

Minutes of Special Meeting

The City Council of The City of Pearsall

A Special Meeting of the City Council of the City of Pearsall, Texas will be held on Tuesday, January 25, 2022, at 6:00 PM at the Pearsall City Hall, 214 S. Ash Street, Pearsall, Texas.

Please use the link below to join the webinar:

<https://us02web.zoom.us/j/85008498652>

Or One tap mobile :

US: +13462487799,,85008498652# or +12532158782,,85008498652#

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Webinar ID: 850 0849 8652

International numbers available: <https://us02web.zoom.us/j/85008498652>

1. Call To Order

Mayor Ben T. Briscoe called the meeting to order at 6:00 pm.

2. Roll Call and Announcement of a Quorum

Council Members Present: Mayor Ben T. Briscoe, Mayor Pro Tem Julian Hernandez, Councilman James Leal arrived at 6:24 pm, Councilwoman Sonia Hernandez, Councilwoman Tiffany Talamantes, Councilman Lionel Gandara

Council Members Absent: Councilwoman Brenda Trevino, Councilwoman Davina Rodriguez

Staff Present: City Manager Federico Reyes, City Clerk Krystal Garcia, Finance Director Jackie Zuniga, Chief of Police Humberto Torralba, Public Works Director Hector Gandara, Public Information Officer Bianca Oritz, Business Manager Andrea Rodriguez, City Attorney Bobby Maldonado

3. Invocation and Pledge of Allegiance

Invocation led by Mayor Ben T. Briscoe. Pledge of Allegiance led by all in attendance.

4. Mayor's Message

Thanked the City Manager for the article in the paper detailing the progress made by the city.

5. Citizens to Be Heard

None

6. Public Hearing

A. Open Public Hearing

The Public Hearing was opened by Mayor Ben T. Briscoe, at 6:03 pm.

On a request for a Conditional Use Permit by Mr. Gabriel Menchaca to place a 2021 manufactured home. Property's legal description being 531 1412 Ortiz Pablo. Property is currently zoned as an A-O Agriculture and Open Space District.

City Clerk Krystal Garcia informed the council of the Planning and Zoning Commission's recommendation for the request of the placement of the manufactured home made by Mr. Gabriel Menchaca. Public comments were not made.

B. Close Public Hearing

Mayor Pro Tem Julian Hernandez motioned to close the Public Hearing at 6:04 pm, Second by Councilwoman Tiffany Talamantes. The vote in favor of the motion was unanimous.

7. Presentation

A. Presentation regarding the Tax Increment Financing (TIF)/Tax Increment Reinvestment Zone.

City Manager Fred Reyes reviewed a PowerPoint presentation regarding TIF/TIRZ. He informed the council about how TIF can be utilized and the requirements the city needs to meet in order to utilize the funds. He stated the City currently meets all the requirements and added the fund currently has \$56,000 available for utilization. He presented the Lindsey Tract conceptual map previously approved by the TIRZ Board outlining proposed development.

B. Presentation of integrated in-car and body-worn camera video system.

Chief Humberto Torralba stated \$80,000 was utilized to purchase the Watch Guard camera video system from Motorola Solutions in October of 2021. He explained the project was delayed due to faulty installation. He notified Motorola Solutions of his concerns, who in turn sent out a second team to evaluate Chief Torralba's concerns. After his complaint was found to be valid, the second Motorola Solutions spent a week uninstalling and correctly reinstalling the system to his liking. Councilman Lionel Gandara inquired if there was an additional cost associated with the reinstallation to which Chief Torralba stated there was not.

8. Action to Consent Agenda

A. Discuss and consider minutes for December 7, 2021 and December 14, 2021 council meetings. - Action Item

Councilwoman Tiffany Talamantes motioned to approve the December 7, 2021 and December 14, 2021 minutes, second by Mayor Pro Tem Julian Hernandez. Mayor Pro Tem Julian Hernandez stated the December 7, 2021 minutes needed to reflect the adjournment time. City Clerk Krystal Garcia stated she confirmed the meeting adjourned at 6:45 pm and would include the notation in the minutes. Mayor Pro Tem Julian Hernandez stated he was present during the December 14, 2021 meeting and was not notated under "Council Members Present". Ms. Garcia stated she would edit the minutes to include his name and title under "Council Members Present". Mayor Ben T. Briscoe asked Councilwoman Tiffany Talamantes to amend her motion of approval to reflect the changes suggested by Mayor Pro Tem Julian Hernandez. Councilwoman Tiffany Talamantes motioned to amend her motion for approval of the minutes presented to include the changes mentioned, second by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous with the exception of Councilman James Leal who abstained due to not being present when the changes were discussed by council and staff. The motion carries.

9. New Business

- A. **Discuss and Consider Ordinance No. 2022-01-01 allowing for the placement of a 2021 Double Wide manufactured home. Property's legal description being 531 1412 Ortiz Pablo. Property is currently zoned as an A-O, Agriculture Open Space District. - Action Item**

Councilman Lionel Gandara motioned to approve Ordinance No. 2022-01-01, second by Councilwoman Tiffany Talamantes. The vote in favor of the motion was unanimous.

- B. **Discuss and Consider Resolution No. 2022-01-01, a resolution declaring certain city property surplus and authorizing the city manager to utilize GovDeals Auctioneer to sell and/or dispose of said property. - Action Item**

Councilman James Leal motioned to approve, second by Councilwoman Sonia Hernandez. City Manager Fred Reyes announced the Pearsall PD had a total of 21 seized vehicles presented to council for consideration. Councilman James Leal asked legal counsel if members of council could bid on the items up for auction. City Attorney Bobby Maldonado stated council members could bid on items up for auction. The vote in favor of the motion was unanimous.

- C. **Discuss and consider amending the city charter regarding council member's and mayor's terms and limits. - Action Item**

Mayor Ben T. Briscoe called for a vote. Councilwoman Sonia Hernandez motioned to approve, seconded by Councilman Lionel Gandara. Mayor Briscoe stated he requested the item to be placed on the agenda and proposed the council terms be changed to 2 consecutive, 4 year terms, requiring members to sit out for 2 years before being eligible to run again to be effective next May. He stated 2 year terms make it difficult to allow new council members to become acclimated to the council's structure and procedures for projects, whereas 4 years, members would have the ability to accomplish more within their term(s). Councilmember James Leal stated 2 years is too short and 4 years is too long. He recommended the council consider 3-year terms. Councilman James Leal asked legal counsel if council could change the limits to 3, 3-year terms or if they are limited by the state. City Attorney Bobby Maldonado stated the charter dictates term limits but the council is not limited to the number of terms one can serve by the state. Mayor Pro Tem Julian Hernandez motioned to approve proposing the amendment to the city's charter to reflect members of council could serve for 2 consecutive, 3-year terms, and require them to sit out for 1 year before becoming eligible to file for a place on the ballot again, to be effective May 2022. His motion was seconded by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.

- D. **Discuss and Consider street improvement priority list for the 2021-22 FY for the City of Pearsall. - Action Item**

Councilwoman Sonia Hernandez motioned to approve, second by Councilman Lionel Gandara. Public Works Director Hector Gandara stated staff selected the 10 worst streets from the list provided by the council. City Manager Fred Reyes informed the council, if approved, he would like to approach the county with an interlocal agreement to help complete the project. Councilman James Leal asked if infrastructure of the proposed streets was taken into consideration. Mr. Gandara stated yes, the only street with issues was South Moreno Street - recent calls are related to a 2-inch line in the area. Staff is recommending a 2-inch mill with a seal coat. Councilman James Leal motioned to approve, second by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

- E. Discuss and Consider interlocal cooperation agreement between Frio County and the City of Pearsall regarding street improvements of city streets and roads described as Exhibit A.**

- Action Item

Councilman James Leal motioned to approve, seconded by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

- F. Discussion regarding draft ordinance amending Ordinance No. 2017-02-02, an ordinance related to towing and wrecker service regulations.**

Mayor Pro Tem Julian Hernandez motioned to approve, seconded by Councilwoman Tiffany Talamantes. Chief of Police Humberto Torralba stated he opened up applications for a towing rotation, as outlined in the ordinance, in December of 2021. He informed the council that this process was not being done. He informed council of the meetings he held with local wrecker service companies, staff and the Mayor. He added the ordinance covers non-consent tows and TDLr regulates the fees the companies are able to charge- the ordinance presented falls within those regulations. Councilman James Leal asked the tow truck companies on the rotation, to be local companies since the revenue is from the City of Pearsall. Councilman Lionel Gandara questioned Section 21 allowing for subcontracting. It was explained that not all companies have a "big tow" wrecker and this provision would allow the companies to subcontract another wrecker service to help with calls, when needed. City Manager Fred Reyes stated he would bring back the ordinance for approval at the next meeting.

- G. Update on brush project at city transfer station.**

Public Works Director stated the original project has been fulfilled and only the change order is left for completion. Friday January 28, 2022 is the anticipated completion date. The contractor has been tasked with sifting top soil to remove debris and will be hauled back to it's original location at the city's transfer station. Councilman James Leal applauded the City Manager Fred Reyes and Public Works Director Hector Gandara for seeing the project through.

- H. Discuss and Consider appointment of qualified individual to the TIRZ Board of Directors.**

- Action Item

Mayor Ben T. Briscoe stated items H - K were all associated with the appointment of board members. He provided a chart to display the nominations and votes for members appointed to boards. He stated each council member would be allowed to nominate individuals to each board and then they would each be voted on. Councilman James Leal asked if the boards had been advertised. Councilwoman Tiffany Talamantes agreed, stating it has been difficult to find individuals willing to serve. Mayor Pro Tem Julian Hernandez stated the TIRZ Board had been filled. Mayor Briscoe informed Mr. Hernandez that one of the individuals appointed did not want to serve. Councilman Lionel Gandara appointed Frank Ramirez to the Charter Review Commission and Anna Ramirez to the Citizens Advisory Committee. Councilwoman Davina Rodriguez and Councilwoman Brenda Trevino were not present for nominations. Councilman James Leal, Councilwoman Sonia Hernandez and Councilwoman Tiffany Talamantes did not have nominations to offer. Mayor Pro Tem Julian Hernandez nominated Andrea Martinez to the TIRZ Board. Mayor Ben T. Briscoe nominated Gaelan Frazier to the Board of Adjustments, Juan Ponce, Jr. to the Charter Review Commission, Roland Gutierrez to the Citizens Advisory Committee and Brian Blackburn to the TIRZ Board. Andrea Martinez received votes from Councilwoman Sonia Hernandez, Councilwoman Tiffany Talamantes, Mayor Pro Tem Julian Hernandez, and Mayor Ben T. Briscoe. Brian Blackburn received votes from Councilman Lionel Gandara and Councilman James Leal. Andrea Martinez was appointed to the

TIRZ Board. Being there were no opposing nominations, Gaelan Frazier was appointed to the Board of Adjustments; Juan Ponce, Jr. and Frank Ramirez were appointed to the Charter Review Commission; Anna Ramirez and Roland Gutierrez were appointed to the Citizens Advisory Board. Councilman James Leal motioned to approve items H-K as discussed, second by Councilwoman Tiffany Talamantes. The vote in favor of the motion was unanimous.

I. Discuss and Consider appointment of qualified individual(s) to Charter Review Commission. - Action Item

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J. Discuss and Consider appointment of qualified individual(s) to Citizen Advisory Committee. - Action Item

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the Board of Adjustments; Juan Ponce, Jr. and Frank Ramirez were appointed to the Charter Review Commission; Anna Ramirez and Roland Gutierrez were appointed to the Citizens Advisory Board. Councilman James Leal motioned to approve items H-K as discussed, second by Councilwoman Tiffany Talamantes. The vote in favor of the motion was unanimous.

K. Discuss and Consider appointment of qualified individual to the Board of Adjustments. - Action Item

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L. Discussion and consider contracting with Frio County to conduct the May 7, 2022 General and Special Election. - Action Item

Councilman James Leal motioned to approve, second by councilwoman Sonia Hernandez. Mayor Pro Tem Julian Hernandez inquired if the layout of the ballot with charter amendments would have an affect on the ballot or agreement. City Clerk Krystal Garcia assured the council it would not cause an issue and explained the anticipated ballot layout to include both the General and Special Election as done during the May 2016 General and Special Election. City Manager Fred Reyes urged the council to read the Texas Home Rule Charter handout previously provided to the council. Mayor Pro Tem asked legal counsel if a commission was necessary to amend the charter. Legal Counsel Bobby Maldonado stated that the commission is 1 of 3 ways to amend the Charter, but it is not necessary. The vote in favor of the motion was unanimous.

M. Discussion regarding conditional use permit process.

City Manager referenced Sections 26-23 and 48-61 as they both cover the conditional use permit process but contradict one another causing the difficulty with the process. He stated his hopes of the comprehensive plan addressing this issue and welcomed recommendations from the council.

N. Discussion and Possible Action regarding a request for an established agreement between the U.S. Immigration and Customs Enforcement (ICE) Pearsall Detention Center and the

Pearsall Police Department with regards to certain emergency situations for the fiscal year of 2022.

- Action Item

Councilman James Leal motioned to approve, Seconded by Mayor Pro Tem Julian Hernandez. Chief of Police Humberto Torralba informed the council the MOU in place with the ICE facility was never brought to council for consideration and obligated the PD to provide assistance. City Attorney Bobby Maldonado stated an agreement is not binding unless approved by council or designates the Mayor or City Manager with the authority to approve it. He and Chief Torralba briefly described obligations outlined in previous agreements made between the PD and the ICE facility. Chief Torralba informed the council the MOU presented does not guarantee assistance to the facility. The vote in favor of the motion was unanimous.

10. Executive Session

Mayor Ben T. Briscoe announced the council would enter into Executive Session at 7:36 pm.

- A. **Discussion regarding the sale, conveyance and/or disposition of a 2.755 acre tract of land, more or less, in the City of Pearsall, Frio County, Texas and being out of the Pablo Ortiz Survey No. 1411, Abstract No. 530.**
- B. **Discuss business prospect that the City seeks to locate, stay, or expand in or near the City of Pearsall, Texas, and discuss possible incentives.**

11. Open Session

Mayor Ben T. Briscoe announced the council's return from Executive Session at 7:57 pm.

****Councilman James Leal did not return after Executive Session****

- A. **Discuss/Consider sell, conveyance and/or disposition of a 2.755 acre tract of land, more or less, in the City of Pearsall, Frio County, Texas and being out of the Pablo Ortiz Survey No. 1411, Abstract No. 530. - Action Item**
Councilman Lionel Gandara motioned to approve as discussed in Executive Session, seconded by councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.
- B. **Discuss and consider business prospect that the City seeks to locate, stay, or expand in or near the City of Pearsall, Texas, and discuss possible incentives. - Action Item**
Mayor Ben T. Briscoe called for a vote for no action from the council. Councilwoman Tiffany Talamantes motioned to take no action, seconded by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

12. Staff Report

A. December 2021 Staff Reports

City Manager Fred Reyes introduced Jackie Zuniga as the new finance director and Andread Rodriguez as the new business accountant. He provided a brief bio for each. Mr. Reyes stated the council would be given dates for upcoming meetings for city boards. He announced details for the Emergency Preparedness Meeting with AEP, scheduled for the following Wednesday. He noted changes being made the city's Facebook page and website. He ended with the announcement of the master drainage study to be presented to the council in February.

13. Review of Bills Paid

A. December 2021 Bills

Mayor Pro Tem Julian Hernandez inquired which motor was fixed for \$14,000. Public Works Director Hector Gandara stated it was the aerator at the Waste Water Treatment Plant. Mr. Hernandez stated he understood the aerator was up to date. Mr. Gandara explained the plant is getting over a struggle as multiple pumps and pieces of equipment have gone out. Councilman Lionel Gandara asked how often court is held by Municipal Court. He noted the reports shows a lot of zeros and added "jail time served" was given as payment. Chief Torralba stated the county has provided PD with a list of offenses their facility is currently accepting. City Attorney Bobby Maldonado stated he has recommended open court dates be established so citizens know how to handle their citations. Councilwoman Sonia Hernandez asked if setting dates could be mandated. Mayor Ben T. Briscoe stated it could be ordered as the municipal court judge falls under the umbrella of the council.

14. General Announcements

15. Adjournment

Councilman Lionel Gandara motioned to adjourn at 8:10 pm, seconded by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

Approved this 8th of February 2022.



Ben T. Briscoe, Mayor

ATTEST:



Krystal Garcia, City Clerk