



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
REGULAR MEETING
May 10, 2016**

1. APPROVAL OF AGENDA

2. CALL TO ORDER: Mayor Mary Moore called the meeting to order at 7:00 p.m.

3. ROLL CALL AND ANOUNCEMENT OF A QUORUM:

COUNCIL MEMBERS PRESENT: Mary Moore, Mayor

James H. Leal, Council Member

Vacant, Council Member

Mando Martinez, Council Member -Arrived at 7:04 pm

Julian Hernandez, Mayor Pro Tem

Toby Lopez, Jr., Council Member

COUNCIL MEMBERS ABSENT:

Alex Hernandez, Council Member

Ben Briscoe, Council Member

STAFF MEMBERS PRESENT:

Krystal Garcia, City Clerk

Charles Jackson, City Manager

Monique Diaz, City Attorney

T.J. Mayes

Rudy Alvarez, Finance Director

Ruben Frausto, Human Resource Director

Rebecca Deleon, Planning & Zoning Admin Assistant

Conrad Banda, Utilities Supervisor

Ramiro Otero, Parks & Rec Director

Rudy Olivarez, Street Supervisor

Rudy Carrizales, Gas Superintendent

Peter Salinas, Police Captain

David Medrano, Library Director

The Mayor announced that there was a quorum and proceeded with the meeting.

4. INVOCATIONS AND PLEDGE OF ALLEGIANCE:

Invocation Lead by: Ruben Frausto

Pledge of Allegiance: Lead by all present

5. CITIZENS TO BE HEARD

Gabriel Morales spoke about the drainage issues at the intersection of Chaparral Road and Roosevelt.

Dave Richey congratulated the Council Members for returning to their seats.

6. OLD BUSINESS

A. Discuss and Consider Resolution No. 2016-03-01 to Approve a contract for the purpose of financing “Copsync Hardware and Software”.

Councilman Mando Martinez Motioned to Untable Resolution No. 2016-03-01, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous. City Manager Charles Jackson directed Captain Peter Salinas to speak about his experience with the program. Captain Salinas stated all agencies in the surrounding area use the Copsync program. Captain Salinas urged the Council to approve the resolution so they can continue to utilized the Copsync program. The Council asked City Attorney Monique Diaz if the firm had a chance to review the contract. City Attorney Diaz informed the Council that they were able to review the contract and recommended approval. Mayor Pro Tem Julian Hernandez asked if the funds for the program were in the budget. Finance Director Alvarez informed the Council that it is not in the current budget but the first payment for the program would fall some time in the next fiscal year and would be budgeted in. Councilman James Leal Motioned to Approve Resolution No. 2016-03-01, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

B. Discuss/consider & act regarding Cause No. 2015-CI-11819; styled RAM II General Contractor, Inc. v. City of Pearsall, Robert Viera and LNV, INC.; In the 285th Judicial District Court of Bexar County, Texas.

Councilman Mando Martinez Motioned to Untable the item, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous. City Manager Charles Jackson stated they need to go back into Executive Session for an update. Councilman James Leal Motioned to enter into Executive Session under 551.071 Consultation with Attorney, to Discuss the item. Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

Upon the Council’s return to chambers at 7:36pm a Motion was made by Councilman James Leal, Second by Councilman Julian Hernandez The vote in favor of the Motion was unanimous. No action was taken during Executive Session.

Councilman Mando Martinez Motioned to Table the item. No Second. Motion Died.

7. ACTION TO CONSENT AGENDA

A. Approve minutes of the Regular City Council Meeting of April 12, 2016.

Council Julian Hernandez stated he spotted corrections that needed to be made.

1. Item 9A needed to include that he has translated for the Villanueva family.
2. Item 9G needed to include his inquiry of looking into surrounding cities that do not allow street vendors.
3. Item 17 read the word “collecting”. The City did not “collect” \$500,000 so the verbiage should be changed.

Councilman James Leal Motioned to Approve the minutes with all corrections, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

8. NEW BUSINESS

- A. Discuss and Consider Ordinance 2016-05-01 to approve the Final Plat of the Villarreal Subdivision; establishing Lot (s) 1 and 2, Block 112, Villarreal Subdivision, being a re-subdivision of the Southwest 125' x 125' of Block 112, of the Pearsall Addition, according to a map or plat recorded conveyed in Volume 66, Page 858 of the Deed Records of Frio County, Texas.**

Planning and Zoning Administrative Assistant Rebecca Deleon informed the Council that this item was Approved at the Planning and Zoning Meeting held on May 9, 2016. Councilman James Leal Motioned to Approve Ordinance No. 2016-05-01, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

- B. Discuss and Consider Ordinance 2016-05-02 to approve the Final Plat of the Joe Ayala Subdivision; establishing Lot (s) 1 and 2, Block 113, Joe Ayala Subdivision, being a re-subdivision of the Northeast 65' x 135' of Block 113, of the Pearsall Addition, according to a map or plat recorded conveyed in Volume 21, Page 684 of the Deed Records of Frio County, Texas.**

Planning and Zoning Administrative Assistant Rebecca Deleon informed the Council that this item was Approved at the Planning and Zoning Meeting held on May 9, 2016. Councilman James Leal Motioned to Approve Ordinance No. 2016-05-01, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

- C. Consideration and Approval of Ordinance No. 2016-05-03 Authorizing the issuance of "City of Pearsall, Texas combination tax and limited pledge revenue certificates of obligation, series 2016;" providing for the payment of the certificates by the levy of an Ad Valorem Tax upon all taxable property within the city and further securing the certificates by a lien on and limited pledge of the pledge revenues of the City' WATER AND WASTEWATER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF THE CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF THE CERTIFICATES, AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AND AN INVESTMENT LETTER OF PURCHASER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Robert Tijerina advised the Council that only two (2) bids were submitted. Mr. Tijerina provided presentation material to inform the Council of the different options the City was able to pay off the debt. City Manager Charles Jackson advised the Council that once the Ordinance is Approved the City will have to pay the debt off and the course of action to pay off the debt does not have to be decided tonight. Councilman Julian Hernandez Motioned to Approve Ordinance No. 2016-05-03,

Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous

- D. Discuss proposed ordinance setting the amount for requirements to go for RFP, RFG, and/or bids for special services, services, equipment or parts needed.**
- E. Discuss requiring public procurement for all expenditures exceeding \$5,000.**

City Manager Charles Jackson advised the Council that this item was requested by Council. Councilman James Leal stated Items D and E are tied in together. He added that this has been discussed in the past months. He further explained that State Law allows the City Manager \$50,000 and would like to lower the limit due to reasons in the past. Councilman Julian Hernandez asked constraint this would place on City Departments. City Manager Charles Jackson advised it would cause constraints on a lot of day to day things. Councilman James Leal announced that he did not necessarily want everything to be brought before the Council all the time but would like to go out for competitive bids. City Manager Charles Jackson stated this has been discussed before and is not sure if that needs to be set in place by ordinance or policy. Councilman James Leal stated that RFQs need to be brought before the Council for projects and day to day items can go through the City Manager with 3 competitive bids and not repeatedly using the same companies. Councilman Julian Hernandez stated to keep local business in mind. City Manager Charles Jackson explained the "Local Vendor preference" he utilized in the County he previously managed. He added a policy draft would be ready by the next meeting.

- F. Discussion on proposed three (3) day special use permit for vendors within city limits.**

City Manager Charles Jackson reviewed a draft ordinance with the Council and requested comments and input. He explained how this draft ordinance is separate from the "Transient Vendor Ordinance". Councilman Julian Hernandez inquired what applies to transient vendors who come in on the weekends to sell their items. City Manager Charles Jackson explained that is covered in the "Transient Vendor Ordinance". He feels this ordinance lacks the requirement for proof of a Tax ID and reassured the Council that law enforcement is checking every vendor for permits. Councilman Julian Hernandez advised Mr. Jackson that the requirements for a Food Handlers Licenses are not in the picture and needs to be enforced. City Manager Charles Jackson informed Councilman Hernandez that because we do not have someone who is certified we cannot make sure they are meeting the requirements. He added that State Inspectors can show up at any festival on their own but don't have to come if we call them. Councilman James Hernandez stated that transient vendors took away business from local businesses during the Mother's Day weekend and would like for the City Manager to look into not allowing transient vendors. Councilman James Leal asked at what rate the permit would be sold. City Manager Charles Jackson stated the current rate is \$25 for the 3-day permit per event. Councilman Julian Hernandez stated within the Ordinance it needs to stipulate that this pertains to just festivals. City Attorney suggested changing the title of the permit. Councilman James Leal stated that event holders should pay for permits by the amount of booths they will have.

G. Discussion on proposed Utility Ordinance with one-time Amnesty Provision.

City Manager provided an update on the Utility Ordinance with one-time Amnesty Provision being drafted. The 3 options to be implemented are:

1. The delinquent customer can pay the entire bill and have all late fees dropped.
2. The delinquent customer can pay out their past due balance in 12-month plan and have the late fees dropped by 50%. They are required to pay their monthly bill plus 1/12 of their past due fees.
3. The delinquent customer will not have the late fees dropped and must pay their current bill plus 5% of the past due balance.

If the customer fails to make a payment all late fees will be reapplied and must be paid within 30 days or services will be disconnected. Councilman Hernandez asked if a customer selects and completes a payment option can they become delinquent again. Finance Director Rudy Alvarez advised that within 30 days of the new delinquency services will be disconnected. Hardship cases will be given an additional 15 days.

H. Discuss and/or Approve Interlocal Maintenance Agreement with Pearsall ISD, and Frio County for the Pearsall Public Swimming Pool.

City Manager Charles Jackson asked Parks and Rec Director Ramiro Otero to speak on the agreement. Mr. Otero advised Council the City has been paying the same amount annually \$11,454 and last year's payment increased. Councilman James Leal asked what entity does the pool belong to. Mr. Otero informed the Council that the pool is under the grant the County received years ago. City Manager Charles Jackson informed the Council of the 5-year agreement between the PISD, Frio County, and the City of Pearsall splitting the cost 3 ways. The cost for the first year was used as a starting point to establish the portions the entities would pay. Over the years, maintenance costs for the pool rose, leaving the school to pay a larger portion. PISD was advised by their auditors that per the agreement they could not pay a higher percentage than the other entities. Mr. Jackson further explained that it is time for a new agreement. The school looked at the cost to run the pool for that past 5 years and came up with the new annual payment of \$23,500 per entity. Parks and Rec Director advised the Council that his program uses the pool for 8 weeks out of the year. City Manager Charles Jackson advised the Council that the County passed the Agreement at their meeting yesterday. Councilman Julian Hernandez asked where the increase in cost is coming from. City Manager Charles Jackson informed him that the majority is going to the cost of chemicals; this past year the pool used around \$40,000.

Mayor Mary Moore called for a Motion. No Motion was made. Item Died.

I. Discuss and Consider Resolution No. 2016-05-01 to approve a request form the Parks and Recreation Department to coordinate and Sponsor the fourth of July Celebration; to approve street closures; and to expend funds not to exceed \$15,000 for planned event activities.

Parks and Rec. Director Ramiro Otero provided a breakdown of what the festival will consist of. He would like to hold a 2-day event this year, beginning on July 1st and ending on July 2nd. Vendor booths, live music, jumping castles, and a firework display is to be expected. He informed the Council that the event will be across from the Library, the same as last year. Mayor Mary Moore asked why the City cannot host the event at the Sports Complex. Mr. Otero explained that we do not have enough power to hold that big of an event. Councilman Mando Martinez Motioned to Approve Resolution No. 2016-05-01, Second by Councilman Julian Hernandez. The vote in favor of the Motion was unanimous.

J. Discuss and Consider setting a date for a Public Hearing regarding the De-Annexation of Gilliam Road.

City Manager Charles Jackson explained to the Council that the advice of the City Attorney Bobby Maldonado the City should hold a Public Hearing for the Dis-annexation of Gilliam Road. After a brief discussion of the date Councilman James Leal Motioned to hold the Public Hearing during the Regular Council Meeting on June 14, 2016 at 7:00pm at City Hall. Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

K. Discuss and Consider Resolution No. 2016-05-02 Allowing City Council to Direct City Manager to continue with Impact Fee Ordinance.

City Manager Charles Jackson explained to the Council that this resolution is a product of the presentation done weeks prior allowing him to move forward with the process. Councilman James Leal Motioned to Approve Resolution No. 2016-05-02, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

Discuss previously Approved Ordinance No. 2015-12-05, Resolution No. 2015-12-13, and Resolution No. 2015-12-14.

Councilman James Leal stated he would personally like to have the ordinance that pertains to 30.06 removed but agrees with ordinance pertaining to 30.07. Councilmember inquired into what this removal would do. Mayor Mary Moore explained that the removal would allow for citizens to “conceal carry” on City Property. Finance Director Rudy Alvarez announce that he would not conduct business with anybody carrying a gun. Dave Richey asked for Councilman James Leal’s justification for this request. Councilman James Leal explained that in the event of a disturbance it is faster for someone conceal carrying to respond than an officer. Finance Director Rudy Alvarez stated that he believes this will be cure where there is not a problem. City Manager Charles Jackson explained the difference between individuals who “open carry” and “conceal carry”. Open carry can be done by anyone and people who conceal carry have to have a background check done. Mr. Alvarez said that state law requires background checks for both. Mr. Jackson corrected him stating anyone can open carry with the 2nd Amendment Right. Councilman James Hernandez stated an individual can walk around with a rifle or shotgun and would be covered by the 2nd Amendment. Mr. Alvarez stated he

would call the police if an individual were to walk in with a rifle. Mr. Jackson informed Mr. Alvarez that law enforcement would not be able to do anything about it. He further explained that if a person carrying would like to conduct business with the City they would have to take their gun outside. Mr. Jackson stated he does not get to tell them they cannot exercise their Constitutional Rights. He explained that one of the largest lawsuits in New Mexico was pertaining to the violation of someone's 2nd Amendment Right. City Attorney T.J. Mayes explained the Council the options in which the City could prohibit the public from entering City property with a firearm. City Attorney Monique Diaz added that the current ordinance in place is not accurate and is trumped by state law. City Manager Charles Jackson recommended for legal counsel to look at the existing resolutions in place and revise them to bring them in accordance with state law. Councilman James Leal stated that no one can carry in Municipal Court. City Attorney T.J. Mayes asked for clarification on what the Council would like in the revised resolutions. Mayor Mary Moore and Councilman James Leal stated they would like to permit concealed carry on City property.

9. EXECUTIVE SESSION -In accordance with Texas Government Code Chapter 551, Subchapter D: Section 551.071 & 551.072 & 551.074

A Motion to enter into Executive Session to discuss item 6B was made by Councilman James Leal, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous and the Council went into Executive Session at 7:14pm.

A Motion to enter into Executive Session made by Councilman Toby Lopez, Jr., Second by Councilman James Leal. The vote in favor of the Motion was unanimous and the Council went into Executive Session at 8:57pm.

- A. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues.**
- B. Consultation with attorney regarding Cause No. 2015-CI-11819; styled RAM II General Contractor, Inc. v. City of Pearsall, Robert Viera and LNV, INC.; In the 285th Judicial District Court of Bexar County, Texas**
- C. Consultation with Attorney regarding Tammy S. Frausto vs. City of Pearsall. Civil Action No. 15-09-00347CVF, in the 81st District Court, Frio County, Texas.**
- D. Consultation with Attorney regarding Yolanda Salinas vs. City of Pearsall, Civil Action No. 14-03-00091 in the 218th District Court, Frio County, Texas.**
- E. Robert Tobias vs. City of Pearsall, Civil Action No. 13-10-00414CVF in the 218th District Court, Frio County, Texas.**
- F. Paul A. Zepeda vs. City of Pearsall, Civil Action No. 15-09-00351CVG in the 218th District Court, Frio County, Texas.**
- G. Discuss and Consider the Vehicle Allowance Clause of the City Manager's Contract.**

H. Discussion of Pearsall Police Department former evidence room and related issues.

Upon the Council's return to chambers at 9:43pm a Motion was made by Councilman Mando Martinez, Second by Councilman Toby Lopez, Jr. The vote in favor of the Motion was unanimous.

Mayor Mary Moore announced No Action was taken during Executive Session.

OPEN SESSION

10. Discuss/consider & act regarding Cause No. 2015-CI-11819; styled RAM II General Contractor, Inc. v. City of Pearsall, Robert Viera and LNV, INC.; In the 285th Judicial District Court of Bexar County, Texas."

Item previously died.

11. Consideration and action regarding Pearsall Police Department former evidence room and related issues.

Councilman James Leal motioned to direct the City Manager along with Peter Salinas to work alongside legal counsel to solve the problem. Second by Councilman Toby Lopez, Jr. The vote in favor of the Motion was unanimous.

12. Discuss and Consider the Vehicle Allowance Clause of the City Manager's Contract.

Councilman James Leal Motioned to Table the item, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

13. City Manager's Report.

City Manager Charles Jackson reviewed his report for the month of April. He covered: The City's Cinco de Mayo event, standing on vendor permits, status of the manhole project, Dilley ground breaking, National Day of Prayer, Pearsall PD Auction, Dilapidated building update, Council tablets, Newspaper column, and congratulated the returning Councilmembers. He announced all City Department heads are required to submit a monthly report to be reviewed by the Council and members of the public.

14. Waste Water Supervisor Report.

Waste Water Supervisor Conrad Banda announced that from the Waste Water Treatment Plant solid level went from a 71 down to 53.6 because of the extra bin being used and wasting 3 times a week.

15. Approval to pay bills.

Councilman James Leal inquired into the bill for South Texas BRC. City Department heads informed the Council the company has performed a lot of services for the City at different sites. Councilman James Leal announced that there are local people who are certified on the TDLR website. He listed a Mr. Salinas from A-1, and Joe Vela. The Department head advised that Mr. Salinas does not want to work with the City.

City Manager Charles Jackson stated he has not seen the TDLR website. Councilman Julian Hernandez asked what were the responsibilities of South Texas BRC with the last City event. City Manager Charles Jackson stated they provided and ran the generators and "pigtailed" throughout the night. Councilman Julian Hernandez asked if the individuals were on payroll. City Manager Charles Jackson advised him that they worked throughout the night by contract. Councilman Julian stated he believes there are local contractors who can do the work. City Manager Charles Jackson stated he would find out the next day. Councilman Mando Martinez stated that when the City continues to use the same company it's not competitive. He added that he and Councilman Julian Hernandez witnessed the South Texas BRC work crew drinking the entire night. City Attorney Monique Diaz alerted the Council they should stay on the topic of Approving the payment of bills and refrain from speaking about the actions of individuals. Finance Director Rudy Alvarez provided the Council with invoices for the month of April. Councilman Toby Lopez, Jr. inquired into whether or not the City will be putting an end to the use of contractors with delinquent utility accounts. Councilman Mando Martinez Motioned to Approve payment of bills, Second by Councilman Toby Lopez, Jr. The Council voted (3) For and (1) Against. Councilman Toby Lopez, Jr., Councilman Julian Hernandez, and Councilman Mando Martinez voted For. Councilman James Leal voted Against and announced he did not like the invoices. Motion Passes.

16. City Council Inquiries For Staff And/Or Items For Future Agendas – NO DISCUSSION OR ACTION ON ANY OF THESE ITEMS AT THIS TIME.

Councilman Julian Hernandez requested to have a Strategic Planning Workshop for a Master Plan.

Councilman James Leal requested to look into creating a position for a City Electrician. He added to have all change orders from contractors be placed before the Council.

Councilman Julian Hernandez requested to review the election process to get a better understanding of what needs to be considered for the next election. He added that in the near future he would like to have training on Council Procedures for meetings and conduct.

17. General Announcements

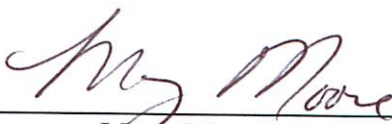
City Attorney Monique Diaz introduced the Council to the new City Attorney, T.J. Mayes.

18. ADJOURNMENT

There being no further business before the council the meeting adjourned at 10:09 p.m.

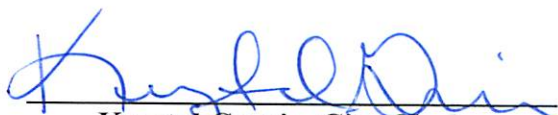
Approved this 14th day of June, 2016.

APPROVED:



Mary Moore, Mayor

ATTEST:



Krystal Garcia, City Clerk



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
SPECIAL MEETING
May 17, 2016**

- 1. APPROVAL OF AGENDA**
- 2. CALL TO ORDER:** Mayor Mary Moore called the meeting to order at 7:01 p.m.
- 3. ROLL CALL AND ANOUNCEMENT OF A QUORUM:**

COUNCIL MEMBERS PRESENT: Mary Moore, Mayor
James H. Leal, Council Member
Alex Hernandez, Council Member
Julian Hernandez, Mayor Pro Tem
Vacant, Council Member
Ben Briscoe, Council Member
Toby Lopez, Jr., Council Member

COUNCIL MEMBERS ABSENT: Mando Martinez

NEWLY ELECTED COUNCIL MEMBER: Brenda L. Treviño

STAFF MEMBERS PRESENT: Charles Jackson, City Manager
Krystal Garcia, City Clerk
Bobby Maldonado, City Attorney
Ramiro Otero, Parks and Recreation Director
Ruben Frausto, Human Resource Director
Xavier Antu, Community Development Director

The Mayor announced that there was a quorum and proceeded with the meeting.

- 4. INVOCATIONS AND PLEDGE OF ALLEGIANCE:**

Invocation Lead by: Ruben Frausto

Pledge of Allegiance: Lead by all present

- 5. CITIZENS TO BE HEARD**

NONE

- 6. NEW BUSINESS**

A. Canvassing of Municipal Election Results

- 1. Discuss and Approve Resolution No. 2016-05-03 of the City of Pearsall canvassing the returns and declaring the results of the Regular Municipal Election held on the 7th day of May, 2016, for the purpose of electing four (4)**

City Council Members (Places No. 1, 2, 3, and 4) pursuant to the City of Pearsall Home Rule Charter and other matters in connection there with.

City Manager Charles Jackson read Resolution No. 2016-05-03 out loud. Mayor Pro Tem Julian Hernandez Motioned to Approve Resolution No. 2016-05-03, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

2. Swearing in of newly elected Council Members.

Municipal Court Judge administered the Oath of Office to Councilwoman Brenda L. Treviño, Mayor Pro Tem Julian Hernandez, and Councilman James Leal. After taking the oath, the newly elected Council Members took their seats.

3. Approve Resolution No. 2016-05-04 to Appoint a Mayor Pro-Tem.

Councilman James Leal stated he would like for all Councilmembers to be present for the Appointment of the Mayor Pro Tem. Councilman James Leal Motioned to Table Resolution No. 2016-05-04, Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the Motion was unanimous.

4. Discuss and Approve Resolution No. 2016-05-05 of the City of Pearsall canvassing the returns and declaring the results of the Regular Municipal Election held on the 7th day of May, 2016, for the purpose Approving or Disapproving the adoption of thirty-six (36) Amendments to the City Charter Proposed by the Charter Review Commission of the City of Pearsall, Texas, and other matters in connection there with.

City Manager Charles Jackson advised the Council that City Attorney Bobby Maldonado informed him that reading Resolution No. 2016-05-05 out loud is not required. Councilman James Leal Motioned to Approve Resolution No. 2016-05-05, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

5. Discuss and/or Approve Interlocal Maintenance Agreement with Pearsall ISD, and Frio County for the Pearsall Public Swimming Pool.

Pearsall ISD Superintendent Dr. Nobert Rodriguez provided the Council with the Memorandum of Understanding (MOU) from 2011 along with documentation showing an overview of the recent years' financials for the pool. Dr. Nobert Rodriguez explained the contents of the updated MOU and why the amount of the 3 entities' portions in the agreement have risen. Parks and Recreation Director Ramiro Otero addressed the Council on both the amount in question and the need of the Pool and school facilities for his Summer Rec Program. City Manager Charles Jackson informed the Council that he mentioned to Dr. Nobert Rodriguez the implantation of an Advisory Committee comprised of 1 City Council Member, 1 County Commissioner, and 1 PISD School Board Member, but did not see it mentioned in the new MOU. Councilman James Leal stated he had 3 questions to ask. The first being, "Is the cost of this in the budget?" Councilman James was informed that the \$23,500 would not have to be paid until the next fiscal year. The Second question was if the City's legal counsel had a chance to review the agreement. City Attorney Bobby Maldonado stated, "Yes, and we are fine with

the MOU.” Councilman James Leal’s final question was if the PISD would be able to provide the City with an annual report of the pool’s financials. Dr. Nobert Rodriguez advised the council that the ISD would be able to provide one because their budget is done 1 month ahead of the City’s. Councilman James Leal Motioned to Approve the Interlocal Maintenance Agreement with the addition of the Advisory Committee. Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the Motion was unanimous.

At 7:39 pm, Mayor Mary Moore announced that a small meet and greet for the newly elected Council Members would take place in the lobby. The City furnished cookies and punch for all in attendance. The Council ended the reception and returned to Council Chambers at 7:56 pm.

7. EXECUTIVE SESSION-In accordance with Texas Government Code Chapter 551, Subchapter D: Section 551.071

A Motion to enter into Executive Session was made by Councilman James Leal, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous and the Council went into Executive Session at 7:57 pm.

- A. Consultation with Attorney regarding Tammy S. Frausto vs. City of Pearsall. Civil Action No. 15-09-00347CVF, in the 81st District Court, Frio County, Texas.**
- B. Consultation with Attorney regarding Yolanda Salinas vs. City of Pearsall, Civil Action No. 14-03-00091 in the 218th District Court, Frio County, Texas.**
- C. Robert Tobias vs. City of Pearsall, Civil Action No. 13-10-00414CVF in the 218th District Court, Frio County, Texas.**
- D. Paul A. Zepeda vs. City of Pearsall, Civil Action No. 15-09-00351CVG in the 218th District Court, Frio County, Texas.**

Upon the Council’s return to chambers at 9:03 pm a Motion was made by Councilman James Leal, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

Mayor Mary Moore announced no Action was taken during Executive Session.

OPEN SESSION

8. City Council Inquiries For Staff And/Or Items For Future Agendas – NO DISCUSSION OR ACTION ON ANY OF THESE ITEMS AT THIS TIME.

Councilman Toby Lopez, Jr. requested to have a Strategic Planning Workshop. City Manager Charles Jackson advised the Council that this request had been previously made and is in the works. Mayor Pro Tem Julian Hernandez reminded City Manager of his previous request pertaining to a City Council Workshop on Ethics.

Councilman Toby Lopez, Jr. requested an update on the delinquent utility accounts. Mayor Pro Tem Julian Hernandez inquired into the results of sending out letters to the owners of downtown dilapidated buildings.

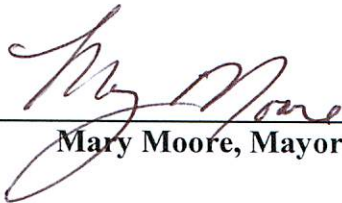
9. General Announcements

Councilman Ben Briscoe advised City Manager Charles Jackson that the basic balance sheet he had requested from Finance Director Rudy Alavarez was not in the previous meeting's packet. City Manager Charles Jackson stated it was included in the Manager's Report in a separate packet and reassured him he would get a copy soon.

10. Adjournment

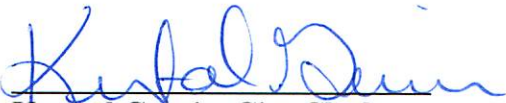
There being no further business before the council and a Motion by Councilman James Leal the meeting adjourned at 9:08 pm.

Approved this 14th day of June, 2016.



Mary Moore, Mayor

ATTEST:



Krystal Garcia, City Clerk



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
EMERGENCY MEETING
May 23, 2016**

1. APPROVAL OF AGENDA

2. CALL TO ORDER: Mayor Mary Moore called the meeting to order at 6:02 p.m.

3. ROLL CALL AND ANOUNCEMENT OF A QUORUM:

COUNCIL MEMBERS PRESENT: Mary Moore, Mayor
James H. Leal, Council Member
Mando Martinez, Council Member
Julian Hernandez, Council Member
Brenda L Treviño, Council Member
Ben Briscoe, Council Member
Toby Lopez, Jr., Council Member

COUNCIL MEMBERS ABSENT: Alex Hernandez, Council Member

STAFF MEMBERS PRESENT: Charles Jackson, City Manager
Krystal Garcia, City Clerk

The Mayor announced that there was a quorum and proceeded with the meeting.

4. INVOCATIONS AND PLEDGE OF ALLEGIANCE:

Invocation Lead by: Dave Richey

Pledge of Allegiance: Lead by all present

5. NEW BUSINESS

A. Discuss and Consider Approving emergency expenditures for sewer line leak on West Colorado Street between South Willow Street and South Mulberry Street.

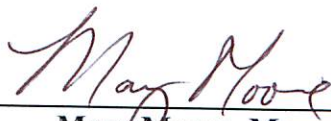
City Manager Charles Jackson provided the Council with a packet containing 2 maps of the area where the leak is suspected to be located along with a quote from the contractor brought on to fix the sewer line leak, Lopez Utilities Contractor, LLC. City Manager Charles Jackson provided a brief timeline starting from the time the sewer smell was reported to present time. He referred to the maps to better show the Council where they believe the break is located. He recommended "pipe blasting" between the manholes on Mulberry Street and Willow Street and reassured the Council that this method would completely replace the pipe and not just mend the break. City Manager Charles Jackson informed the Council of the serious problems with the manholes they have discovered. He advised the Council that they did in fact find some fish floating in

the water by 11 am this mornin. He provided a list of the media outlets in which the City was obligated to notify per TCEQ. Mr. Jackson stated that if the Council Approved the quote the company would begin work, if not tomorrow, no later than Wednesday. Rick Garcia from LNV advised City Manager Charles Jackson that the company would be calling on Tuesday for locates so they can begin work on Wednesday morning. He also provided an explanation of the process that will be taking place to fix the broken sewer line. Councilman Julian Hernandez asked how many feet is needing to be fixed. City Manager Charles Jackson stated the amount would be 430 feet to cover 3 manholes. He added this matter should have been taken care of 10 years ago. Councilman Ben Briscoe requested an estimate of how many miles of the City lines are made of clay. Rick Garcia from LNV advised the Council that they are not entirely sure. As they are doing projects throughout the City they are notating their findings. Councilman James Leal asked if Lopez Utilities Contractor, LLC is the only company around capable of completing the job. Rick Garcia from LNV informed the Council that this company was the only one available. He added that 2 other companies were asked for quotes but would not be available soon enough. Councilman Ben Briscoe inquired as to what TCEQ could possibly do to the City for the sewer line break. City Manager Charles Jackson explained that the TCEQ inspector on site is a low level employee and is not authorized to issue citations or fines. He further explained that because this sewer line break was close in time and proximity to the previous break he was not certain what steps TCEQ would take. Rick Garcia from LNV informed the Council that TCEQ penalizes by the thousands of gallons being released and if it rains the water that falls in and becomes contaminated will be counted and the cost will become higher and higher as the levels rise. Councilman James Leal inquired into how do they figured how many gallons has leaked out. City Manager Charles Jackson informed the Council that on San Antonio Street there is a "drop" in that area and believes they are measuring that "drop". He provided an estimate of around 20,000 gallons as of today. Rick Garcia from LNV informed the Council that the previous break had leaked over 100,000 gallons. City Manager Charles Jackson received information from Waste Water Supervisor Conrad Banda that the samples they pulled today contained more oxygen than the samples from the previous sewer line break. Councilman Julian Hernandez Motioned to Approve emergency expenditures, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

6. Adjournment

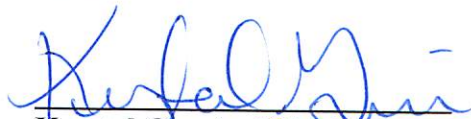
There being no further business before the council and a Motion by Councilman Mando Martinez the meeting adjourned at 6:37 pm.

Approved this 14th day of June, 2016.



Mary Moore, Mayor

ATTEST:



Krystal Garcia, City Clerk



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
SPECIAL MEETING
May 31, 2016**

- 1. APPROVAL OF AGENDA**
- 2. CALL TO ORDER:** called the meeting to order at 7:02 p.m.
- 3. ROLL CALL AND ANOUNCEMENT OF A QUORUM:**

COUNCIL MEMBERS PRESENT: James H. Leal, Council Member
Alex Hernandez, Council Member
Julian Hernandez, Council Member
Ben Briscoe, Council Member
Brenda Treviño, Council Member
Toby Lopez, Jr., Council Member
Mando Martinez, Council Member

COUNCIL MEMBERS ABSENT: Mary Moore, Mayor

STAFF MEMBERS PRESENT: Krystal Garcia, City Clerk

Councilman Julian Hernandez announced that there was a quorum and proceeded with the meeting.

- 4. INVOCATIONS AND PLEDGE OF ALLEGIANCE:**

Invocation Lead by: Ben Briscoe
Pledge of Allegiance: Lead by all present

- 5. CITIZENS TO BE HEARD - NONE**

- 6. COUNCIL WORKSHOP**

- A. Training on Surface Pro Tablets for Elected Officials.**

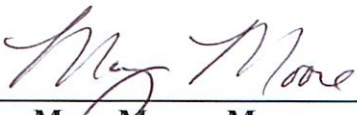
City Clerk Krystal Garcia assisted the Council Members with setting up their BoardBook accounts. Councilman Mando Martinez, Councilman Alex Hernandez, and Councilman Ben Briscoe required new passcodes to their Rackspace E-Mail accounts. City Clerk Krystal Garcia attempted to make contact with Tech Support Tony Holguin but was unable to. Public Works Director Xavier Antu was contacted and provided the City Clerk with the administrative login to reset the account passcodes. The proposed policy and release forms for the Surface Pro Tablets were provided to all Council Members. After a general review and brief discussion of the contents of the forms City Clerk Krystal Garcia recommended the Council to take them home for personal review. The Council was advised that if any questions should arise the City Manager would be available on Tuesday to discuss them. Councilman Julian Hernandez asked if the Council would be able to organize the bills within Boardbook. City Clerk Krystal Garcia informed

Councilman Julian Hernandez that she was not sure of that yet but would find out. Councilman Ben Briscoe stated that when it comes to the budget some things are better printed and asked if a paper copy would be available to them. City Clerk Krystal Garcia advised the Council paper copies would be available upon request.

ADJOURNMENT

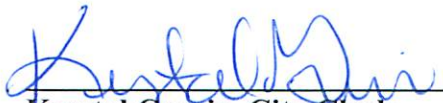
There being no further business before the council and a motion by Councilman James Leal, Second by Councilman Mando Martinez the meeting adjourned at 7:52 pm.

Approved this 14th day of June, 2016.



Mary Moore, Mayor

ATTEST:



Krystal Garcia, City Clerk