

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 Tuesday, February 8, 2022 at 6:00 pm, at the Pearsall City Hall, 214 S. Ash Street, Pearsall, Texas.

In accordance with TEX. GOV'T CODE § 551.127, please be advised that members of the governing body may participate in a meeting via video conference call. A quorum of the city governing body will be present at the posted physical location of the meeting.

Please click the link below to join the webinar:

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Webinar ID: 854 3723 3631

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 Briscoe, Mayor Pro Tem Julian Hernandez, Council Member Sonia Hernandez, Council Member Brenda Trevino, Council Member Lionel Gandara, Council Member Davina Rodriguez

Council Members Absent: Council Member James Leal, Council Member Tiffany Talamantes

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

3. Invocation and Pledge of Allegiance

Councilman Lionel Gandara led the invocation. Pledge of Allegiance led by all in attendance.

4. Mayor's Message

Mayor Ben T. Briscoe announced details of the Emergency Management Meeting hosted by the City and provided a brief update regarding the FY2021-2021 Audit. City Manager Fred Reyes spoke about the warming shelter set up for the public at the civic center. Councilman Lionel Gandara asked if there was a call center for the warming shelter. Mr. Reyes stated the city did not have a call center set up for the warming shelter. Mayor Julian Hernandez recommended a in-town shelter option be considered.

5. Citizens to Be Heard

None

6. Action to Consent Agenda

A. Discuss and Consider minutes from the January 25, 2022 Special Meeting. - Action Item

Councilwoman Davina Rodriguez motioned to approve the minutes from the January 25, 2022, Special Meeting, seconded by Mayor Pro Tem Julian Hernandez. The vote in favor of the motion was unanimous.

7. Presentation

8. New Business

A. Discuss/Consider authorizing the city manager to engage the firm of Carter & Leal P.C. to conduct an audit for the fiscal year ending September 30, 2021.

- Action Item

Councilwoman Davina Rodriguez motioned, seconded by Councilwoman Sonia Hernandez. Mayor Ben T. Briscoe called for questions and comments. City Manager Fred Reyes directed council to review page 11 for the summary (memo). The fiscal impact of the re-engagement was not to exceed the amount of \$35,000 plus any cost for additional necessary services. The vote in favor of the motion was unanimous.

B. Discuss and consider authorizing the City Manager to issue a Request for Qualifications (RFQ) for auditing services for the City of Pearsall. - Action Item

Mayor Pro Tem Julian Hernandez motioned to approve, seconded by Councilwoman Brenda Trevino. City Manager Fred Reyes stated the term of service would be 3 years. He stated the city hired Carter and Leal in 2017 but would like to open it up to other firms. All in favor.

C. Discuss and consider authorizing the city manager to enter into a contract with Precision Pump Systems for the design and construction of a clarifier pump package for the wastewater treatment plant. - Action Item

Mayor Ben T. Briscoe announced Items 8C and 8D were tied together and called for a motion. Councilwoman Davina Rodriguez motioned, seconded by Councilwoman Sonia Hernandez. City Manager Fred Reyes reviewed the fiscal impact. If approved, \$95,000 would be earmarked for quoted amount and \$23,750 would be earmarked for contingencies from ARP funds. Public Works Director Hector Gandara explained the clarifier separates the sludge from the treated water. He added the city cannot move forward without the second clarifier, per TCEQ. Mayor Pro Tem Julian Hernandez inquired about the improvements made to the waste water treatment plant in 2016. Mr. Gandara stated the inside was rehabbed and the skimmer was retrofitted. Mr. Hernandez asked if the plant would be in good shape after the project. Mr. Gandara stated the plant would be in good shape for another 20 years. Mr. Gandara informed the Council that 8C is the construction side of the TCEQ's and Item 8D is for the administration side. Mayor Ben T. Briscoe called for a vote. All in favor of items 8C and 8D.

D. Discuss and consider authorizing the approval and execution of Task Order #22-02 with CDM Smith Engineering for Wastewater Treatment Plant Technical Support and Project

Management, specifically for the design and construction of a clarifier pump package. -

Action Item

Approved with Item 8C.

- E. Discuss and consider authorizing the utilization of hotel occupancy tax in an amount not to exceed \$5,000 for the 23rd Annual Frio Pioneer Day. - Action Item**

Councilman Lionel Gandara motioned to approve, seconded by Councilwoman Sonia Hernandez. Dr. Gorhum spoke on behalf of the Frio Pioneer Jail Museum Association for the request of HOT funds to host the 23rd annual Frio Pioneer Day, scheduled for March 26, 2022. Councilwoman Davina Rodriguez added the association will need to submit an application for the funds. All in favor.

- F. Discuss and Consider Ordinance No. 2022-02-02 ordering a General Election for May 7, 2022 for the purpose of electing Four (4) City Council Member Places: Place No. 1; Place No. 2; Place No. 3; Place No. 4 pursuant to the Home Rule Charter; ordering the appointment of the early voting ballot board, assignment of the presiding judge and alternate judge, and setting the rates of pay for election officials. - Action Item**

Councilwoman Davina Rodriguez motioned to approve, seconded by Mayor Pro Tem Julian Hernandez. The vote in favor of the motion was unanimous.

- G. Presentation of the 2022 City of Pearsall Charter Review Commission report to council. - Action Item**

Mayor Pro Tem Julian Hernandez requested the items associated with the Charter Review Commission be discussed first. Councilwoman Sonia Hernandez motioned to move to Item 8G. Second by Councilwoman Davina Rodriguez. The vote in favor of the motion was unanimous.

City Manager Fred Reyes stated Item G is not an action item, just discussion.

Charter Review Commission Chair Marina Hernandez announced that the other Charter Review Commissioners present at the meeting were: Aurora Garza-Perez, Juan Ponce. She explained that Commissioner Lindsey Belle had another commitment and was unable to attend. She reported to the council that the commissioner reviewed the charter in a tedious manner. Mrs. Hernandez reviewed the proposed amendments.

- H. Discuss and Consider to approve or disapprove each proposed charter amendment and ballot initiative submitted by the Charter Review Committee for submission by special election to the voters of the City of Pearsall. - Action Item**

Mayor Ben T. Briscoe called for a vote on each proposed charter amendment.

All in favor of proposed amendment #1.

All in favor of proposed amendment #2.

Mayor Ben T. Briscoe called for a vote on proposed amendment #3 and asked for clarification on the verbiage. Councilwoman Davina Rodriguez inquired what the definition of "announces" means. City Attorney Bobby Maldonado stated the commission discussed how the courts have handled defining "announces". Mrs. Rodriguez stated if "announces" is not defined, it will cost the city money due to litigation. Mayor Ben T. Briscoe and City Manager Fred Reyes recommended striking "announces or" from proposed amendment #3. City Manager Fred Reyes asked Mr. Maldonado to define "elective office" to which he stated any other elected office other than the council seat they hold at the time, within or outside of the city council. All

in favor, with the change of striking "announces or".

All in favor of proposed amendment # 4.

- I. Discuss and consider Ordinance No. 2022-02-03 ordering a Special Election on proposed amendments to the Home Rule City Charter of the City of Pearsall to be held on May 7, 2022; providing for the publication and posting of notice; proposing amendments to the Home Rule City Charter of the City of Pearsall; authorizing the City Clerk to conduct the elections; and providing for an effective date. - Action Item**

Councilwoman Davina Rodriguez motioned, seconded by Mayor Pro Tem Julian Hernandez. The vote in favor of the motion was unanimous.

- J. Discuss and consider Ordinance No. 2022-02-01 amending Ordinance No. 2017-02-02, an ordinance related to towing and wrecker service regulations. - Action Item**

Councilwoman Davina Rodriguez motioned to approve, seconded by Councilwoman Sonia Hernandez. Mayor Ben T. Briscoe stated the ordinance adjusts the fee schedule to comply with state regulations. Chief of Police Torralba stated the towing companies were good with the proposed fee schedule. Councilwoman Davina Rodriguez inquired if the ordinance provided for a rotation schedule and the process the customer would go through in order to get their vehicles back. Chief Torralba stated there was a provision for the rotation schedule and explained the customer would pay the towing company, redeem the receipt at the police department and then their vehicles would be released. All in favor.

- K. Discussion regarding Safe Outdoor Dog Act.**

City Manager Fred Reyes announced the Safe Outdoor Act was not created by the City of Pearsall but wants to educate the public and bring awareness to the matter. He informed council of his communications with the police chief, code enforcement and the municipal court judge. Councilwoman Davina Rodriguez stated there isn't a place to hold the dogs and the process needs to be into place before tickets are written out. She recommended bringing back the item with a plan of action for the council's review. Councilwoman Brenda Trevino asked if there was a place to hold the dogs. Chief Torralba stated they have 1 set of cages and a 2nd will be worked on with the next budget.

- L. Discuss proposed revisions to Chapter 32 of the code of ordinances (nuisance ordinance)**

City Manager Fred Reyes stated the revision process for the nuisance ordinance began 6 months prior and asked the council to review and provide input, if any. Mayor Pro Tem Julian Hernandez announced the public needs to be informed on how policies passed by council, work. He added the public needs to be given proper notice. Councilwoman Davina Rodriguez stated on page 162, all of section 32.7 is stricken and feels proper notice should be given. She added certified mail, notification in the paper and the city website should be adequate. Mr. Reyes stated hearings with the council will be part of the process to explain after due diligence has been made by staff to contact property owners.

9. Staff Report

- A. January 2022 Staff Reports**

Chief of Police Torralba spoke regarding the adoption event that recently occurred and the grants he will be applying for. Municipal Court Judge Nicolas DeLeon stated community service workers were helping with clearing the library of documents according to the retention

schedule. He added he met with the city manager and mayor regarding the dilapidated building abatement process. Mayor Pro Tem Julian Hernandez inquired if truancy court was still being held. Judge DeLeon stated the numbers have gone down due to truancy being decriminalized in 2015/2016. Councilman Lionel Gandara recognized the public works staff members who were listed for years of service.

10. Review of Bills Paid

A. January Bills

Mayor Ben T. Briscoe noted the bills reflected the purchase of a new fire truck.

11. General Announcements

None

12. Adjournment

Councilwoman Davina Rodriguez motioned to adjourn the meeting at 7:18 pm, seconded by Councilwoman Sonia Hernandez. The vote in favor of the motion was unanimous.

Approved this 8th day of March 2022.



Ben T. Briscoe, Mayor

ATTEST:



Krystal Garcia, City Clerk