

CITY COUNCIL MINUTES

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

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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 Mayor Pro Tem James Leal (arrived at 6:14 and lost connection at 7:04 PM from Zoom due to technical difficulties), Council Member Ramiro Trevino, Council Member Aurora Garza, Council Member Brenda Trevino, Council Member Sonia Hernandez, Council Member Racheal Garza, Tiffany Talamantes

Council Members Absent: None

Staff Present: City Manager Federico Reyes, Assistant City Manager/Community Development Director Yolanda Moran, City Clerk Krystal Garcia, Business Manager Alex Izarraras, HR Manager Raquel Yanez, 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, Lt. Detective Nathaniel Ximenez, Police Captain Joel Gutierrez

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 December 2023 Staff Reports

Public Works Director Hector Gandara provided an update on ongoing projects and water tanks. Municipal Court Judge Nicolas DeLeon reviewed the OCA report with the Council. Chief of Police Daniel Flores reviewed his reports and spoke regarding the Blue Santa event. Community Development Director Yolanda Moran reviewed her department's reports.

6. Public Hearing

6.A Open Public Hearing

Mayor Ben T. Briscoe opened the Public hearing at 6:25 PM.

- 6.B On a request for a Conditional Use Permit for Celco Partnership d/b/a Verizon Wireless-Tower Owner for an installation of a new wireless transmission facility and all associated equipment on the ground for Verizon Wireless to be located at N Access IH 35 Pearsall, TX. This property is currently zoned A-O Agriculture and Open Space.

Community Development Director Yolanda Moran introduced Lewis Martin on behalf of Verizon Wireless. He stated the city currently has one tower on the southeast side and another on the northeast side would provide better coverage. The added the tower would be available for use by other carriers. Mrs. Moran reviewed her memo to the council to include the proposed comprehensive master plan. No other public comments.

6.C Close Public Hearing

Mayor Ben T. Briscoe closed the Public hearing at 6:31 PM.

6.D Open Public Hearing

Mayor Ben T. Briscoe opened the Public hearing at 6:31 PM.

- 6.E On a request for a Conditional Use Permit for Jose Oscar Leal to place a 15.5'x76' 2011 Fleetwood Manufactured Home on property located at 1953 FM 1581, Pearsall, Texas. Property's legal description being 1071 BS&F Survey No. 1 Abst. 107, Frio County, Texas. The property is currently zoned as A-O; Agriculture and Open Space.

Community Development Director Yolanda Moran summarized the request from the property owner of the 2.00 acre tract. The council did not have questions regarding the request.

6.F Close Public Hearing

Mayor Ben T. Briscoe closed the Public hearing at 6:32 PM.

6.G Open Public Hearing

Mayor Ben T. Briscoe opened the Public hearing at 6:32 PM.

- 6.H On a request for a Conditional Use Permit for Jon Walker Martin to place a 32'x76' 2017 Manufactured Home on property located at 229 N. Peach St. and 304 W. Rio Grande Street. Property's legal description being Lot 1 & 2 Block Q, Pearsall, Texas and is currently zoned as R-1 Single and Two Family Dwelling District.

Community Development Director Yolanda Moran reviewed and summarized the request from the property owner. Will Wolfe, the property owner's son, spoke on Mr. Job Walker Martin's behalf. He stated the manufactured home is too large to fit on one lot as the backside sits on the property line. He added they are currently in the process of replatting so the home can sit in the middle of the lots. Hector Lozano asked what date the application was submitted, number of letters and number of negative responses. Mrs. Moran answered the date of the application was 11/7/2023, 18 letters were sent out and 1 negative response was received.

6.I Close Public Hearing

Mayor Ben T. Briscoe closed the Public hearing at 6:39 PM.

6.J Open Public Hearing

Mayor Ben T. Briscoe opened the Public hearing at 6:39 PM.

- 6.K On a request for a Conditional Use Permit for Rodolfo G. Ortegon, Jr. to place a 30'x56' 2021 Manufactured Home on property located at 315 N. Cherry St. being Lots 3&4 Block O of the City of Pearsall, Frio County, Texas and is currently zoned R-1 Single and Two Family Dwelling District.

Community Development Director Yolanda Moran reviewed and summarized the request from the property owner. The date of the application is 10/16/2023, 13 letters were sent out and 1 negative response was received. Property owner Rudy Ortegon was present and stated he just wants to see if the council will help him place the dwelling for his mother as her house burned. No other public comment was made.

6.L Close Public Hearing

Mayor Ben T. Briscoe closed the Public hearing at 6:41 PM.

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

7.A Discuss and consider minutes from the December 19, 2023, meeting

Council Member Racheal Garza motioned to approve the minutes as presented, seconded by Council Member Tiffany Talamantes. The vote in favor of the motion was unanimous.

8. **Presentations**

8.A Swearing in of newly hired Pearsall Police Officers

Municipal Court Judge Nicolas DeLeon swore in Officer Regina Regino and Officer Mark Davalos. Pictures were taken with the Council.

8.B Presentation from Motormouth Entertainment regarding post report from the Hispanic Heritage Festival

Mr. Albert Martinez reviewed statistics from the festival – 2468 weekend attendance; 97 confirmed hotel room booked for the event; 6 non-profits reached out to participate but only 1 was able to follow through; Servant Motorcycle Club raised \$11,195. Mayor Ben T. Briscoe pointed out his expenses report show payments are still due. Mr. Martinez assured the council all invoices were paid in full. Council Member Ramiro Trevino asked Mr. Martinez to brainstorm on bringing more youth friendly attractions.

8.C Update from Pearsall Police Department regarding police statistics, staffing and related matters

Chief Daniel Flores informed the council of the department's 6 vacancies, to include the positions to be supported by the COPs grant. Council Member Racheal Garza stated she had been receiving calls about minors disturbing neighborhoods. Chief Flores stated he was aware and added his officers are staying busy and pushing to be present.

8.D Presentation regarding improvements of ground and elevated storage tanks at the Cherry and Colorado Water Plants

Public Works Director Hector Gandara updated the Council on the East and North Plant being fully operational. He reported the Cherry Plant project was underway and contractors had already extracted all components for inspection and repair and should be completed by January 10, 2024. The Colorado Plant project was still ongoing and set for completion soon. The council asked Mr. Gandara stated the last time the tank had been maintenance was 40 years ago. Council Member Tiffany Talamantes inquired was the maintenance schedule should be to which Mr. Gandara responded "3 years".

8.E Presentation regarding gas system expenses, revenues and related matters

City Manager Fred Reyes reviewed a presentation with the council that provided the chronology of the gas system since 2020. His presentation included a comparison from 2020 to 2023 in regard to the number of residential, senior and commercial gas customers which showed a decrease of 13.14%. The presentation showed a comparison of revenues to expenses from 2013, 2018, 2023.

9. New Business (Items below are action items)

9.A CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF CITY OF PEARSALL, TEXAS REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THE CITY OF PEARSALL, TEXAS WATER AND WASTEWATER SYSTEM FINDING THAT THE RESOLUTION HAS BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; AND ESTABLISHING AN EFFECTIVE DATE; AND OTHER MATTERS IN CONNECTION THEREWITH

Council Member Aurora Garza motioned to approve, seconded by Council Member Sonia Hernandez. Stacy Barna informed the council that the project has been discussed previously by the council. The funding would cover the cost of design and construction. The financial

advisor stated she would be able to provide the numbers once the application was finalized. The vote in favor of the motion was unanimous.

9.B CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF PEARSALL, TEXAS ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED ON BEHALF OF THE CITY FOR AUTHORIZED PURPOSES, AND OTHER MATTERS IN CONNECTION THEREWITH.

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Brenda Trevino. Manager Fred Reyes stated he would seek reimbursement when the grant funds fell for the \$2.1 million waste water treatment plant project. The vote in favor of the motion was unanimous.

9.C Discuss and consider authorizing proposal, venue and dates from Motormouth Entertainment regarding the 2024 Hispanic Heritage Festival

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Racheal Garza. Mr. Albert Martinez announced the dates for the 2024 Hispanic Heritage Festival would fall on October 11th and 12th. The vote in favor of the motion was unanimous.

9.D Discuss and consider authorizing the city manager to enter into a contract with Capex Resources Group for water, wastewater, and solid waste utility rate analysis services

Council Member Racheal Garza motioned to approve, seconded by Council Member Sonia Hernandez. Mr. Jeff Snowden from Capex Resources Group informed council he was the individual who found the overcharges from the city's solid waste contractor resulting in a large settlement. City Manager Fred Reyes summarized Mr. Snowden's analysis and stated his work provides rate recommendations that will support the system. Mr. Snowden provided 3 options to the council regarding the gas system. Option 1 was to sell the gas system; option 2 was to combine forces with surrounding cities and the 3rd option was to accept the fact of loss. City Manager Fred Reyes asked the council to approve as presented to allow him and Mayor to schedule meeting with surrounding cities about combining forces. Council Member Ramiro Trevino inquired if the cost of living or income level is a factor when determining utility rates. Mr. Snowden replied by saying grants are received because of low income and helps with loan forgiveness but cannot consider income as a factor as he provides the data to help maintain the system, financially. The vote in favor of the motion was unanimous. Approved as presented.

9.E Discuss, Consider and Act on Ordinance No. 2024-01-01 for the Conditional Use Permit for Cellco Partnership d/b/a Verizon Wireless-Tower Owner for an installation of a new wireless transmission facility and all associated equipment on the ground for Verizon Wireless to be located at N Access IH 35 Pearsall, TX. This property is currently zoned A-O Agriculture and Open Space.

Council Member Racheal Garza motioned to approve with recommendations from staff, seconded by Council Member Sonia Hernandez. Mrs. Yolanda Moran stated there is no current ordinance regulated cell tower. The application did not receive opposition from neighboring properties. She stated if approved, plans would be required for review. The vote in favor of the motion was unanimous.

9.F Discuss, Consider and Act on Ordinance No. 2024-01-02 for the Conditional Use Permit for Jose Oscar Leal to place a 15'x76' 2011 Fleetwood Manufactured Home on property located

at 1953 FM 1581, Pearsall, Texas. Property's legal description being 1071 BS&F Survey No. 1 Abst. 107, Frio County, Texas. The property is currently zoned as A-O; Agriculture and Open Space.

Council Member Aurora Garza motioned to approve with recommendations from staff, seconded by Council Member Tiffany Talamantes. The vote in favor of the motion was unanimous.

- 9.G Discuss, Consider and Act on Ordinance No. 2024-01-03 for the Conditional Use Permit for Jon Walker Martin to place a 32'x76' 2017 Manufactured Home on property located at 229 N. Peach St. and 304 W. Rio Grande Street. Property's legal description being Lot 1 & 2 Block Q, Pearsall, Texas and is currently zoned as R-1 Single and Two Family Dwelling District.

Council Member Racheal Garza motioned to approve with recommendations from staff, seconded by Council Member Tiffany Talamantes. Mrs. Yolanda Moran reviewed the memo with the council. The applicant has opted to replat the property as they want to set the home on both lots. She stated the home was already placed without a relocation permit. The vote in favor of the motion was unanimous.

- 9.H Discuss, Consider and Act on Ordinance No. 2024-01-04 for the Conditional Use Permit for Rodolfo G. Ortegon, Jr. to place a 30'x56' 2021 Manufactured Home on property located at 315 N. Cherry St. being Lots 3&4 Block O of the City of Pearsall, Frio County, Texas and is currently zoned R-1 Single and Two Family Dwelling District.

Council Member Racheal Garza motioned to approve with recommendations from staff, seconded by Council Member Sonia Hernandez. Mrs. Yolanda Moran stated the applicant will need to replat as he wants to place the home on both lots. She added he was made aware of this months ago. She added that Mr. Ortegon provided a map from Frio County Appraisal District showing the 2 lots had been combined but that does not make it legal. City Attorney Bobby Maldonado stated state law speaks to property requirements and Frio CAD cannot approve a replat as that falls solely with the council. The current lots were previously approved by council so any changes would need to be approved by council again. Council Member Sonia Hernandez stated she has a board meeting on 1/10/2024 with Frio CAD and would be bringing it up. Mrs. Moran stated the applicant was presented with more than one option but due to him wanting to place the home on both lots, it triggered the replat process. Mr. Ortegon was given 90 day, by the council, to complete the platting process to allow for placement of the manufactured home he applied for. The vote in favor of the motion was unanimous.

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

Mayor called the council into Executive Session at 8:46 PM.

Council Member Tiffany Talamantes left before Executive Session commenced.

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 lease agreement between Rural Texas Broadband and the City of Pearsall

10.B Legal consultation regarding municipal materials management agreement between the City of Pearsall and BFI Waste Services of Texas, LP, a Republic Services Company

11. Open Session (Items below are action items)

Mayor called the council into Open Session at 9:16 PM and announced no action was taken in Executive Session.

11.A Discuss and consider lease agreement between Rural Texas Broadband and the City of Pearsall - **Previously Tabled Item**
Council Member Racheal Garza motioned to terminate the contract and enforce the terms, seconded by Aurora Garza. The vote in favor of the motion was unanimous.

11.B Discuss and consider the municipal materials management agreement between the City of Pearsall and BFI Waste Services of Texas, LP, a Republic Services Company

Council Member Ramiro Trevino motioned to direct the city attorney and city manager to negotiate with Republic as discussed in Executive Session, seconded by Aurora Garza. The vote in favor of the motion was unanimous.

12. Review of Bills Paid

12.A December 2023 Bills Paid

No questions.

13. General Announcements

City Manager Fred Reyes announced a Stakeholder's meeting to be held at the civic center on 1/25/2024. He added the city is applying to AACOG for an air curtain burner. Chief of Police Daniel Flores stated the Governor passed a law restricting local governments from mandating curfews for minors.

14. Adjournment

Council Member Racheal Garza motioned to adjourn the meeting at 9:21 PM, seconded by Council Member Brenda Trevino. The vote in favor of the motion was unanimous.

Approved this February 13, 2024



Ben T. Briscoe, Mayor

ATTEST:



Krystal Garcia, City Clerk