

CITY COUNCIL MINUTES

A Regular Meeting of the City Council of the City of Pearsall, Texas was held on Tuesday, October 8, 2024, at 6:00 PM at the Pearsall City Hall, 214 South Ash Street, Pearsall, Texas.

1. Call To Order

Mayor Ben T. Briscoe called the meeting to order at 6:02 PM.

2. Roll Call and Announcement of Quorum

Council Members Present: Mayor Ben T. Briscoe, Council Member Ramiro Trevino, Council Member Aurora Garza, Council Member Brenda Trevino, Council Member Sonia Hernandez, Council Member Tiffany Talamantes arrived at 6:02 PM, Mayor Pro Tem James Leal, Council Member Racheal Garza arrived at 6:06 PM

Council Members Absent: None

Staff Present: City Manager Federico Reyes, Assistant City Manager/Community Development Director Yolanda Moran, City Clerk Krystal Garcia, Finance Director Christine Green via Zoom, Chief of Police Daniel Flores, City Attorney Bobby Maldonado, HR Manager Raquel Yanez, Public Works Director Hector Gandara, Public Information Officer Bianca Ramirez, Alex Izarraras Utility Supervisor, Gas Superintendent Rudy Carrizales, Warehouse Manager Yomeida Carrizales, Library Coordinator Sarah Duran, Streets Supervisor Joe Navarro, Parks and Rec./Facility Director Ramiro Otero, Municipal Court Judge Nicolas DeLeon

3. Invocation And Pledge of Allegiance

Mayor Ben T. Briscoe led the invocation. Pledge of Allegiance led by all present.

4. Citizens To Be Heard

None

5. Mayor's Message and Staff Reports

5.A Police Department Reports - D. Flores, Chief of Police

- September 2024 Council Report
- September 2024 Narcotics Report
- September 2024 Refusal Report
- September 2024 ACO Report

Chief Flores compared statistics from August 2024 and September 2024 for each report. Council Member Aurora Garza pointed out the refusals report that indicated individuals with warrants were refused by the jail. She asked if this would happen during the upcoming warrant roundup.

5.B Public Works Department Report - Hector Gandara, Public Works Director

Hector Gandara, Public Works Director explained the reduction in calls was due to the change in weather and announced hydrant flushing would be done at the end of the year.

5.C Finance Report - Christine Green, Finance Director

The Finance Report provided by Christine Green, Finance Director was reviewed with the council.

5.D Community Development Reports- Yolanda Moran, Assistant City Manager/Community Development Director

Yolanda Moran, Assistant City Manager/Community Development Director reviewed her departments' reports –Library, Building Permits, Code Enforcement and Community Development.

5.E Municipal Court Reports - Municipal Court Judge Nicolas DeLeon

Municipal Court Judge Nicolas DeLeon reviewed the arraignment report, OCA stats and OCA Report with the council.

6. Presentation

6.A Discussion regarding the Frio County jail operations and other related matters - Ben Briscoe, Mayor/Peter Salinas, Frio County Sheriff Elect

Mayor Ben T. Briscoe announced the item would be on the November Regular Meeting agenda.

6.B Discussion regarding forming a Public Facility Corporation for affordable housing under Texas Local Government Code Chapter 303 -Bobby Maldonado, City Attorney/Fred Reyes, City Manager

City Attorney, Bobby Maldonado reviewed a presentation concerning the establishment of a Public Facility Corporation pursuant to Local Government Code Chapter 303. The presentation touched on the target population for the proposed housing initiatives well as operational details.

6.C Discussion regarding proposed amendments and revisions to the City of Pearsall Personnel Handbook - Raquel Yanez, Human Resources Director

Raquel Yanez, HR Director, presented the proposed updated employee handbook to the council for consideration. Following the presentation, she fielded questions from council members. Council Member Ramiro Treviño raised concerns about the current one-on-one employee assessment and review process. He suggested a committee-based approach to alleviate potential bias from the supervisor-employee relationships. City Manager Fred Reyes clarified that evaluations are conducted by the direct supervisor and department head. Council Member Aurora Garza inquired about the frequency of evaluations, to which Mrs. Yanez confirmed they are completed on an annual basis.

7. Action to Consent Agenda (All items below are action items)

- 7.A Approval of September 10, 2024, and September 24, 2024, Council meeting minutes - Krystal Garcia, City Clerk

Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Aurora Garza. The vote in favor of the motion was unanimous.

8. New Business (All items below are action items)

****Mayor Ben T. Briscoe asked for items 8D and 8E to be moved up to the front. Mayor Pro Tem James Leal motioned to move items 8D and 8E before 8A. Seconded by Council Member Aurora Garza. The vote in favor of the motion was unanimous. ****

- 8.A Discuss and consider Resolution No. 2024-10-02, of the City Council of the City of Pearsall, Texas ordering a Special Election and establishing procedures for said election to be held on Saturday May 3, 2025; the Special Election shall be for the purpose of submitting to the qualified voters of the City one proposition to approve or reject giving authorization to the City Council of the City of Pearsall, Texas to sell the natural gas utility distribution system owned by the City of Pearsall, Texas; providing other matters related to the Special Election; and finding and determining that the meeting at which this resolution is passed is open to the public as required by law. - Fred Reyes, City Manager

Council Member Racheal Garza motioned to approve, seconded by Council Member Aurora Garza. Council Member Ramiro Treviño questioned the urgency of the resolution, given the lack of public input. He suggested holding town hall meetings to gather community feedback. Mayor Pro Tem James Leal agreed, pointing out that the city's gas system has been losing money for years, a problem previously mentioned when a proposed contract with Simon Peña was denied. He stated that if a private company is interested in the system, it must have potential. City Manager Fred Reyes clarified that the 2014 agreement with Johnson Controls to replace gas meter components, rather than the entire meters, has contributed to the issue. Mr. Leal expressed a preference for keeping the gas system in-house by replacing the meters, even if it requires additional investment. He voiced concerns about potential price gouging for customers if the system is privatized. He discussed the compilation of a detailed assessment of the costs and potential returns of replacing the meters. Mr. Treviño inquired about the revenue from the potential sale of the gas system, to which Mr. Reyes responded that the city would likely experience a loss rather than a profit. Mr. Leal suggested including a "joint venture" clause in any potential sale agreement to secure a percentage of future profits for the city. City Attorney Bobby Maldonado discussed the possibility of implementing a franchise tax but informed Mr. Leal that this could lead to increased costs for customers. Mayor Ben T. Briscoe called for a vote on the resolution. The motion passed with a vote of 7-1, with Mayor Pro Tem James Leal voting against.

- 8.B Discuss and consider Resolution No. 2024-10-01, regarding a contract for the purpose Of financing vehicles and equipment for the amount of \$754,378.70 - Fred Reyes, City Manager

Council Member Aurora Garza motioned to approve, seconded by Council Member Tiffany Talamantes. City Manager Fred Reyes informed the council that the requested public works

equipment, if approved, would be delivered by the end of the year. Mayor Pro Tem James Leal questioned if the amount was budgeted, to which Reyes clarified that the payments would not be due until the following year. Public Works Director Hector Gandara stressed the necessity of the requested equipment to continue operations. Mr. Leal suggested that renting the equipment might be a more cost-effective option, as it would eliminate maintenance costs. Council Member Sonia Hernandez proposed exploring an interlocal agreement with the county to share equipment. However, Reyes indicated that the county was unlikely to agree to such an arrangement. The vote in favor of the motion was unanimous.

- 8.C Discuss, and consider Ordinance No. 2024-10-02, adopting the City of Pearsall Personnel Manual for the administration of employees of the City of Pearsall - Raquel Yanez, HR Director

Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Aurora Garza. City Manager Fred Reyes touched on a few employee policies, including the addition of Cesar Chavez Day as a holiday, caps on employee leave, and the establishment of a sick pool. He informed the council of his plans to discuss vacation and sick leave usage with employees who have accrued over 160 hours of each. The vote in favor of the motion was unanimous.

- 8.D Discuss, Consider and Act on Ordinance No. 2024-10-04, approving a Preliminary Plat with request for variances for a sidewalk, alley and lot size for a 5- acre Tract legal description being Lot 531 Block 1412 of the Ortiz Pablo Addition, West 1/2 10 -acre tract sub lot 88 Parcel ID 8496 being located at Willow/Frio St., City of Pearsall, Frio County, Texas. - Yolanda Moran, Assistant City Manager/Community Development Director

Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Aurora Garza. Yolanda Moran, Assistant City Manager/Community Development Director, suggested tabling the application for the subdivision plat. This would allow the applicant to revise the plat to provide a better visual of the proposed layout to include the requested variances. She followed up by stating the delay may be beneficial to the applicant as the new subdivision ordinance calls for smaller lot sizes and setbacks. Mayor Pro Tem James Leal announced he would like to change his motion of approval to a motion to table. Mayor Ben T. Briscoe asked mayor Pro Tem Leal to hold off on his motion to allow the applicant to speak as she had requested to speak during her item. Applicant Sonia Ornelas approached the council asking them to grant the variances for the absence of sidewalks and alleyways, citing a similar layout in the Martinez Subdivision. City Attorney Bobby Maldonado opposed tabling the application, recommending its disapproval instead. He cited time constraints and recent regulatory changes as reasoning. Mr. Maldonado clarified that Mrs. Moran would communicate the necessary conditions for the revised plat submission to the developer. Mayor Ben T. Briscoe called for a vote. Mayor Pro Tem James Leal motioned to disapprove the item, seconded by Council Member Aurora Garza. The Council voted 2 in favor and 5 against the motion to disapprove the item. Bobby Maldonado City Attorney announced the clock on the plat is now running due to the lack of agreement on the disapproval of the motion. He added that the timeframe used to be 30 days but believes it may have possibly changed. He informed the council if the clock runs out the plat submitted by the applicant would automatically be approved. Mayor Ben T. Briscoe called for a motion to take up and reconsider the item. Applicant Sonia Hernandez requested the variances for the sidewalks and alleyways be approved. Fred Reyes, City Manager recommended disapproval to allow the plat as she has requested. Council Member Sonia Hernandez motioned to disapprove, seconded by Council Member Tiffany Talamantes. The vote in favor of the motion was unanimous.

- 8.E Discuss, Consider and Act on Ordinance No. 2024-10-05, approving a Land Use Variance/Special Exception for Silverio Trejo Gonzalez and Nayeli Leija, 1408 Pecan St. to allow for a variance to the minimum setback requirement for the following accessory structures a 25'X30' Carport, and a 12'X12' storage building. The property legal description being 11.00 acre tract of land being all of Lots 50 & 51 and part of Lots 61 & 62 of Jones Heirs Subdivision according to the plat thereof recorded in slide 768 of the plat records of Frio County, Texas, out of Survey No. 1413, Abstract No. 496, P.F. Morales, original grantee, and out of 31.00 acres conveyed from Lionel Trevino, Sheriff to Elbert Reed by deed dated January 8, 2016 and recorded in Volume 195, Page 580 of the Official Public Records of Frio County, Texas. - Yolanda Moran, Assistant City Manager/Community Development Director

Council Member Racheal Garza motioned to approve, seconded by Council Member Sonia Hernandez. Yolanda Moran, Assistant City Manager/Community Development Director explained that due to the current code, the applicant has to have an accessory structure 10 feet from his dwelling. The vote in favor of the motion was unanimous.

- 8.F Discuss, Consider and Act on Ordinance No. 2024-10-03, amending the City of Pearsall Ordinance Chapter 42-3 Traffic Control Devices to establish new regulations and procedures to install traffic control devices; repealing all ordinances in conflict therewith; authorizing City Manager to execute all necessary documents; providing for repealing clause and providing an effective date. - Yolanda Moran, Assistant City Manager/Community Development Director

Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Brenda Trevino. Yolanda Moran, Assistant City Manager/Community Development Director reminded the council that on May 9, 2024, the council had a discussion related to the item due to an increase in requests for stop signs and speed bumps. Council Member Aurora Garza asked Mrs. Moran if her apartment complex requested a device would the apartment complex be responsible for the cost. Mrs. Moran stated surrounding community member could help with the cost. Mrs. Moran announced "Upon approval by City Council" needed to be struck from Section G(2). The vote in favor of the motion was unanimous.

- 8.G Discuss and consider the Utility Bad Debt Write-off in the amount of \$864,630.03 as of September 30, 2024 - Christine Green, Finance Director

Council Member Aurora Garza motioned to approve, seconded by Council Member Sonia Hernandez. Christine Green, Finance Director, stated the bad debt has not been presented to council in 10 years and it should be done annually. The vote in favor of the motion was unanimous.

- 8.H Discuss and consider authorizing the city manager to enter into a service agreement with Solansky Welding & Pump, Inc. for emergency repairs and fabrication to the North Plant Well -Hector Gandra, Public Works Director

Mayor Ben T. Briscoe recommended approval of the item. Mayor Pro Tem James Leal motioned to table, seconded by Council Member Aurora Garza. The vote in favor of the motion was unanimous.

- 8.I Discuss, Consider, and Act to authorize City Manager to enter into a contract for services for emergency repairs to the A/C system for the City of Pearsall Library. - Yolanda Moran, Assistant City Manager/Community Development Director

Council Member Racheal Garza motioned to approve, seconded by Council Member Brenda Trevino. Yolanda Moran, Assistant City Manager/Community Development Director, informed the council that the air conditioning system at the library was malfunctioning. She explained that the temperature inside the library had become uncomfortable for both patrons and staff. Due to the bids exceeding the allowed threshold, council approval is required for repairs. The bids received were from SubZero and Maverick Heating & Cooling. Mrs. Moran informed the council that \$33,372 had been budgeted for the repairs, and the recommended bid came in slightly below that amount. The council voted 6-1 in favor of the repairs, with Council Member Sonia Hernandez voting against. Motion passed.

- 8.J Discuss and consider a resolution authorizing participation in the TexPool Investment Pools and designating authorized representatives - Christine Green, Finance Director

Mayor Pro Tem James Leal motioned to approve, seconded by council Member Racheal Garza. Christine Green, Finance Director stated due to the change in administration the forms needed to be updated. The vote in favor of the motion was unanimous.

- 8.K Discuss and Consider Resolution No. 2024-10-03, approving the Service Provider Agreement between Frio County Emergency Services District No. 1 and City of Pearsall for the provision of emergency protection and other services - Krystal Garcia, City Clerk

Council Member Racheal Garza motioned to approve, seconded by Council Member Aurora Garza. Krystal Garcia, City Clerk explained that the agreement is up for renewal due to the new fiscal year. She assured the council nothing has been changed other than the budget granted to the department. The vote in favor of the motion was unanimous.

- 8.L Discuss and Consider Resolution No. 2024 -10-04, adopting the City of Pearsall Investment Policy FY 2025 - Christine Green, Finance Director

Council Member Aurora Garza motioned to approve, seconded by Council Member Brenda Trevino. Christine Green, Finance Director informed the council that Chapter 2256 of Texas Government Code requires the policy be renewed annually. The vote in favor of the motion was unanimous.

- 8.M Discuss and Consider Ordinance No. 2024-10-01, Amending the code of ordinances by repealing Article III. - Minors specifically Sections 34-69 to 34-70 related to curfew for minors - Krystal Garcia, City Clerk

Council Member Racheal Garza motioned to approve, seconded by Council Member Aurora Garza. Krystal Garcia, City Clerk, informed the council the new state law prevents local governments from enforcing a curfew. Repealing the ordinance would keep the city in compliance with state law. The vote in favor of the motion was unanimous.

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

Mayor Ben T. Briscoe called the council into Executive Session at 8:47 PM.

The City Council of the City of Pearsall 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 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.

- 9.A Discussion regarding amendment to the city manager employment agreement and other related matters

10. Open Session (All items below are action items)

Mayor Ben T. Briscoe called the council back into Open Session at 9:18 PM and announced no action was taken during Executive Session.

- 10.A Discuss and consider amendment to city manager employment contract and other related matters

Mayor Pro Tem James Leal motioned to table the item, seconded by Council Member Aurora Garza. The vote in favor of the motion was unanimous.

11. Review of Bills Paid

11.A September Bills Paid

The council did not have questions regarding the bills.

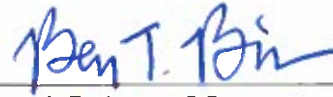
12. General Announcements

Council Member Tiffany Talamantes reminded the council of Hispanic Heritage Festival weekend and of upcoming homecoming festivities. Mr. Reyes announced the council received breast cancer awareness shirts.

13. Adjournment

There being no further business before the council, Council Member Racheal Garza motioned to adjourn the meeting at 9:21 PM, seconded by Council Member Aurora Garza. The vote in favor of the motion was unanimous.

Approved this November 12, 2024



Ben T. Briscoe, Mayor

ATTEST:


Krystal Garcia, City Clerk