

**PALM VALLEY CITY COUNCIL  
MINUTES  
REGULAR MEETING  
FEBRUARY 18, 2020**

The City Council of the City of Palm Valley met in a Regular Session on the 18<sup>TH</sup> day of February, 2020 at 6:00 p.m. at 1313 N. Stuart Place Road, Palm Valley, Texas. The meeting was attended by the following persons:

Mayor George Rivera  
Council Members, Eric Hoff, Lisa Taylor, Jerry Wade, Cynthia Thompson,  
Michael Galvan

City Attorney: Jason Mann  
City Secretary - Sylvia R. Trevino

Staff: Chief A. R. Garcia  
Rosendo Flores - Public Works Director

1. **CALL TO ORDER** - Mayor Rivera called the meeting to order.
2. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance followed led by Mayor Rivera.
3. **LEGISLATIVE PRAYER** - Led by Councilman Wade.
4. **PUBLIC COMMENTS - None**
5. **MINUTES FOR APPROVAL - January 21, 2020**

Councilwoman Taylor noted a correction to Page 2.

Councilman Wade made a motion to approve the minutes with the noted correction.

Councilman Hoff seconded the motion.

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

6. **VARIANCE REQUEST GRANTED TO ALLOW THE PLACEMENT OF SOLAR PANELS ON THE EAST SIDE OF 308 PALM VALLEY DRIVE EAST THAT WILL BE VISIBLE FROM THE STREET. PROPERTY OWNER: LANCE SWANBERG**

Mayor Rivera commented that the current ordinance states that solar panels shall not be visible from any street in Palm Valley. Apparently, three sets of

panels have been installed with disregard to this provision. He suggested that if the variance is approved that the current ordinance be amended to read "small solar energy system shall be permitted on the roof of a building provided that the panels are not located on a front roof slope facing any City of Palm Valley street or a roof slope facing a street with four or more lanes (i.e. Stuart Place Road & Wilson Road.) Mayor Rivera stated that Mr. Swanberg's panels face South.

Luis Ramos, the City's Building Inspector, was asked to approach the podium and was asked why the other solar systems that are in violation got approved. Mr. Ramos admitted that he was not aware of the provision that panels should not be visible from any street. He then proceeded to distribute a copy of an excerpt from the 2012 International residential Code and stated the three areas where a variance can be granted:

1. ....the rules legally adopted thereunder have been incorrectly misinterpreted;
2. The provisions of the Code do not fully apply, or
3. An equally good or better form of construction is proposed.

Mr. Ramos recommended the denial of the variance or suggested amending the ordinance. He realizes the other systems are in violation but a variance should not be granted based on others that are in violation.

Councilwoman Taylor questioned if Mr. Ramos saw any other reason other than aesthetics as being a problem for the City. Mr. Ramos replied no.

City Attorney Mann explained that the City of Palm Valley has adopted the 2012 International Residential Code to serve as a guideline, it is not an actual ordinance. The City, in addition, adopted the building regulations ordinance which does, in fact, address provisions for solar panels.

It was pointed out that the most efficient side is to place the solar panels on the south side.

Mayor Rivera commented that the installation of energy systems is going to become more prevalent in an effort to utilize 'clean energy'.

Councilman Hoff stated that he spoke with real estate agents and they indicated that solar panels help sell the house and increase the value of the house. To him, it is not offensive in any way what Mr. Swanberg is requesting.

Councilwoman Thompson made a motion to grant the variance request by Mr. Swanberg.

Councilwoman Taylor seconded the motion.



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

7. **CONSENT AGENDA:**
  - A. ORDINANCE ADOPTED ORDERING THE CITY'S GENERAL ELECTION FOR MAY 2, 2020 TO ELECT THREE (3) COUNCILMEMBERS AND OTHER RELATED PROVISIONS TO THE ELECTION.**
  - B. LEASE AGREEMENT WITH CAMERON COUNTY FOR (1) AUTOMARK TO BE USED ON ELECTON DAY, MAY 2, 2020 AND DURING THE EARLY VOTING PERIOD APPROVED.**
  - C. RESOLUTION APPROVED FOR THE ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY.**

Under Council/liaison reports, Mayor Rivera reported that Palm Valley is teaming up with Cameron County to be a part of the hazard mitigation plan. H2O partners has been hired by the County to draw up the plan in conjunction with the City of Harlingen. The first public hearing was held last Thursday in Harlingen. The next one will be in April and will be held in Palm Valley. There are handouts that are forthcoming and they will be posted on the Next Door blog. A regional approach is being taken on drainage issues throughout the Valley. There will be no funds coming to Palm Valley until 2024, at the earliest. In the meantime the City has to have 'shovel ready' projects and a 25% match will be required. The City has to come up with some unique ways to come up with the funds. Mayor Rivera stated that he would welcome any suggestions.

Regarding the 2020 Census, he stated that Toni Lindsey is the City's Chairman on this project and their questionnaires are forthcoming on March 12.

Regarding city elections, Mayor Rivera announced that there are three slots open for Council members with five candidates vying for the three spots. He reminded everyone of the political sign ordinance that states you will not put up signs until 30 days prior to the election which would be until April 1.

Briefing the Council on the budget, he added that the City is doing well, though it is still early into the fiscal year. There is a projected surplus in the City for about \$187,469 and \$114,540 in the Water. He reminded the Council that they approved the transfer of \$200,000 to the Water budget to pay for the Palm Valley East Drainage project and some lift station repairs.

Mayor Rivera noted that there are a lot of infrastructure needs.

Councilman Wade questioned an entry in the City's budget. Staff will look into this.

Councilman Hoff made a motion to approve the Consent Agenda. Councilman Wade seconded the motion.

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

**8. EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS OPEN MEETINGS ACT: DELIBERATIONS ABOUT REAL PROPERTY FOR USE BY THE CITY OF PALM VALLEY**

Councilwoman Thompson made a motion to go into Executive Session.

Councilman Galvan seconded the motion and it carried unanimously by those present.

The Executive Session convened at 6:37 p.m. and concluded at 6:50 p.m. without any action taken in closed session.

There being no further action, the meeting adjourned at 6:51 p.m. upon a motion by Councilman Wade and a second by Councilwoman Thompson.



George Rivera, Mayor

Attest:



Sylvia R. Trevino, City Secretary