

CITY COUNCIL MINUTES

A Regular Meeting of the City Council of the City of Pearsall, Texas was held on Tuesday, April 9, 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."

Please use the link below to join the webinar:

<https://us02web.zoom.us/j/85872851231>

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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

Belia Valenzuela spoke regarding child abuse month asking for people to advocate for children if they see signs of abuse or questionable behavior.

Priscilla Ramirez and Don Villarreal expressed concern over the letter they received regarding rezoning of a property near their residence. Ms. Ramirez stated there is not a posted speed limit sign and added the new development may possibly raise taxes.

5. Mayor's Message and Staff Reports

Mayor Ben T. Briscoe expressed his enthusiasm about the audit and staff getting it done.

5.A Pearsall PD and ACO Staff Reports - Chief of Police Daniel Flores

Chief of Police Daniel Flores reviewed the patrol and narcotics report with the council. He added his department went through a TCOLE Agency audit with zero deficiencies.

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

Public Works Director Hector Gandara stated the bulk of his report is maintenance the only difference being a reduction is water leaks for the month of March.

5.C Finance Report - Interim Finance Director Alex Izarraras

Interim Finance Director Alex Izarraras reviewed the General Fund and Utility Fund.

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

Parks and Recreation/Facilities Director, Ramiro Otero reviewed his March 2024 Report. Assistant City Manager/Community Development Director Yolanda Moran reviewed the library report which included an announcement regarding a senior citizen program. Council Member Ramiro Trevino stated he would like to partner with HEB to feed the senior community at least once a month. City Manager Fred Reyes stated the San Antonio Food Bank has a similar program currently running. Mrs. Moran added 62 code enforcement cases were closed out for the month and 7 properties have been identified for possible clean up by the city. Her permit report showed the department collected \$13,435 with 75 projects. Her community development report showed 5 potential developments.

5.E Municipal Court Reports - Judge Nicolas DeLeon

Judge Nicolas DeLeon reviewed the court's monthly report.

6. Presentations

6.A Update from Pearsall Chamber of Commerce

Dr. Eduardo Sanchez and Juanita Rendon were present on behalf of the Chamber. He explained the change in leadership caused a delay in reporting as mailing addresses needed to be updated. He reported the week prior that the Chamber was finally able to open the proper bank accounts for incoming monies. The next step is to get new furniture, set up emails and phone numbers for the office.

6.B A proclamation, proclaiming April 2024 as Child Abuse Prevention And Awareness Month for the City of Pearsall

The proclamation was read by Mayor Ben T. Briscoe.

6.C A proclamation, proclaiming April 2024 as Fair Housing Month

The proclamation was read by Mayor Ben T. Briscoe.

6.D A proclamation, proclaiming April 2024 as Autism Awareness Month

The proclamation was read by Mayor Ben T. Briscoe.

7. Public Hearing

7.A Open Public Hearing

Mayor Ben T. Briscoe opened the Public Hearing at 6:59 PM.

7.B On the proposed Re-Zoning request by Odyssey Services Group, LLC requesting a zoning change to a General Business District C-3. The Legal description being a 3.632 Acres Survey No. 1416 3/4 Abstract No 734 in the Torres Irrigation and Manufacturing Co, in the City of Pearsall, Frio County, Texas. The property being located at FM 1581 & I-35 Frontage Road. The property is currently zoned Agriculture and Open Space District (A-O).

Assistant City Manager/Community Development Director Yolanda Moran informed the Council of the P & Z Commission's recommendation of approval from the 4/1/2024 meeting and provided the comments from the city's engineering firm, YPR. Rick Hatch from Odyssey stated he was part of the developing firm and would answer any questions and reviewed the site plan with the Council. Ms. Priscilla Ramirez stated the neighboring RV park is causing issues with drainage as they have created a shortcut through the property and added the area does not have streetlights.

7.C Close Public Hearing

Mayor Ben T. Briscoe closed the Public Hearing at 7:07 PM

7.D Open Public Hearing

Mayor Ben T. Briscoe opened the Public Hearing at 7:07 PM.

7.E On a Request for a Land Use Variance/Special Conditions for Luis & Erlinda Lugo allow for a 15'x30' extension to an existing 30'x30' carport on property located at 815 S Walnut. The property's legal description being lot 5 Block 35 Pearsall, Parcel ID 7991, City of Pearsall, Frio County Texas. The property is currently zoned R-1 Single Family Residential.

Mayor called for comments from the public, twice. No questions from the public.

7.F Close Public Hearing

Mayor Ben T. Briscoe closed the Public Hearing at 7:08 PM.

7.G Open Public Hearing

Mayor Ben T. Briscoe opened the Public Hearing at 7:08 PM.

7.H On a request for a Land Use Variance/Special condition for Billy Joe Rodriguez to allow for a 17'x25' carport on property located at 114 S. Plum St. The property's legal description being Lot 5 Block 2 Mercer Addition City of Pearsall, Frio County Texas. The property is currently zoned R-1 Single Family Residential.

Mayor called for comments from the public, twice. No questions from the public.

7.I Close Public Hearing

Mayor Ben T. Briscoe closed the Public Hearing at 7:09 PM.

7.J Open Public Hearing

Mayor Ben T. Briscoe opened the Public Hearing at 7:09 PM.

7.K On a request from Jose & Barbara Arriazola for a Land Use Variance to allow a 15'x20' accessory building steel frame metal roof and an additional 20'x40' storage building to be built on an existing concrete slab on property located at 1108 E. Medina. The property's legal description being Lot(s) 1-3, Block 140 is currently zoned R-1 Single Family.

Mrs. Barbara Arriazola stated the purpose of her application is to allow her to place a storage building on an existing slab of concrete and a carport for lawn mowers.

7.L Close Public Hearing

Mayor Ben T. Briscoe closed the Public Hearing at 7:10 PM.

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

8.A Approval of meeting minutes for the March 12, 2024, Regular Meeting

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

9. **New Business (All items below are action items)**

- 9.A Discuss, Consider and Act on Ordinance No. 2024-04-05 on a request by Odyssey Services Group, LLC requesting to change the Zoning to a General Business C-3. The legal description being 3.632 Acres Survey No. 1416 3/4 abstract No. 734 situated in the Torres Irrigation and Manufacturing Co., in the City of Pearsall, Frio County, Texas. The property is currently zoned Agricultural and Open Space District (A-O).

Council Member Ramiro Trevino voted in favor, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

9.B

Discuss, Consider and Act on the preliminary plat legal description being **TRACT I** being 3.632 acres or 158,213 square feet of land situated in the Torres Irrigation & Manufacturing Co., Survey, Abstract No. 734, Frio County, Texas, being out of a called 17.452 acres tract, Frio County, Texas, recorded in Volume 311, Page 398 of the Deed Records of Frio County, Texas and **TRACT II** being 0.1951 acre of land or 8500 square feet of land situated in the Torres Irrigation and Manufacturing Co. Survey, Abstract No. 734, Frio County, Texas, being wholly located within the right-of-way of FM 1581 (width varies), out of a called 17.452 acres tract, recorded in Volume 311, Page 398 of the Deed Records of Frio County and being part of a called 2.000 acres tract, recorded in Volume 36, Page 180 of the Deed Records of Frio County, Texas.

Council Member Ramiro Trevino voted in favor, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

- 9.C Discuss, Consider and Act on Ordinance No. 2024-04-02 for a Land Use Variance/Special Conditions permit for Jose & Barbara Arriazola to allow a 15'x20' accessory building steel frame metal roof and an additional 20'x40' storage building to be built on an existing concrete slab on property located at 1108 E. Medina. The property's legal description being Lot(s) 1-3, Block 140 is currently zoned R-1 Single Family.

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Brenda Trevino. Assistant City Manager/Community Development Director Yolanda Moran stated 10 letters were sent out and received 4 letters in favor of the placement, no letter of opposition. She added the P&Z Commission recommended approval and set conditions for building and relocation permits. The vote in favor of the motion was unanimous.

- 9.D Discuss, Consider and Act on Ordinance No. 2024-04-03 Land Use Variance/Special Conditions permit for Luis & Erlinda Lugo to allow for a 15'x30' extension to an existing 30'x30' carport on property located at 815 S Walnut. The property's legal description being lot 5 Block 35 Parcel ID 7991, City of Pearsall, Frio County Texas. The property is currently zoned R-1 Single Family Residential.

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Aurora Garza. Assistant City Manager/Community Development Director Yolanda Moran stated the department sent out letters and received 3 in favor and zero against the structure. Council Member Aurora Garza inquired if the applicant was the former code enforcement

officer because if so, that meant he was aware of the regulations regarding the construction of the carport without a permit. After brief discussion Mayor Ben T. Briscoe called for a vote. Due to a lack of vote, the item died.

- 9.E Discuss, Consider and Act on Ordinance No. 2024-04-04 for a Land Use Variance/Special Conditions for Billy Joe Rodriguez to allow for a 17'x25' carport on property located at 114 S. Plum St. The property's legal description being Lot 5 Block 2 Mercer Addition City of Pearsall, Frio County Texas. The property is currently zoned R-1 Single Family Residential.

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Brenda Trevino. Assistant City Manager/Community Development Director Yolanda Moran stated 23 letters were sent out, 2 returned in favor and no other responses were received. City Clerk Krystal Garcia displayed pictures of the property. Mrs. Moran stated the slanted carport may cause drainage and runoff issues with the neighbors as it would fall directly into the property. The entire council voted against the item.

- 9.F Discuss, Consider and Act on the preliminary plat of a 4.998-acre tract of land situated in the City of Pearsall, Frio County, Texas Being Lot 531 Block 1412 of the Ortiz Pablo Addition West 1/2 10-acre tract Subdivision lot 88 of the City of Pearsall according to Plat recorded in Envelope 14 of the Plat Records of Frio County, Texas.

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

9.G

Discuss, Consider and Act on the preliminary plat of Lots 3 & 4, Block O, of the Addition to Pearsall West of 1 & G.N. RR., Volume P, Page 523 of the Deed Records of Frio County, Texas.

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Aurora Garza. Based on the recommendation for approval from the P&Z Commission, the vote in favor of the action was unanimous.

- 9.H Discuss and Consider Ordinance No. 2024-04-01 an ordinance amending the adopted budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024

Council Member Ramiro Trevino motioned to approve, seconded by Council Member Sonia Hernandez. The monies were from the Kate Marmion Grant to be utilized for the renovations to the city's Moreno Park. The vote in favor of the motion was unanimous.

- 9.I Discuss and Consider authorizing the city manager to enter into and execute a license agreement between the City of Pearsall and the Board of Regents of the University of Texas for the use and benefit of the The University of Texas at Austin of approximately a ten foot by ten-foot (10'X 10') area on a portion of city owned property

Council Member Ramiro Trevino motioned to approve, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

- 9.J Discuss, Consider and Act on a Resolution for the selection of administration/project delivery services/construction management service provider(s) to complete project implementation and

for the Homeowner Reconstruction Assistance Program through the HOME Investment Partnerships Program Fund from the Texas Department of Housing and Community Affairs (TDHCA).

Assistant City Manager/Community Development Director Yolanda Moran informed the council of the process taken by the scoring committee comprised of City Manager Fred Reyes, Assistant City Manager/Community Development Director Yolanda Moran, City Clerk Krystal Garcia and Public Works Director Hector Gandara. The scoring committee decided to select Langford after tying with Grantworks solely because Langford showed to have more background with the HOME Investment Partnerships Program Fund. The vote in favor of the motion was unanimous.

- 9.K Discuss and consider awarding a contract for bond counsel services and authorizing the city manager to negotiate and execute a contract with the selected firm

City Manager indicated he would like items K and L to be acted on together as they are associated with one another. Council Member Aurora Garza motioned to approve, seconded by Council Member Sonia Hernandez to select Escamilla & Poneck for bond counsel services and Tijerina, Galvan and Lawrence for financial advisor services. The vote in favor of the motion was unanimous.

- 9.L Discuss and consider awarding a contract for financial advisor services and authorizing the city manager to enter into a contract with the selected firm

City Manager indicated he would like items K and L to be acted on together as they are associated with one another. Council Member Aurora Garza motioned to approve, seconded by Council Member Sonia Hernandez to select Escamilla & Poneck for bond counsel services and Tijerina, Galvan and Lawrence for financial advisor services. 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 8:15 PM.

10.A Discussion regarding the sale, exchange, lease, real value of a property legally described as N50 of 14 Thru 16 Block 5 in Frio County, Pearsall, Texas

10.B Discussion regarding the sale, exchange, lease, real value of a property legally described as a 66.17 acre tract of land out of the Dolores Garcia Survey No. 1408 And J.J. Velasco Survey No. 1410, Frio County, Texas

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

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

Mayor Ben T. Briscoe called the council back into Open Session at 8:56 PM and announced no action was taken during Executive Session.

11.A Discuss and consider the sale of city owned property legally described as N50 of 14 Thru 16 Block 5 in Frio County, Pearsall, Texas

Council Member Aurora Garza motioned to direct the City Manager to negotiate the contract as presented, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

- 11.B Discuss and Consider sale, exchange, lease, real value of a property legally described as a 66.17-acre tract of land out of the Dolores Garcia Survey No. 1408 And J.J. Velasco Survey No. 1410, Frio County, Texas

Council Member Aurora Garza motioned to direct the City Manager to go out for solicitation based off economic development, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

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

Council Member Sonia Hernandez motioned to direct the City Manager to negotiate the contract, seconded by Council Member Brenda Trevino. The vote in favor of the motion was unanimous.

12. Review of Bills Paid

12.A March 2024 Bills Paid

The council did not have questions regarding the bills.

13. General Announcements

City Manager Federico Reyes thanked the volunteers who helped with the recent solar eclipse event, gave details on the police department's coffee and chess event. Council Member Ramiro Trevino announced the walk for Autism awareness to be held on 4/28/2024, ending at the Fireman's Park.

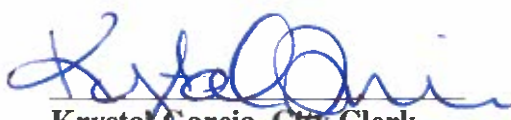
14. Adjournment

There being no further business before the council and a motion made by Council Member Sonia Hernandez, seconded by Council Member Aurora Garza, the meeting adjourned at 9:04 PM.

Approved this May 14, 2024


Ben T. Briscoe, Mayor

ATTEST:


Krystal Garcia, City Clerk