

Minutes of Regular Meeting

The City Council of the City of Pearsall

A Regular Meeting of the City Council of the City of Pearsall, Texas will be held on November 9, 2021 at 6:00 p.m. 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/84131196168>

Or One tap mobile :

US: +13462487799,,84131196168# or +12532158782,,84131196168#

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 +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656

Webinar ID: 841 3119 6168

1. Call To Order

Mayor Ben T. Briscoe called the meeting to order at 7:00 pm.

2. Roll Call and Announcement of a Quorum

Council Members Present: Mayor Ben Briscoe, Mayor Pro Tem Julian Hernandez, Council Member Sonia Hernandez, Council Member Tiffany Talamantes, Council Member Lionel Gandara, Council Member Davina Rodriguez

Council Members Absent: Council Member James Leal, Council Member Brenda Trevino

Staff Present: City Manager Federico Reyes, City Clerk Krystal Garcia, Interim Finance Director Jackie Zuniga, Chief of Police Humberto Torralba, Public Works Director Hector Gandara, City Attorney Bobby Maldonado, Public Information Officer Bianca Ortiz, Jennifer Dudley-Muniz Librarian

3. Invocation and Pledge of Allegiance

To be discussed and determined during 12/7/2021 meeting. Audio was not streamed during this portion of the meeting.

Pledge of Allegiance led by all.

4. Citizens to Be Heard

Carlos Garcia spoke about the citizens of Pearsall needing help and guidance in regard to building permits and code.

Yolanda Telles and Theresa Elizondo expressed their support for Michelle and Nicolas DeLeon's agenda item.

Robert Herrera announced his candidacy for Pct. 2, showed his support for Jorge and Petra Ayala's agenda item and announced his contact information.

5. Mayor's Message

Mayor Ben T. Briscoe stated he wants citizens to build homes as allowed by code. He announced the financial report will be discussed later in the meeting. He provided brief details related to the Emergency Planning Meeting.

6. Action to Consent Agenda

A. Discuss and consider city council minutes from April 13, 2021, and city council minutes from June 8, 2021 - September 23, 2021. - Action Item

Councilwoman Davina Rodriguez motioned to approve, second by Councilwoman Tiffany Talamantes The vote in favor of the motion was unanimous.

B. Discuss and consider proclaiming November 8-15 as Mighty Maverick Band Week here in the City of Pearsall.

- Action Item

Councilwoman Davina Rodriguez motioned to approve, second by Councilwoman Tiffany Talamantes The vote in favor of the motion was unanimous. Councilman Lionel Gandara read the proclamation.

7. Presentation

A. Presentation of the TDA Form A1024 CDBG Section 3 Program Goals Presentation for the TxCDBG Project 7219321.

Christina Wirsching stated the presentation was a requirement by TDA to present the Section 3 CDBG program goals. She briefly reviewed a presentation with the council regarding the Section 3 Program goals promoting economic opportunities for low and very low-income persons in projects using CDBG funds. She stated the city recently received TDA Grant Contract No. 7219321 in the amount of \$275,000 for Water and Sewer Improvements funded via Us Dept. of Housing and Urban Development and Texas Department of Agriculture (TDA). She reviewed Section 3 of the Housing and Urban Development Act of 1968, ensuring that Section 3 businesses have the information to submit a bid or proposal for the project and Section 3 workers have information about any available job opportunities related to the project. She listed qualifications for companies and individuals to register as a Section 3.

8. Public Hearing

A. Open Public Hearing

Mayor Ben T. Briscoe open the Public Hearing at 6:30 pm.

On a request for a Conditional Use Permit by Jorge and Petra Ayala to place a 2001 double wide manufactured home. Property's legal description being 530 1411 Oritz Pablo

Sub 30 AKA Lot 12, Barkley, in the City of Pearsall, Frio County. Property is currently zoned as an A-O; Agriculture Open Space.

City Manager Fred Reyes provided details regarding the permit application, easement, utilities and the proposed septic system. Mayor Ben T. Briscoe open the floor for comments regarding the item. Hector Lozano asked what ordinance the city manager was citing regarding the addressing of the property. Mr. Reyes an ordinance was not in place for the addressing but only withholds the address until after council's approval to ensure utilities are not turned out without notice being provided to the city. Councilwoman Davina Rodriguez asked who gave the authority to pull the address. Mr. Reyes stated council often inquiries about structures being placed without council approval and it's due to addressing being done without proper notice being provided to the city. He added that once an address is assigned, often times, utilities are activated, and individuals place structures or develop property without the city's knowledge. He stated the code is silent on who has the authority to assign addresses.

B. Close Public Hearing

Mayor Ben T. Briscoe closed the public hearing at 6:44 pm.

9. New Business

A. Consideration and approval of a plan of finance for the issuance of tax-exempt obligation for the refunding of certain currently outstanding obligations and related expenses authorizing city staff, bond counsel and financial advisor to proceed with such financing and approving other matters incident and related thereto. - Action Item

Mr. Robert Tijerina and Mr. Juan Aguilera were present to explain the process to be taken for refunding of the 2012 Bond Series. Principal amount to be refund – \$3,330,000 with maturity refunded from 2023-2027 providing an interest rate of 3.150%. They determined that based on market rates and conditions the city could realize a considerable annual debt service savings an average of \$28,771 per year by refunding it Combination Tax and Limited Pledge Revenue Certificates of Obligation Series 2012. Projected Savings summary for this would bring NPV Savings of \$141,117. For the 2012A Series – Principal amount to refunded \$1,367,875 with maturities refunded from 2022-2025 with an interest rate of 2.125% NPV Savings listed at \$158,874.

Council motioned to approve Items 9A and 9B, Second by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.

B. Consideration and approval of an ordinance authorizing the issuance of "City of Pearsall, Texas limited tax refunding bonds" in one or more series, providing for the payment of the bonds by the levy of an ad valorem tax upon all taxable property within the city, authorizing the refunding of certain outstanding obligations, authorizing the execution of a bond purchase agreement, execution of an escrow agreement, delegating to certain city administrative staff and officials the authority to approve all final terms of the bonds, and making other provisions regarding the bonds and matters incident thereto.

- Action Item

Council motioned to approve Items 9A and 9B, Second by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.

- C. Discussion and action to suspend any necessary provisions to grant required variances to direct the City Manager to assign an address, provide water service and/or issue a building permit to Michelle and Nicolas De Leon, III or their builder for the property located adjacent to 1202 S. Pine. - Action Item**

City Manager Fred Reyes reviewed details of the building permit with the Council he added a plat has not been provided for the area. Councilwoman Davina Rodriguez stated it's not to require this couple of a plat when their surrounding neighbors do not have plats. Mayor Ben T. Briscoe stated the City does not want to hinder the building of a new home but maps indicate the area is located in a flood zone. Councilwoman Davina Rodriguez stated these individuals are taxpayers and City Attorney Bobby Maldonado has informed the Council that they would not be out of line as long as the structure meets the codes adopted by the City of Pearsall. Councilwoman Davina Rodriguez motioned to approve, second by Councilwoman Tiffany Rodriguez. The Council voted 4 in favor and 1 against. Mayor Pro Tem Julian Hernandez voted against. Motion passes.

- D. Discuss and Consider Ordinance No. 2021-11-01 allowing for the placement of a 2001 double wide manufactured home. Property's legal description being a 3.803 acre tract, lying in the Pablo Ortiz Survey No. 1439, Abstract No. 530, in the City of Pearsall, Frio County. Property is currently zoned as an A-O; Agriculture Open Space. - Action Item**
- Councilwoman Davina Rodriguez motioned to approve, second by Councilman Lionel Gandara. Council voted 4 in favor to 1 against. All but Mayor Pro Tem Julian Hernandez voted in favor of the Motion. Mayor Pro Tem voted against due to the property not being platted. Motion passes.

- E. Discuss and consider Resolution No. 2021-11-01, regarding a finance contract for the purpose of procuring "fire truck & equipment" for the Pearsall Volunteer Fire Department. - Action Item**
- Councilwoman Davina Rodriguez stated the item was previously discussed during the budget season and motioned to approve, second by Councilwoman Tiffany Talamantes. The vote in favor of the motion was unanimous.

- F. Discuss and Consider Resolution No. 2021-11-02, regarding a finance contract for the purpose of procuring "vehicles & equipment" for the Pearsall Police Department. - Action Item**
- Councilwoman Davina Rodriguez stated the item was previously discussed during the budget season and motioned to approve, second by Councilwoman Sonia Hernandez. The vote in favor

of the motion was unanimous.

G. Discuss and Consider authorizing the city manager to purchase vehicles for the City of Pearsall Police Department from Caldwell Country through BuyBoard Purchasing Cooperative. - Action Item

Councilwoman Davina Rodriguez motioned to approve, second by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

H. Discuss and Consider authorizing the city manager to purchase vehicles for the Pearsall Volunteer Fire Department from Caldwell Country through BuyBoard Purchasing Cooperative. - Action Item

Councilwoman Davina Rodriguez motioned to approve, second by Councilwoman Tiffany Talamantes. The vote in favor of the motion was unanimous.

I. Discuss and Consider Ordinance No. 2021-11-03, regarding filling vacancies and expired term positions for boards and commissions in accordance with City Home Rule Charter. - Action Item

City Manager Fred Reyes reviewed the previous discussion held by council regarding filling vacancies and expired term positions for boards and commissions. He asked council to provide some guidance regarding the process to be followed when filling vacancies and expired terms for board and commissions. Mayor Pro Tem Julian Hernandez asked if they process had been previously established. Mr. Reyes stated the council did not address the process and just appointed members to the Ethics Commission during the July 14, 2020, meeting. Councilwoman Davina Rodriguez asked if previous TIRZ members were contacted to see if they were interested in participating. She stated when members do not receive compensation, they are reluctant to fill out an application. She stated a form with general contact information would be more suitable. Mayor Pro Tem Julian Hernandez stated the Council could provide names and have those individuals fill out the contact form at City Hall. Mayor Pro Tem Julian Hernandez motioned to allow Council to provide names and appointed individuals would fill out a contact for to keep on file, second by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.

J. Discuss and Consider Ordinance No. 2021-11-02 Amending the Adopted Budget for the Fiscal Year beginning October 1, 2021 and ratifying payment to KJ Oilfield Services, LLC. - Action Item

City Manager Fred Reyes stated the amendment would ratify payment to KJ Oilfield from the Utility Fund. Councilwoman Davina Rodriguez motioned to approve, second by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.

10. Executive Session

Mayor Ben T. Briscoe motioned to enter into Executive Session at 8:02 pm.

A. Consultation with city attorney regarding a Settlement Agreement with BFI Waste Services of Texas, LP and the City of Pearsall.

- B. Consultation with city attorney regarding the Municipal Materials Management Agreement between the BFI Waste Services of Texas, LP (Republic Services) and the City of Pearsall.**
- C. Discussion regarding Cause No. 2021-CI-13065; City of Pearsall vs. ACI; Bexar County, Texas.**
- D. Discuss City Manager's quarterly evaluation.**

11. Open Session

Mayor Ben T. Briscoe motioned to return to Open Session at 9:26 pm.

- A. Discussion and consideration regarding a Settlement Agreement with BFI Waste Services of Texas, LP and the City of Pearsall.**
- Action Item
Councilwoman Tiffany Talamantes motioned to take no action, second by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.
- B. Discussion and regarding the Municipal Materials Management Agreement between the BFI Waste Services of Texas, LP (Republic Services) and the City of Pearsall.**
- Action Item
Councilwoman Davina Rodriguez motioned to direct the city manager and city attorney to proceed with the Municipal Materials Management Agreement, second by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.
- C. Discussion and action regarding Cause No. 2021-CI-13065; City of Pearsall vs. ACI; Bexar County, Texas.**
- Action Item
Councilwoman Davina Rodriguez motioned to proceed as discussed in Executive Session, second by Councilman Lionel Gandara. The vote in favor of the motion was unanimous.
- D. Discuss and consider the City Manager's quarterly evaluation. - Action Item**
Councilwoman Davina Rodriguez motioned to table the item, second by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

12. Staff Report

A. October 2021 staff reports to include financial statements as of October 31, 2021.

Mayor stated the past due bills saw a drop of 50% and reviewed the financial report provided by Interim Finance Director Jackie Zuniga. Mayor Pro Tem Julian Hernandez inquired regarding the 0% collections under taxes. Interim Finance Director Jackie Zuniga stated as she completed the bank reconciliation, the numbers would increase.

13. Review of Bills Paid

A. October 2021 bills paid

Council did not have questions regarding the bills

14. General Announcements

City Manager Fred Reyes provided details regarding the city's luncheon.

15. Adjournment

Councilwoman Tiffany Talamantes motioned to adjourn at 9:33 pm, second by Councilwoman Davina Rodriguez.

Approved this December 14, 2021.



Ben T. Briscoe, Mayor

ATTEST:


Krystal Garcia, City Clerk