

CITY COUNCIL AGENDA

A Special Meeting of the City Council of the City of Pearsall, Texas will be held on Tuesday, June 30, 2020, at 7:00 pm at the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas.

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/83280469696>

Or iPhone one-tap :

US: +13462487799,,83280469696# or +12532158782,,83280469696#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 832 8046 9696

International numbers available: <https://us02web.zoom.us/j/koS6nBpi0>

COUNCIL MEMBERS

Mary Moore, Mayor

Julian Hernandez, Mayor Pro Tem

Richard Gandara, Council Member

Sonia Hernandez, Council Member

Brenda Treviño, Council Member

Abel Nieto, Council Member

Roland Segovia, Council Member

Davina Rodriguez, Council Member

1. Call To Order
2. Roll Call and Announcement of a Quorum
3. Invocation and Pledge of Allegiance
4. New Business
 - A. Discuss, consider and adopt Resolution No. 2020-06-02 designating an administration service provider for the 2020 Texas Capital Fund Downtown Revitalization/Main Street Program of the Texas Community Development Block Grant (TxCDBG) program for application and project implementation. - **Action Item**
 - B. Discuss, consider, and adopt Resolution No. 2020-06-03 designating a planning service provider for the 2020 Texas Community Development Block Grant Planning and Capacity Building Fund for application and project implementation.
- **Action Item**
 - C. Discuss establishing Chapter 380 agreements with local businesses that have been affected by COVID-19.
 - D. Discussion regarding the appointment of qualified individuals to serve on the City of Pearsall Ethics Commission.

5. **Executive Session - In Accordance with Texas Government Code Chapter 551, Subchapter D:**

The City Council of the City of Pearland may at any time during the meeting close the meeting and hold an executive session pursuant to the Texas Open Meetings Act codified as Chapter 551, Texas Government Code which permits closed meetings pursuant to Section 551.071 for purpose of consulting with its attorneys; Section 551.072, deliberating about real property; Section 551.073, deliberating about gifts, and donations; Section 551.074, deliberating about personnel matters; Section 551.076, deliberating about security devices; Section 551.084, regarding exclusion of witness from witness in connection with an investigation; Section 551.086 deliberating, voting, and taking action as a power utility on a competitive matter; Section 551.087 deliberating about economic development negotiations; and Section 551.088, deliberating about test items to discuss and/or deliberate any of the posted matters to be considered during the open meeting. If it does go into Executive Session, the City Council may deliberate in executive session, then reconvene in open session, vote on the matter in open session, and announce it for the City Council minutes.

- A. Discussion regarding the waste collection and disposal contract with Republic Services and/or to direct the City Manager and City Attorney to take appropriate action under the contract.
- B. Discussion regarding sending Republic Services written notice by certified letter outlining each deficiency under the contract and setting up a public hearing to discuss the issues in front of the City Council.
- C. Discussion regarding metering and performance issues with the Johnson Controls, Inc. performance contract and/or to direct the City Manager and City Attorney to take appropriate action under the contract.

6. **Open Session**

- A. Discussion and possible action regarding the waste collection and disposal contract with Republic Services and/or to direct the City Manager and City Attorney to take appropriate action under the contract.

- Action Item

- B. Discussion regarding sending Republic Services written notice by certified letter outlining each deficiency under the contract and setting up a public hearing to discuss the issues in front of the City Council.

- Action Item

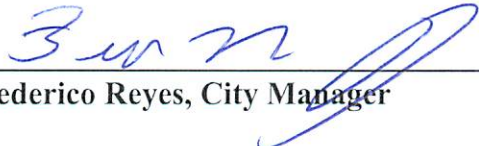
- C. Discuss and Consider metering and performance issues with the Johnson Controls, Inc. performance contract and/or to direct the City Manager and City Attorney to take appropriate action under the contract. **- Action Item**

7. **General Announcements**

8. **Adjournment**

Posted for Public Inspection on this Friday, June 26, 2020, at 4:30 pm.

By:



Federico Reyes, City Manager

I certify that the above notice of meeting was posted on the bulletin board of the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas, on June 26, 2020, at 4:30 pm.

By: 

Krystal Garcia, City Clerk

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours in advance of the meeting. To make arrangements, call the City Clerk at (830) 334-3676.

City Council Agenda

Approved for Agenda:

City Manager's Office

MEETING DATE: May 12, 2020

TO: City Council

FROM: Estrellita Ballesteros, Planner

SUBJECT: TxCDBG Downtown Revitalization Program

Purpose:

Agenda verbiage:

1. Discuss the TxCDBG Downtown Revitalization Program (DRP) as administered by the Texas Department of Agriculture.

2. Discuss and authorize procurement of professional services and engineering services for the 2020 Downtown Revitalization Program application preparation and implementation.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No cost at this time, but a 15% (\$75,000) match contribution will be needed in order to receive the maximum points.

Discussion:

Grants are awarded to rural Texas cities to make public improvements within a designated historic downtown commercial district. Applicants must designate an "historic commercial district" and provide a map showing district boundaries and the locations/names of the businesses within that district. The maximum grant amount is \$500,000.

RESOLUTION No. 2020-06-02

A RESOLUTION OF THE CITY OF PEARSALL, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2020 TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION/MAIN STREET FUND PROJECT OF THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) PROGRAM.

WHEREAS, the 2020 TxCDBG Downtown Revitalization/Main Street Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That _____ be awarded a contract to provide Texas CDBG application and project-related **administration services** for the 2020 TxCDBG Downtown Revitalization/Main Street Fund project.

Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON JUNE 30, 2020.

APPROVED:

Mary Moore, Mayor

ATTEST:

Krystal Garcia, City Clerk



CITY OF PEARSALL

GATEWAY TO THE WINTERGARDEN

Mayor's Office

June 16, 2020

The City of Pearsall sent a Request for Proposals for the City's 2020 Texas Capital Fund Downtown Revitalization/Main Street Fund application process from the Texas Community Development Block Grant Program administered by the Texas Department of Agriculture. The requests were sent on May 18, 2020 with a deadline of June 2, 2020. Only one proposal from an administrator was received as follows:

1. GrantWorks, Inc.

The firm was chosen via vote at the City Council meeting held June 30, 2020.

Mary Moore, Mayor

City of Pearsall

City Council Agenda

Approved for Agenda:

City Manager's Office

MEETING DATE: June 30, 2020

TO: City Council

FROM: Estrellita Ballesteros, Planner

SUBJECT: TxCDBG Planning and Capacity Building Fund

Purpose:

Agenda verbiage:

Discuss, consider, and adopt resolution designating a planning service provider for the 2020 Texas Community Development Block Grant Planning and Capacity Building Fund for application and project implementation.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

There is no cost at this time, but if awarded a federal grant, the Match amount would 25% of the grant awarded.

Discussion:

Two proposals were submitted for the professional planning services: GrantWorks, D. Ausitn Colina & Associates. Both were reviewed and scored by the scoring committee.

RESOLUTION No. 2020-06-03

A RESOLUTION OF THE CITY OF PEARSALL, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING AND CAPACITY BUILDING FUND PROJECT.

WHEREAS, the 2020 TxCDBG Planning/Capacity Building Fund contract requires implementation by professionals experienced in completion of federally-funded planning services;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for planning services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for the professional service;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That _____ be awarded a contract to provide Texas CDBG application and project-related **planning services** for the 2020 Planning and Capacity Building Fund project.

Section 2. That any and all contracts or commitments made with the above-named service provider are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON JUNE 30, 2020.

APPROVED:

Mary Moore, Mayor

ATTEST:

Krystal Garcia, City Clerk

Vendor: GrantWorks

Experience of Firm	Reyes	Segovia	Hernandez	Ballesteros
Community Planing	15	20	17	20
Mapping: number & quality of maps to be produced and provided	15	15	13	15
Familiarity with this region of the state	5	10	10	10
Ability to communicate & encourage citizen involvement	5	5	4	5
Project Management	5	5	4	5
Subtotal	45	55	48	55

Work Performance	Reyes	Segovia	Hernandez	Ballesteros
Facilitates completion of activities on schedule	10	10	8	10
Reports and mapping are of a high quality	10	10	8	10
Number of workshops to be held	10	10	8	10
Subtotal	30	30	24	30

Capacity to perform	Reyes	Segovia	Hernandez	Ballesteros
Staffing level/experience of staff	5	5	5	5
Adequacy of resources	2	5	5	5
Subtotal	7	10	10	10

Proposed Cost	Reyes	Segovia	Hernandez	Ballesteros
Proposed Cost	4		4	4
Subtotal	4	0	4	4

Grand Totals	86	95	86	99
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Scoring: Grand Total divided by 4

366/4=91.4

Vendor: D. Austin Colina

Experience of Firm	Reyes	Segovia	Hernandez	Ballesteros
Community Planing	15	20	12	20
Mapping: number & quality of maps to be produced and provided	10	15	10	1
Familiarity with this region of the state	10	10	8	10
Ability to communicate & encourage citizen involvement	5	5	3	1
Project Management	5	5	3	5
Subtotal	45	55	36	37

Work Performance	Reyes	Segovia	Hernandez	Ballesteros
Facilitates completion of activities on schedule	10	10	5	10
Reports and mapping are of a high quality	5	10	5	5
Number of workshops to be held	10	10	5	5
Subtotal	25	30	15	20

Capacity to perform	Reyes	Segovia	Hernandez	Ballesteros
Staffing level/experience of staff	5	5	3	5
Adequacy of resources	5	5	3	5
Subtotal	10	10	6	10

Proposed Cost	Reyes	Segovia	Hernandez	Ballesteros
Proposed Cost	5	5	3	5
Subtotal	5	5	3	5

Grand Totals	85	100	60	72
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Scoring: Grand Total divided by 4

$317 \div 4 = 79.25$

| 317 |

City Council Agenda

Approved for Agenda:

City Manager's Office

MEETING DATE: 06/30/2020

TO: City Council

FROM: Krystal Garcia, City Clerk

SUBJECT: Discussion regarding the appointment of qualified individuals to serve on the City of Pearsall Ethics Commission.

Purpose:

A complaint on a member of council has been filed with the City Clerk's Office. The terms for each of the remaining members serving on the Ethics Commission have expired. Section 8 of Ordinance No. 2016-10-01 reads "Within 14 business days after receipt, the Ethics Commission shall convene to make the initial determination/evaluation of the complaint..." The complaint process cannot continue until the Ethics Commission is established.

--Recommended City Council Action--

☐ Approve ☐ Deny ☒ Directional / Informational

Fiscal Impact:

None

Discussion:

Should the Ethics Commission be re-established, staff will continue with the complaint process as provided in Ordinance No. 2016-10-01.



CITY OF PEARSALL

June 14, 2020

Bobby Maldonado, Pearsall City Attorney
310 S. St. Mary's, Suite 1710
San Antonio, Texas 78205

Mr. Maldonado,

I have prepared a summary of the information you, Jeff Snowden and I have shared thus far which should help in our request for financial relief from JCI. I believe I have made a written request to settle our dispute with JCI "through direct discussion and in good faith," as described in section 18 of the agreement, but I was unsuccessful. With the information Mr. Snowden has provided and a few other questionable items in our contract, I believe we may need to move forward with mediation proceedings as described in section 18 of the contract, but it's probably best that you determine our next move.

As Mr. Snowden alluded to in his e-mail dated June 3, Schedule 2 (B) of our contract with JCI states, "Subject to the terms and conditions of this Agreement, JCI and Customer agree that Customer will be deemed to achieve a total of \$0 in Non-Measured Project Benefits and JCI guarantees that Customer will achieve a total of \$2,679,573 in Measured Project Benefits during the term of this Agreement, for Total Project Benefits of \$2,679,573"

The Total Projects Benefits and Project Benefit Shortfalls are attached for your review. Mr. Snowden has also provided the graphs below which illustrate volume of water and gas sold after meters were installed and how sales have dropped to levels below the pre-meter installation.

CITY OF PEARSALL, TEXAS**WATER & WW SYSTEM FLOWS**

	Treated Water Pumped - MG	Metered Water Consumpt - MG	Percent of Treated Water Sold	Influent to WWTP(s) - MG	Percent of Metered Water Treated at WWTP(s)
FYE 2008	412.8	531.6	129%	255.3	48%
FYE 2009	554.8	497.8	90%	308.9	62%
FYE 2010	467.2	414.3	89%	382.2	92%
FYE 2011	540.8	547.6	101%	370.5	68%
FYE 2015	466.5	378.9	81%	408.4	108%
FYE 2016	590.5	471.6	80%	413.7	88%
FYE 2017	604.7	466.9	77%	352.4	75%
FYE 2018	360.5	405.7	113%	343.8	85%
FYE 2019	427.5	369.1	86%	371.6	101%
2008-2011 Average	493.9	497.8	102%	329.2	67%
2015-2019 Average	490.0	418.4	87%	378.0	91%
AVG. ANNUAL GROWTH RATE	0.4%	-4.5%		4.8%	

CITY OF PEARSALL, TEXAS			
NATURAL GAS SYSTEM VOLUMES			
	Wholesale Natural Gas Purchases - MMBTU	Metered NG Consumpt - MCF	Percent of Wholesale Gas Sold - MMBTU
FYE 2008	58,592.9	57,645.0	98%
FYE 2009	66,429.8	43,416.3	65%
FYE 2010	77,085.1	62,347.1	81%
FYE 2011	58,862.0	48,183.0	82%
FYE 2015	73,858.0	60,976.3	83%
FYE 2016	62,532.0	46,248.1	74%
FYE 2017	54,465.0	43,608.9	80%
FYE 2018	64,583.0	41,519.9	64%
FYE 2019	76,145.0	45,077.7	59%
2008-2011 Average	65,242.4	52,897.9	82%
2015-2019 Average	66,316.6	47,486.2	72%
AVG. ANNUAL GROWTH RATE	2.4%	-2.2%	

Based on the information provided by Mr. Snowden and my e-mail correspondence with JCI staff, I believe we should request that JCI comply with Schedule 2 (Ci&iii).

Please let me know if I can provide you with any additional correspondence or information.

Please let me know if you need any additional information.

Respectfully,



Federico Reyes, City Manager