

CITY COUNCIL MINUTES

A Regular Meeting of the City Council of the City of Pearsall, Texas was held on Tuesday, July 9, 2024, at 6:00 PM at the Pearsall City Hall, 214 South 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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COUNCIL MEMBERS

**BEN T BRISCOE
RACHEAL GARZA
TIFFANY TALAMANTES
BRENDA TREVINO**

**JAMES LEAL
SONIA HERNANDEZ
RAMIRO TREVINO
AURORA GARZA**

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 Members Absent: Council Member Racheal Garza, Council Member Tiffany Talamantes, Mayor Pro Tem James Leal

Staff Present: City Manager Federico Reyes, Assistant City Manager/Community Development Director Yolanda Moran, City Clerk Krystal Garcia, Interim Finance Director Alex Izarraras, Chief of Police Daniel Flores, Parks and Recreation/Facilities Director Ramiro Otero, City Attorney Bobby Maldonado, Public Works Director Hector Gandara, Municipal Court Judge Nicolas DeLeon, Public Information Officer Bianca Ramirez

3. Invocation And Pledge of Allegiance

Council Member Aurora Garza led the invocation. Pledge of Allegiance led by all present.

4. Citizens To Be Heard

None.

5. Mayor's Message and Staff Reports

Mayor Briscoe stated the council follows Robert's Rules of Order and needs to allow speakers to have the floor as side conversations cause distractions.

5.A Police Activity Report, Narcotics Report and Animal Control Report- Daniel Flores, Chief of Police

Chief Flores Reviewed his reports with the council. Council inquired if there's reasoning behind the rejection of arrestees as the jail. Chief Flores stated he's been told its' due to lack of space. Council Member Racheal Garza stated locals are not being housed but others county's offenders are being housed due to the county receiving funds for them-its' not right and the local community should be taken care of first. Council Member Sonia Hernandez stated she receives numerous calls stating local tax dollars are used to fund the facility but the community is not receiving the services. Council Member Racheal Garza proposed a meeting with the entity to get to the root of the problem. Chief Flores provided minor details regarding a situation currently taking place in the city limits concerning a case originating in Indianapolis.

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

Mr. Hector Gandara reported 1 water well is having difficulties but the water system is not experiencing issues due to it.

5.C Finance Report - Monica Yanez, Finance Director

Alex Izarraras read Mrs. Yanez summary covering the revenues for the General Fund, Utility Fund as well as the expenditures.

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

Mrs. Moran reviewed her report with the council and did not receive any questions.

5.E Municipal Court Reports - Nicolas De Leon, Municipal Court Judge

Mayor Briscoe stated the Court's report could be provided in Executive Session.

6. Public Hearing

6.A Open Public Hearing

Mayor Ben T. Briscoe opened the public hearing at 6:35 PM and called for public comment 3 times. No comments made.

6.B On a Request for a Land Use Variance/Special Conditions Permit for Carlos and Lorena Carreon to allow for a variance to the minimum side setback requirements for the extension of an

addition to their existing home located at 111 N. Mulberry, Pearsall, TX. The property's legal description being Lot A -4 Block "A". The property is currently zoned R -1 Single Family Residential. The Zoning Requirements require the side setback minimum to be 15' and the applicant is asking for a 4' variance.

6.C Close Public Hearing

Mayor Ben T. Briscoe closed the public hearing at 6:37 PM

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

7.A Approval of the June 11, 2024, and July 2, 2024, City Council Meeting Minutes

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

8. Presentations

8.A Introduction of newly hired officers. - Chief D. Flores

Officer S. Delgado #749

Officer M. Soler #755

Officer Z. Zavala #754

Chief Flores introduced the officers and gave a brief background of each. All officers were sworn in by Municipal Court Judge Nicolas DeLeon.

8.B Presentation regarding the financing and construction timeline for the Business 35 water and wastewater line project and other related matters - Fred Reyes, City Manager

Stacy Barna from CDM Smith reviewed her presentation with the council providing updates to the I-35 Annex Water and Sanitary Sewer Project. She indicated where the proposed lift stations would be placed and reviewed the water line and sewer line and lift station funding. She pointed out the section of the project that needs to be expedited due to a pending \$1.2 million TxDOT project. City Manager Fred Reyes reviewed the timeline for the financing and construction.

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

Mayor Pro Tem James Leal stated the gas loss if partially the city's fault and asked when the last study was conducted. City Manager Fred Reyes stated the last one was conducted in 2020 by Jeff Snowden and added the city is consistently losing gas customers. Mayor Pro Tem motioned to table due to the internet outage not allowing the partners to participate via Zoom.

8.D Presentation of Budget Revenues for the 2024-25 Fiscal Year -Monica Yanez, Finance Director

City Manager Fred Reyes reviewed the summary of revenues for the General Fund and Utility Fund as provided by Monica Yanez, Finance Director who was unable to attend.

9. New Business (Items below are action items)

- 9.A Discuss and consider authorizing city staff, mayor and/or city council members to provide presentations and entertain discussions with other governmental entities and businesses regarding the Victor Trevino Sports Complex master plan and other related items

Council Member Ramiro Trevino motioned to approve, seconded by Council Member Sonia Hernandez. City Manager Fred Reyes stated Council Member Ramiro Trevino made a good point in stating Pearsall ISD needed to be included and is asking for permission to allow Council Member Trevino, Yolanda Moran and himself to approve other entities regarding the project. The vote in favor of the motion was unanimous.

- 9.B Discuss and consider Resolution No. 2024-07-02, designating the City Manager as the City's representative and authorizing the City Manager to submit an application to Texas Parks and Wildlife Department to participate in the Local Park Grant Program for Pearsall- TPW LP Indoor FY2025 -Yolanda Moran, Assistant City Manager/Community Development Director

Mayor Ben T. Briscoe informed the council to table the item as funds are not currently available. Mayor Pro Tem James Leal motioned to table, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

- 9.C Discuss and consider Resolution No. 2024-07-03, designating the City Manager as the City's representative and authorizing the City Manager to submit an application on behalf of the City to Texas Parks and Wildlife Department to participate in the Local Park Grant Program for Pearsall-TPW LP Outdoor FY2025 Project -Yolanda Moran, Assistant City Manager/Community Development Director

Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Sonia Hernandez. Yolanda Moran, Assistant City Manager/Community Development Director informed the council the ceiling amount is \$750,000 meaning the city match would be \$750,000. The resolution requires the city to state the funds are available in the bank. The grant covers outdoor facilities such as walking trails and fields. She stated she is working with Dockery on a cost analysis for phase 1. She added August 1, the resolution needs to be submitted. Council Member Ramiro Trevino stated outside donations should be considered from large companies to ease burden on the city. Mrs. Moran stated the grant allows the match to be met with in-kind services, use of equipment and added a bigger impact on scoring would be made by adding new facilities rather than rehabbing the existing. The vote in favor of the motion was unanimous.

- 9.D Discuss, Consider, and Act on the Final Plat for Lindsey Lane Retail legal description being a 2.000 Acre Called 104.74 Acre) Parcel of Land out of the Pablo Ortiz Survey No. 1412, Abstract Number 531, Frio County, Texas originally described in Warranty Deed Recorded in Vol. 60, PG. 594, O.P.R.F.C. and Vol. 60, PG 600, O.P.R.F.C. of Frio County, Texas -Yolanda Moran, Assistant City Manager/Community Development Director

Yolanda Moran, Assistant City Manager/Community Development Director stated the Planning and Zoning Commission recommended approval. Council Member Aurora Garza motioned to approve, seconded by Mayor Pro Tem James Leal. The vote in favor of the motion was unanimous.

- 9.E Discuss, Consider, and Act on a Preliminary Re-Plat for Ruben Gabriel and Alyssa Monquie Gonzales, 320 Cypress St. establishing a 0.39 acres Re-Plat of Lots 7,8, and 9 of Block 102 located

in the City of Pearsall, Frio County, Texas -Yolanda Moran, Assistant City Manager/Community Development Director

Yolanda Moran, Assistant City Manager/Community Development Director stated the Planning and Zoning Commission recommended approval. Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Brenda Trevino. The vote in favor of the motion was unanimous.

- 9.F Discuss, Consider and Act on a Land Use Variance/Special Conditions permit for Carlos and Lorena Carreon to allow for a variance to the minimum side setback requirements for the extension of an addition to their existing home located at 111 N. Mulberry, Pearsall, TX. The property's legal description being Lot A-4 Block "A". The property is currently zoned R-1 Single Family Residential -Yolanda Moran, Assistant City Manager/Community Development Director

Yolanda Moran, Assistant City Manager/Community Development Director stated the Planning and Zoning Commission recommended approval. Council Member Sonia Hernandez motioned to approve, seconded by Mayor Pro Tem James Leal motioned to approve. The vote in favor of the motion was unanimous.

- 9.G Discuss, Consider and Act on Adopting a Resolution No. 2024-07-05 of the City of Pearsall 2023-2033 Comprehensive Master Plan -Fred Reyes, City Manager and Yolanda Moran, Assistant City Manager/Community Development Director

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Racheal Garza. Yolanda Moran, Assistant City Manager/Community Development Director stated the plan was to approved with the exception of Chapters 12 and 13. Fred Reyes, City Manager reviewed the existing land use map and displayed the proposed land use map for council to review. He informed the council of the areas previously annexed but never rezoned resulting in a default zoning of A-O. He anticipates to send out notices to rezone within the next 3 months. He added sections 38 and 48 are not changing. The vote in favor of the motion was unanimous.

- 9.H Discuss and consider authorizing the City Manager to award and enter into a contract with KJ Oilfield Services for the construction of the City of Pearsall's Public Works Service Center Warehouse Storage Expansion Project. -Hector Gandara, Public Works Director

Mayor Pro Tem James Leal motioned to approve, seconded by Council Member Aurora Garza. City Manager Fred Reyes announced 2 bids were received and the funds for the project would come out of the remaining funds from the purchase of the new service center. Pictures of the area were displayed for council. The vote in favor of the motion was unanimous.

- 9.I Discuss and consider Ordinance No. 2024-07-01, amending the code of ordinances relating to the City of Pearsall Water Conservation and Drought Contingency Plan

Council Member Racheal Garza motioned to approve, seconded by Council Member Aurora Garza. City Manager Fred Reyes stated the plan would provide dates of no water implementations and is a State requirement. As The vote in favor of the motion was unanimous.

- 9.J Discuss and approve Resolution No. 2024-07-04, approving the new official logo and motto for the City of Pearsall -Bianca Ramirez, Public Information Officer
Council Member Sonia Hernandez motioned to approve, seconded by Council Member Brenda Trevino. PIO Bianca Ramirez and City Manager Fred Reyes presented the new logo for the city

and provided the supporting components behind its creation. The vote in favor of the motion was unanimous.

9.K Discuss and consider Resolution No. 2024-07-01, appointing qualified individuals to the Ethics Commission -Krystal Garcia, City Clerk

Council Member Racheal Garza motioned to approve, seconded by Council Member Sonia Hernandez. City Clerk Krystal Garcia informed the council the council had filled all spots on the Ethics Commission and the last 3 just need council's approval. City Clerk Krystal Garcia announced the names of the board members. The vote in favor of the motion was unanimous.

9.L Discuss and consider renewal of permits for City Rotation Towing/Wrecker services as per City Ordinance 2022-02-01 -Chief of Police Daniel Flores

Council Member Aurora Garza motioned to approve, seconded by Council Member Brenda Trevino. Mayor Ben T. Briscoe stated the Chief had met with local wreckers and updated the new list as presented. The vote in favor of the motion was unanimous.

9.M Discuss and consider entering into a Cyber Liability and Data Breach Response Interlocal Agreement with Texas Municipal League Intergovernmental Risk Pool -Krystal Garcia, City Clerk

Council Member Racheal Garza motioned to approve, seconded by Council Member Sonia Hernandez. City Clerk Krystal Garcia informed the council of the upcoming changes with the policy and presented to increases in coverage. 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 motioned to enter into Executive Session at 7:52 PM.

10.A Discussion regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Court Judge and other related matters

10.B Discussion regarding a Chapter 380 Economic Development between the City of Pearsall and PTX Retail LLC

10.C Legal consultation with city attorney regarding property described as 1 thru 5 Block 30 with an address of 320 South Ash Pearsall, Texas

10.D Deliberation regarding financial or other incentives to a business prospect that seeks to locate, stay, or expand in the City Of Pearsall

10.E Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager

11. Open Session (Items below are action items)

Mayor Ben T. Briscoe motioned to return from Executive Session at 9:32 PM.

11.A Discuss and consider the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Court Judge and other related matters

Mayor Pro Tem James Leal motioned for no action, seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

11.B Discuss and consider a Chapter 380 Economic Development between the City of Pearsall and PTX Retail LLC

Mayor Pro Tem James Leal motioned to direct the City Manager and City Attorney to proceed as discussed in Executive Session with terms and conditions, seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

11.C Discussion and consideration regarding property described as 1 thru 5 Block 30 with an address of 320 South Ash Pearsall, Texas

Mayor Pro Tem James Leal motioned no action, seconded by Council Member Aurora Garza. The vote in favor of the motion was unanimous.

11.D Discuss and consider financial or other incentives to a business prospect that seeks to locate, stay, or expand in the City Of Pearsall

Mayor Pro Tem James Leal motioned to direct the City Manager to proceed with further discussion with the developer, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

11.E Discuss and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager

Mayor Pro Tem James Leal motioned for no action, seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

12. Review of Bills Paid

12.A June Bills Paid

No questions.

13. General Announcements

City Manager Fred Reyes announced budget discussions would be had with staff during the week of July 22- July 26 to include the tax rate. Mayor Ben T. Briscoe announced Cadet Aguilar was present for the meeting but had to leave the meeting.

14. Adjournment

Mayor Pro Tem James Leal motioned to adjourn at 9:36 PM, seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

Approved this August 13, 2024


Ben T. Briscoe, Mayor

ATTEST:


Krystal Garcia, City Clerk