



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
REGULAR MEETING
April 12, 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

Alex Hernandez, Council Member -Arrived at 7:01 pm

Vacant, Council Member

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

Julian Hernandez, Mayor Pro Tem

Toby Lopez, Jr., Council Member

Ben Briscoe, Council Member

STAFF MEMBERS PRESENT:

Krystal Garcia, City Clerk

Charles Jackson, City Manager

Monique Diaz, City Attorney

Rudy Alvarez, Finance Director

Ruben Frausto, Human Resource Director

Xavier Antu, Public Works/Comm. Dev. Director

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: David Medrano

Pledge of Allegiance: Lead by all present

5. CITIZENS TO BE HEARD

Dave Richey gave a post report on the Frio Vision Live Market Days event and thanked the Council for their participation.

6. ACTION TO CONSENT AGENDA

A. Approve minutes of the Regular City Council Meeting of March 8, 2016.

B. Approve minutes of the Special City Council Meeting of March 18, 2016.

C. Approve minutes of the Special City Council Meeting of March 21, 2016.

D. Approve minutes of the Special City Council Meeting of March 28, 2016.

Councilman James Leal motioned to Approve all minutes, Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the Motion was unanimous.

7. PRESENTATIONS

A. Presentation by City Attorney Monique Diaz on Impact Fees.

City Attorney Monique Diaz presented all necessary information regarding Impact fees to the Council via PowerPoint. Questions from the Council were answered by City Attorney Monique Diaz and City Manager Charles Jackson.

8. OLD BUSINESS

A. Discuss and Consider Ordinance No. 2016-03-01 to Approve an advertising sign Lease Agreement between SALMON & HAAS as Lessees and the City of Pearsall as Lessor.

Councilman Mando Martinez Motioned to Untable Ordinance No. 2016-03-01, Second by Councilman Alex Hernandez. The vote in favor of the Motion was unanimous.

City Manager Charles Jackson recommended the Council deny the Ordinance because the billboard in question would not be allowed to go up under the new guidelines that are up for approval. Councilman James Leal motioned to deny Ordinance No. 2016-03-01, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

B. Discuss and Consider Resolution No. 2016-01-11 to Approve MuniGas cash payment terms.

Councilman James Leal Motioned to Untable Resolution No. 2016-01-11, Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the Motion was unanimous.

City Manager Charles Jackson informed the Council of the conversations with MuniGas Representative Jim Smith and stated he feels comfortable with the terms. Councilman James Leal Motioned to Approve Resolution No. 2016-01-11, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

9. NEW BUSINESS

A. Public Hearing

1. Open Public Hearing

- a. On the proposed Conditional Use Permit requested by Jose Villanueva to allow for the placement of a 1982 Single Wide Mobile Home to be located at 221 N. Peach Street, City of Pearsall, Frio County, Texas and subject to the general conditions of Section 23 of the City's Mobil Home Ordinance.**

2. Close Public Hearing

Councilman Mando Martinez Motioned to Open the Public Hearing, Second by Councilman Toby Lopez, Jr. Mayor Pro Tem Julian Hernandez translated for the Villanueva family from English to Spanish. The vote in favor of the Motion was unanimous and the Public Hearing Opened at 7:27 pm. Mayor asked for comments from the citizens present. Community Development Director Xavier Antu advised the Council this item was approved at the Planning and Zoning Meeting on March 14, 2016. The Council asked Mr. Jose Villanueva if he had anything comments to which he stated he is only asking for the Council's Approval. There being no comments from the public the Mayor called for a Motion to Close the Public Hearing. Councilman James Leal Motioned to Close the Public Hearing, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous and the Public Hearing closed at 7:28 pm.

B. Discuss and Consider Ordinance No. 2016-04-01 to approve Conditional Use Permit requested by Jose Villanueva to allow for the placement of a 1982 Single Wide Mobile Home to be located at 221 N. Peach Street, City of Pearsall, Frio County, Texas and subject to the general conditions of Section 23 of the City's Mobil Home Ordinance.

Councilman Mando Martinez Motioned to Approve Ordinance No. 2016-04-01, Second by Councilman James Leal. The vote in favor of the Motion was unanimous. Mr. Jose Villanueva stood up and gave thanks to the Council for approving the item.

C. Discuss and Consider Interlocal Agreement with Frio County to level the practice fields at the intersection of Willow Street and Ward Street.

City Manager Charles Jackson explained to the Council of the contents of the agreement. Councilman James Leal Motioned to Approve the Agreement, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

D. Discuss and Consider Resolution No. 2016-04-01 appointing 3 members to the HOT Tax Funds Committee.

Councilman James Leal nominated Dave Richey, and Norman Parsons. Mayor Mary Moore nominated Peggy Fudge. All nominees accepted. Councilman James Leal Motioned to Approve Resolution No. 201-04-01, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

E. Discussion and Consider Ordinance No. 2016-04-02 Regulating Billboards on City-owned property.

After a brief discussion of the billboard guidelines Councilman James Leal Motioned to Approve Ordinance No. 2016-04-02 with the following changes: Billboard permit cost is to be \$500 and an annual fee of \$120 per square foot of the surface of the billboard. Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

F. Discuss and Consider establishing an Ordinance for a three (3) day special use permit for vendors in city limits.

City Manager Charles Jackson and City Attorney Monique Diaz asked the Council what they would like to include in the Ordinance so a draft can be done. Mayor Pro Tem Julian Hernandez asked for the City Manager to look into surrounding municipalities that do not allow transient vendors. Council stated non-profit fundraisers should be exempt from obtaining a permit. Councilman James Leal Motioned to give the City Manager and City Attorney the directive to establish an Ordinance, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

G. Discuss and Consider Resolution No. 2016-04-02 to approve a Lease Agreement with Frio County for the use of election voting equipment, supplies, and to authorize the City Manager to execute said lease agreement along with Ballot Service Contract.

Councilman James Leal Motioned to Approve Resolution No. 2016-04-02 with the addition of 4 counting clerks, Second by Councilman Mando Martinez. The vote in favor of the Motion was unanimous.

H. Discuss and Consider Resolution No. 2016-04-03 to declare certain city-owned equipment and property as surplus property and to authorize the City Manager to hold a City Auction of said declared surplus property.

After a brief discussion of the contents of the auction list Councilman James Leal Motioned to Approve Resolution No. 2016-04-03, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

I. Discuss and Consider Resolution No. 2016-04-04 Approving a request from Immaculate Heart of Mary Catholic Church, to use the Polo Patiño Park for their Parish Festival to be held on June 11, 2016 and to waive all fees.

Councilman Ben Briscoe Motioned to Approve Resolution No. 2016-04-04, Second by Councilman James Leal. The vote in favor of the Motion was unanimous.

J. Discuss and Consider extending the existing advertising Lease Agreement between the Brannan, Escobar, & Saldivar, PLLCAS Lessees and the City of Pearsall as Lessor.

City Manager Charles Jackson recommended the Council deny the agreement until guidelines have been set in place. Councilman James Leal Motioned to Deny the agreement, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

K. Consideration and action to approve a Contract for Services with LNV, Inc. to conduct an assessment of the sanitary sewer manholes, water mains and gas mains within the City service area.

Robert Viera and Rick Garcia from LNV made themselves available to the Council for questions. Councilman James Leal asked Robert Viera if he could strike the 1.5% charge for late payment and scratch the extra labor cost. Robert Viera stated

that he did not have a problem doing so. Councilman James Leal Motioned to Approved the contract, Second by Council Ben Briscoe. The vote in favor of the Motion was unanimous.

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

A Motion to enter into Executive Session 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 8:14pm.

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

Upon the Council's return to chambers at 9:00pm a Motion was made by Councilman James Leal, 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

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

12. MUNICIPAL COURT JUDGE REPORT

Judge Noemi Flores provided a report for the Council. She stated she did not know what to do with juveniles that go through her court because the City does not have any programs in place for them. Councilman Julian Hernandez provided suggestions that were implemented in the past. City Attorney Monique Diaz announced that questions and comments are not allowed during a report and would have to wait for item 16 on the agenda.

13. CITY MANAGER REPORT

City Manager Charles Jackson provided a status update on all City Departments and issues.

14. FINANCIAL REPORT

Finance Director Rudy Alvarez provided a Financial Report along with a report of all delinquent accounts with the City.

15. APPROVAL TO PAY BILLS

Mayor Pro Tem Julian Hernandez Motioned for the Approval to pay bills, Second by Councilman Toby Lopez, Jr.. The vote in favor of the Motion was unanimous.

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

Mayor Pro Tem Julian Hernandez requested an update on abandoned downtown buildings and what they City is doing to clean up the town.

Councilman James Leal wants to discuss changing the City Manager's ability to purchase items from \$50,000 down to \$5,000.

James Leal requested a continuous update on the Sewer Plant at every meeting.

17. GENERAL ANNOUNCEMENTS

Ben Briscoe congratulated the City Manager and Finance Director for identifying \$500,000 in delinquencies.

18. ADJOURNMENT

There being no further business before the council and upon a motion by Councilman Mando Martinez, the meeting was adjourned at 9:31 p.m.

Approved this 10th day of May, 2016.

APPROVED:



Mary Moore, Mayor

ATTEST:



Krystal Garcia, City Clerk