsible for this fee. Sometimes, we pass that cost to the citizen.

Mayor Pro Tem Lucio, the City of Primera is currently working on a fee schedule for the City of Palm Valley.

Councilwoman Baker, is this a huge problem?

Chief Garcia, one or two per week. The dog normally belongs to the resident. The main issue is the cat. The animals in Harlingen are required to have a chip in all animals.

Councilman Wade, we need further discussion to get some hard numbers.

Mayor Pro Tem Lucio, the City Manager of Primera will provide those numbers to us.

Councilman Wade, and they are not a kill facility?

Mayor Pro Tem Lucio, no they are not.

Councilwoman Baker, how long do they hold them.

Mayor Pro Tem Lucio, I do not know.

11. DISCUSSION AND POSSIBLE ACTION TO TERMINATE REDFISH RECYCLING CONTRACT AND PROVIDING 30 90 DAYS WRITTEN NOTICE.

Mayor Pro Tem Lucio, it's a 90-day written notice and not 30-day

Councilman Wade, it's not 30?

Mayor Pro Tem Lucio, no, it is not.

Attorney Jason Mann, a provision that was added to the contract to cancel for whatever reason. The 30-days is the contract renews annually and you have to give a 30-day written notice before the end of the term which was December 19th.

Councilman Wade, are we not utilizing?

Mayor Pro Tem Lucio, We are utilizing it for Palm Valley Estates, various area. A young lady came and placed her trash in the recycling bin and placed a cardboard box on top on the trash.

Councilman Hoff, people put their trash in our dumpster that do not live in the City of Palm Valley. We are not cancelling trash. The problem is we need to know if our residence are using this service before we cancel the contract. Will like to have an open meeting with the citizens to discuss recycling and get their thoughts on it.

Councilwoman Baker, is this where we talk about how much the neighbor cannot stand the trash can?

Mayor Pro Tem Lucio, Yes, I receive weekly pictures from a citizen that lives in the subdivision behind City Hall and it shows trash all over the place. Which is quite a bit of trash. Harlingen provides this same service at no cost to Palm Valley. The citizen can take their recycling items and you do not have to be a resident of Harlingen. Agreed with Councilman Hoff, we cannot end the contract without having the conversation.

Councilwoman Baker, one of the concerns citizens from The Villas contacted her and gave some suggestions. He suggested pushing the bins back and put them in a different location. Possibly by the water treatment plant.

Mayor Pro Tem Lucio, I agree with that, However, there's a sewer plant and someone will drive and empty their recycling and takes out one of the pipes that are there.

Councilman Hoff, we also have property on the west side of Bougainvillea.

Councilman Wade, if we want to get out of this business and if we need to have a meeting, lets have a meeting so we are transparent and get rid of the recycling bins. How many containers are here?

Mayor Pro Tem Lucio, Two (2)

Councilman Wade, Does the blue bin get trash from other residents?

Mayor Pro Tem Lucio, it uses to until we placed a lock on it.

Councilman Hoff made a motion to table agenda item #11 terminating recycling Redfish contract.

Councilwoman Baker seconded the motion.

Councilman Wade, so 30 days from now we will be in the same place. So we have not done anything.

Councilwoman Baker, we can send out a letter.

Councilman Wade, decide right now the date of the forum.

Councilman Hoff, The Newsletter need to say "The Council is considering due to the amount of trash and complaints, and we are going to transfer.

Mayor Pro Tem Lucio, on the 31st of January, we will have a forum on the Redfish Recycling and table this matter until then.

12. DISCUSSION AND POSSIBLE ACTION REGARDING HARLINGEN COUNTRY CLUB MEMBERSHIP TO ACCEPT OR TERMINATE.

Mayor Pro Tem Lucio, this was new as there was no idea that the City of Palm Valley had a membership with the Harlingen Country Club and we worked in partnership with them. Spoke with Estella C. and the benefits were explained. There is no issue as to how it was explained, the issue is this has never appeared in any budget items in 8 or 10 years as it was listed under "miscellaneous"

Councilman Hoff, I went through half of the receipts, and they were paid by credit card. Someone from the went to the HCC and paid with a credit card.

Councilwoman Baker, they were charging their meals, golfing, and beverages and paid for themselves they just got to go.

Councilwoman Hoff and Mayor Pro Tem, not all of them but the majority of them. The golf outing was 20 people and eat. But no check written by city but the City Membership allowed them to play.

Mayor Pro Tem Lucio, one of the things at TML and also talk to our Attorney Jason, the City of Palm Valley regulate Harlingen Country Club (HCC), sewer, water, electricity, and trash. Since we regulate there is nothing illegal about it. The actual cost is what that membership is for the month even though we do not pay it, it is that cost. We are seeing charges where the membership has been used and leaving tips on the city's dime. Do not have a problem with using the meeting rooms at the HCC, do not have a problem with using the HCC and have a membership with them. The issue is a lot of these expenses were in "miscellaneous" and we as a city need to have on the budget "Harlingen Country Club" this is what we pay. I feel we were not transparent.

Councilman Hoff, wants to question every check that is written. If someone went over the HCC, there should be a name to identify.

Councilwoman Baker, if we need a place for a forum, we could get a discount. Where we can have more room and the city benefits. I do not agree with any individual charging anything at the HCC especially alcoholic beverages.

Councilman Hoff, how many times have you signed checks?

Councilwoman Baker zero

Councilman Hoff, it's easy to say that but we have hundreds of vendors. The Council has to make sure its legitimate charge. It was just done that way. We pay for the room and the employee.

Mayor Pro Tem Lucio, the purpose of the membership we have to spend \$600 per year. Time they would buy meals. Eric and Tina Hoff brought all food for the 4th of July celebration and the HCC and we met that \$600 limit, which is fine. It's the \$20, vodka, tips, and etc. the city wrote a check.

Councilman Wade, this thing about people never entertaining with a meal, whether it be at the Country Club or Las Vegas, that's how you met, greet and talk. I think it is ok. Not talking about alcohol beverages. You have to meet people and it works well over food.

Councilwoman Baker, should there be some type of accountability?

Councilman Wade what was the bill in 2022?

Mayor Pro Tem Lucio, it was around \$50 to \$100 range.

Councilwoman Baker, I agree we should use them as they are an asset. But still have a problem with have pre-license for anyone to take someone over there.

Councilman Wade and Councilman Hoff, who's everybody?

Mayor Pro Tem Lucio, regardless of the amount the fact is someone is going over there and saying I'm going to have breakfast and charge it to the city. Let's set perimeters.

Councilman Wade, what perimeters do you want?

Mayor Pro Tem Lucio, needs to have approval of the City Secretary to

Councilwoman Baker, Agreed, and there does not need to be any alcohol. If you are doing business, you need to focus.

Councilman Wade, if you're doing city business and you're representing the city, you're suppose to buy the meal? Is that what you're saying?

Mayor Pro Tem Lucio, No.

Councilman Hoff, if a motion is made, I assume Councilman Wade will not vote (conflict of interest). Having 2 is enough if we agree. I am making the assumption. Did you not want to do that?

Councilman Wade, I'll abstain.

Councilman Hoff, on action item #12, I would like to accept club membership with stipulations to council approve and City Secretary and no alcohol.

Councilwoman Baker, motion to second.

Mayor Pro Tem Lucio took the votes and the motion carried unanimously by those present. Councilman Wade abstain.

13. **CONSENT AGENDA:**
- A. Police Monthly Report – December 2022
 - B. Municipal Court Monthly Report – December 2022
 - C. Monthly Investment Report – December 2022
 - D. Monthly Financial Report – December 2022
 - E. Monthly Check Listing – December 2022
 - F. Council/staff liaison reports

Councilman Hoff, made a motion to approve agenda item #13 Consent Agenda.

Councilman Wade, second the motion

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

Councilman Hoff made a motion to adjourn the meeting.

Citizen Julie Herrington proceeded to exchange dialogue. Ms. Herrington has served on the Park and Recreation Advisory Board and tried to get on the agenda on Friday as an email was sent. Ms. Herrington has a concern and would like to present a short report to make sure everyone is on the same page.

City Attorney Jason Mann, it cannot be discussed because it's not on the agenda item. The Park and Recreation Board can be put on the agenda item The rule is to come before the Council to address things and that will need to be put on the agenda.

Councilman Wade question was as a citizen, if I wanted to be on the agenda item how many days of the meeting itself does it need to be? What is the cut off?

There being no further business, the meeting adjourned at 7:14 p.m. upon a motion by Councilwoman Baker and a second by Councilwoman Taylor.



Gilberto Lucio, Mayor Pro Tem

Attest:



Kathy J. Cherry, City Secretary