

CITY COUNCIL MINUTES

A Regular Meeting of the City Council of the City of Pearsall, Texas was held on Tuesday, August 13, 2024, 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."

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Webinar ID: 874 1618 5238

1. Call To Order

Mayor Ben T. Briscoe called the meeting to order at 6:00 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 Racheal Garza, Council Member Tiffany Talamantes, Mayor Pro Tem James Leal present at 6:55 PM

Council Members Absent: None

Staff Present: City Manager Federico Reyes, Assistant City Manager/Community Development Director Yolanda Moran, City Clerk Krystal Garcia, Payroll/Accounting Melissa Morales, Chief of Police Daniel Flores, Parks and Recreation/Facilities Director Ramiro Otero, City Attorney Bobby Maldonado, Raquel Yanez, Public Works Director Hector Gandara, Public Information Officer Bianca Ramirez, Gas Superintendent Rudy Carrizales, Public Works Office Manager Yomeida Carrizales

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

5.A Police Department Reports – Chief Daniel Flores

- July 2024 Council Report
- July 2024 Narcotics Report
- July 2024 Refusal Report
- July 2024 ACO Report

Daniel Flores, Chief of Police, reviewed the statistics gathered for the months of June and July and provided a comparison.

5.B Public Works Department Report- Yomeida Carrizales, Public Works Office Manager

Yomeida Carrizales, Public Works Office Manager reviewed the report covering streets, water and gas.

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

Yolanda Moran, Assistant City Manager/Community Development Director reviewed the building permit report, providing numbers for July 2024. Code Enforcement Officer Cano Esquivel reviewed is compliance report with 25 cases opened, 18 closed and 1 pending. He provided an update regarding the Operation Clean Cut announcing the main priority was the safety of the citizens. He informed the council that 5 more properties are needed to complete the current round of the program. He thanked the ROW crew and utilities department as they played a huge part. Yolanda Moran, Assistant City Manager/Community Development Director reviewed the Library Report and the Community Development Report. Parks and Recreation/Facilities Director Ramiro Otero reviewed his departments report for the month of July.

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

Nicolas DeLeon, Municipal Court Judge reviewed the OCA report for the month of July.

6. **Public Hearing**

6.A Open Public Hearing

Mayor Ben T. Briscoe opened the public hearing at 6:56 PM

- 6.B Request by Stephen and Kristi Williams requesting a zoning change to a Commercial, Office & Professional, District (C-1). The legal description being Lots 9 & 10, Block 30 of the City of Pearsall, Frio County, Texas. The property is currently zoned for a Single-Two Family Dwelling District (R-1).

Mayor Ben T. Briscoe called for public comment three times before closing the public hearing.

6.C Close Public Hearing

Mayor Ben T. Briscoe closed the public hearing at 6:57 PM

7. **Presentations**

7.A Presentation and Introduction of Clarence Capital Partners and their interest in investment in natural gas local distribution entities

Cole Claiborn was present on behalf of Clarence Capital Partners. He expressed interest in purchasing the gas system from the City of Pearsall. Mr. Claiborn stated the group does not intend on increasing the price of gas for customers. Mayor Ben T. Briscoe inquired what the next step would be. Mr. Claiborn stated they would need numbers for review.

7.B Presentation by SWBC staff regarding the Blue Cross and Blue Shield and Mutual of Omaha for medical, dental, vision and other ancillary insurance benefits for the 2024-2025

Jonathan Amato reviewed the current benefits offered to employees and introduced a third plan option. City Manager Fred Reyes stated city staff need to get their regular checkups and take preventative measures to help keep rates down. Council Member Ramiro Trevino inquired why there was a jump in cost. Mr. Amato informed the council, the group experienced more claims versus premiums.

7.C Budget Workshop to discuss the general fund and utility fund and other related items

City Manager Fred Reyes reviewed the updated 2024 Budget Planning Calendar and presentation with the council. He noted the proposed budget totaled \$13,420,178 – General Fund \$6,586,578 and Utility Fund \$6,833,600. The increase to the budget totaled \$1,743,810, the Clarifier Project claiming \$1.2 Million. He explained how he was able to balance the budget, what the budget included as well as what is not included. The Council briefly spoke regarding the DC trip, Texas Capitol trip as well as TML.

8. Action to Consent Agenda (Items below are action items)

8.A Approval of meeting minutes for July 9, July 23 and July 30, 2024

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

9. New Business (Items below are action items)

9.A Discuss, Consider, and Act on the Preliminary Plat for Trevino Living Trust, Petra G. Trevino, Trustee establishing 1.571 acres out of Subdivision No. 1 Pablo Ortiz Survey No. 1411, called 1.581 acres conveyed to Petra G. Trevino, Trustee, by deed recorded in Vol. 365, Page 500, Official Public Records, Frio County, Texas.

Mayor Pro Tem James Leal motioned to Approve, seconded by Council Member Brenda Trevino. Yolanda Moran, Assistant City Manager/Community Development Director stated the lots in question were never subdivided. She added YPR submitted comments recommending approval pending completion of the comments. She explained the lots were previously sold but as the contract with the previous owner had been completed, the property needed to be cut up for proper ownership. The vote in favor of the motion was unanimous.

9.B Discuss, Consider, and Act on a Rezoning request by Stephen and Kristi Williams requesting a zoning change to a Commercial, Office & Professional, District (C-1). The legal description being Lots 9 & 10, Block 30 of the City of Pearsall, Frio County, Texas. The property is currently zoned for a Single-Two Family Dwelling District (R-1)

Council Member Racheal Garza motioned to Approve, seconded by Council Member Ramiro Trevino. Yolanda Moran, Assistant City Manager/Community Development Director stated the Planning and Zoning Commission had originally recommended to table the item to allow staff time to confirm the owner understood the standards for a commercial property. Mayor Pro Tem James Leal asked council to reconsider their motion. Council Member Racheal Garza motioned to table, seconded by Council Member Ramiro Trevino. Mrs. Moran stated she spoke with the owner who confirmed they understood what the standards would be. Council Member Racheal Garza rescinded her motion to table, seconded by Council Member Ramiro Trevino. The vote in favor of the motion was unanimous.

- 9.C Discuss, Consider, and Act on a Memorandum of Understanding (MOU) between Camino Real Community Services and the City of Pearsall to allow Camino Real Community Services to use the City of Pearsall Community Room and waive rental fees

Council Member Aurora Garza motioned to Approve, seconded by Council Member Tiffany Talamantes. Mayor Pro Tem James Leal inquired if there were any legalities the city would be liable for, if approved. Bobby Maldonado, City Attorney stated it would be the same as if someone were out in the public, no liability. He added the city should pass a resolution to declare it as a public purpose. The vote in of the motion was unanimous.

- 9.D Discuss, Consider, and Act on adopting a Resolution authorizing the City Manager to negotiate, accept the terms and enter into a sole agreement for the purchase of Air Curtain Burner Burn Boss T24

Council Member Racheal Garza motioned to Approve, seconded by Council Member Aurora Garza. City Manager Fred Reyes informed the council this purchase is through a grant through ACCOG. The intended use is to incinerate the brush collected at the transfer station. Mayor Pro Tem James Leal inquired how many staff members are going to handle the equipment. Mr. Reyes stated the current transfer station employee would be utilizing the equipment. He added the city is unable to determine how many tons of brush he is disposing because the city does not weigh it. Mayor Pro Tem Leal's expressed concern over the equipment not being large enough to meet the city's needs. Mayor Pro Tem James Leal asked how long the grant is for. Mrs. Moran stated it could be purchased and needs to be completed by 2025. He then inquired if the city could rent the equipment intended for purchase to try it out before committing to such a large purchase and it end up not being suitable. Mr. Reyes stated they are unaware of anyone who rents it. Mrs. Moran informed the council the piece of equipment is used by farmers to clear land and FEMA and EPA for cleanups. Council Member Brenda Trevino asked city staff could be sent to see it used in person first and added the pothole patcher was purchased and is not used. Mrs. Moran stated she would get recommendations from communities using it. Mayor Pro Tem James Leal recommended tabling the item so they could get more information. Mayor Ben T. Briscoe called for a vote with the current motion of approval. Council Member Aurora Garza motioned to table, seconded by Council Member Racheal Garza. Council Member Aurora Garza rescinded her motion to table, seconded by Council Member Racheal Garza. The council voted five (5) in favor and two (2) against. Council Member Racheal Garza, Council Member Aurora Garza, Council Member Tiffany Talamantes, Council Member Brenda Trevino and Council Member Ramiro Trevino voted in favor. Mayor Pro Tem James Leal and Council Member Sonia Hernandez voted against. Motion passes.

- 9.E Discuss, Consider, and Act on authorizing the City Manager to negotiate the termination of the Texas Department of Agriculture (TDA) Grant Agreement No. CDBG -CDV21-0495 Wastewater Treatment Plant Improvements

Council Member Ramiro Trevino motioned to approve, seconded by Council Member Aurora Garza. City Manager Fred Reyes reviewed the process and informed the council the bids received keep getting higher each time due to construction costs. The current amount of \$237,000 is not in the budget. Would like to revisit getting a bar screen at a later date. The vote in favor of the motion was unanimous.

- 9.F Discuss and consider authorizing the City Manager to award, enter into and execute agreements with Blue Cross Blue Shield and Mutual of Omaha for medical, dental, vision and other ancillary insurance benefits for the 2024-25 Fiscal Year

Mayor Pro Tem James Leal motioned to move Items 9F and 9G after Item 7C, seconded by Council Member Brenda Trevino. The vote in favor of the motion was unanimous.

Council Member Aurora Garza motioned to Approve, seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

- 9.G Discussion and consider Resolution No. 2024-08-01, to propose an Ad Valorem Tax Rate of \$0.866624 for the fiscal year beginning October 1, 2024, and establish September 3, 2024, respectively, as the public hearing date for the Proposed Property Tax Rate for the City of Pearsall for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025

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

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

Mayor Ben T. Briscoe called the council into Executive Session at 8:39 PM.

Council Member Tiffany Talamantes and Council Member Sonia Hernandez left prior to Executive Session.

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.

- 10.A Legal consultation with City Attorney regarding a 0.063-acre tract out of Lot 1, Block 1, Hiler Subdivision

- 10.B Discussion regarding the purchase, exchange, lease or value of real property legally described as a 0.038-acre tract out of Pablo Ortiz Survey No. 1411 Abstract No. 530

11. Open Session (Items below are action items)

Mayor Ben T. Briscoe called the council into Open Session at 9:02 PM and announced no action was taken.

- 11.A Discuss and consideration regarding a 0.063-acre tract out of Lot 1, Block 1, Hiler Subdivision

Mayor Pro Tem James Leal motioned to direct the Mayor to speak with the owner as discussed in Executive Session, Seconded by Council Member Racheal Garza. The vote in favor of the motion is unanimous.

- 11.B Discuss and consider the purchase, exchange, lease or value of real property legally described as a 0.038-acre tract out of Pablo Ortiz Survey No. 1411 Abstract No. 530

Mayor Pro Tem James Leal motioned to proceed as discussed in Executive Session and approve, Seconded by Council Member Brenda Trevino. The vote in favor of the motion is unanimous.

12. Review of Bills Paid

12.A July 2024 Bills Paid

Council did not have questions regarding the bills.

13. General Announcements

ASIM training set for August 20 and 21 details were announced by Mayor Ben T. Briscoe. Fred Reyes, City Manager announced the details for the upcoming September 3, 2024, Council Meeting. He announced The Chamber of Pearsall would be having a grand opening soon along with ribbon cutting details.

14. Adjournment

Approved this September 10, 2024



Ben T. Briscoe, Mayor

ATTEST:



Krystal Garcia, City Clerk