MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
SPECIAL MEETING
January 26, 2016

1. **CALL TO ORDER: Mayor Mary Moore called the meeting to order at 7:01 p.m.**

2. **ROLL CALL AND ANOUNCEMENT OF A QUORUM:**

   COUNCIL MEMBERS PRESENT: **Mary Moore, Mayor**
   James H. Leal, Mayor Pro Tem Arrived at 7:04 pm
   Alex Hernandez, Council Member
   Mando Martinez, Council Member Arrived at 7:10 pm
   Julian Hernandez, Council Member
   Ben Briscoe, Council Member
   Toby Lopez, Jr., Council Member

   STAFF MEMBERS PRESENT: **Xavier Antu, Interim City Manager**
   Krystal Garcia, City Clerk
   Sylvia Rodriguez, City Attorney
   Rudy Alvarez, Finance Director
   Ruben Frausto, Human Resource Director
   Rudy Carrizales, Gas Superintendent
   Conrad Banda, Utilities Supervisor

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

3. **INVOCATIONS AND PLEDGE OF ALLEGIANCE:**

   Invocation Lead by: Davey Richey
   Pledge of Allegiance: Lead by all present

4. **CITIZENS TO BE HEARD**

   None

5. **NEW BUSINESS**

   A. **Discuss and Consider Ordinance No. 2016-01-03 to establish a new meeting date and time for the Regular City Council Meetings.**

   Mayor Mary Moore requested to have the item moved to Executive Session.

   City Attorney Sylvia Rodriguez advised the council they would not be able to discuss this item in Executive Session.

   Mayor Pro Tem James Leal motioned to Not Approve Ordinance No. 2016-01-03, second by Councilman Mando Martinez. The vote in favor of the motion was unanimous.

B. **Discuss and Consider Ordinance No. 2016-01-04 creating a Charter Review Commission establishing Charter Review Commission guidelines; and providing for an effective date.**

Attorny Bobby Maldonado advised the City Council that the ordinance provides room for them to establish a committee and the City is allowed to review the Charter Annually.

Mayor Pro Tem James Leal motioned to Approve Ordinance No. 2016-01-04, Second by Councilman Ben Briscoe. The vote in favor of the motion was unanimous.

C. **Discuss and Consider Resolution No. 2016-01-07 to appoint seven (7) members to the Charter Review Committee.**

Mayor Pro Tem James Leal motioned Approve Resolution No. 2016-01-07 and to appoint:
Patty Vinton, Kevin Mahoney, Delma Aguirre, Dave Richey, Breyana Segura, Brenda Treviño, and Jose "Pepe" Treviño. Second by Councilman Julian Hernandez. The Council voted: Five (5) For, Zero (0) Against, One (1) Abstain. Councilman Ben Briscoe, Councilman Toby Lopez, Jr., Councilman Julian Hernandez, Councilman Alex Hernandez, and Mayor Pro Tem James Leal voted For. Councilman Mando Martinez Abstained.

D. **Discuss and Consider Resolution No. 2016-01-08 to approve the terms of engagement for Maldonado Galvan Morales Hakeem and Diaz.**

City Attorney Sylvia Rodriguez expressed concern over the issue of the agreement not having an "end date". Attorney Bobby Maldonado advised the council that the council is able to "let them go" at any time.

Mayor Pro Tem James Leal motioned to Approve Resolution No. 2016-01-08, second by Councilman Toby Lopez, Jr.. The vote in favor of the motion was unanimous.

E. **Discuss and Consider Ordinance No. 2016-01-05 Ordering a Special Election on Proposed Amendments to the Home Rule City Charter of the City of Pearsall to be held on May 7, 2016; providing for the publication and posting of notice; proposing amendments to the Home Rule City Charter of the City of Pearsall; authorizing the City Clerk to conduct the election; and providing for an effective date.**

Mayor Pro Tem James Leal motioned to Approve Ordinance No. 2016-01-05, Second by Councilman Toby Lopez, Jr.. The vote in favor of the motion was unanimous.

F. **Discuss and Consider Resolution No. 2016-01-09 to accept and approve resignation submitted by City Council Member James H. Leal.**

Councilman Ben Briscoe motioned to Approve Resolution No. 2016-01-09, Second by Councilman Mando Martinez. The Council Voted Five (5) For, Zero (0) Against, One (1) Abstain. Councilman Ben Briscoe, Councilman Toby Lopez, Jr., Councilman

Julian Hernandez, Councilman Alex Hernandez, and Councilman Mando Martinez voted For. Mayor Pro Tem James Leal Abstained.

G. Discuss and Consider Resolution No. 2016-01-10 to approve to accept nominations appointing a qualified individual to serve the unexpired term for Place Two (2) on the City of Pearsall City Council in accordance with Section 3.09 of the Pearsall Home Rule Charter and upon receiving nominations, appoint by majority vote a qualified individual to serve the unexpired term of Place Two (2) on the City of Pearsall City Council.

Mayor Mary Moore requested to move the item after Executive Session.

Councilman Ben Briscoe motioned to Not Approve Resolution No. 2016-01-10. Dave Richey advised the council, that Councilman Ben Briscoe could Rescind his motion and allow the item to die due to lack of a motion. Councilman Ben Briscoe Rescinded his motion to Not Approve Resolution No. 2016-01-10. Mayor Mary Moore called for a motion. No motion was made. The Item Died.

H. Discuss and Consider Resolution No. 2016-01-11 to approve MuniGas cash payment terms.

Finance Director Rudy Alvarez explained the terms of the new agreement. Mayor Pro Tem James Leal wants to shop the market to see what prices and agreements are available. Councilman Ben Briscoe asked City Attorney Sylvia Rodriguez for her opinion of the contract. City Attorney Sylvia Rodriguez states she did not see anything wrong with the contract and states since Rudy Alvarez is the City's financial expert we should trust his judgment. Councilman Mando Martinez motioned to table the item until the city can get a representative from MuniGas to further explain the agreement. Second by Councilman Julian Hernandez. The vote in favor of the motion was unanimous.

6. EXECUTIVE SESSION- In accordance with Texas Government Code Chapter 551, Subchapter D: <u>Section 551.074</u>

A Motion was made Mayor Pro Tem James Leal to go into Executive Session, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous and the Council went into Executive Session at 7:34 pm.

A. Interview with applicants for the permanent City Manager position.

B. Discuss and Consider Ordinance No. 2016-01-03 to establish a new meeting date and time for the Regular City Council Meetings.

Upon the Council's return to chambers at 8:56 A motion was made by Mayor Pro Tem James Leal to return to Regular Session Second by Councilman Julian Hernandez. The vote in favor of the motion was unanimous.

7. GENERAL ANNOUNCEMENTS

Interim City Manager Xavier Antu advised the council that the Waster Water Treatment Plant is at 72.9% capacity. He brought in Rick Garcia from LNV to answer questions from the council. The council wanted to be provided with a short term solution and a long term solution. Rick Garcia stated a short term solution would be to get several extra containers to haul off waste at the cost of $1,900/month per container. The long term solution would be to purchase a belt press for the treatment plant. The council gave the directive to Interim City Manager Xavier Antu to work alongside LNV to get a solution for the Waste Water Treatment Plant.

Mayor Pro Tem James Leal requested an update on the status of Gilliam Road and wants Interim City Manager Xavier Antu along wiht Rick Garcia from LNV to look at different options on fixing the road.

Councilman Toby Lopez, Jr., requested an update on the brush at the Transfer station. Interim City Manager Xavier Antu advised the council the project has not progressed due to a breach of contract on Mr. Medrano's end.

Councilman Julian Hernandez brought it to Interim City Manger's attention that door to the lift station on the corner of Mesquite Street and Comal Street is being left open and would like to make sure all City Property is properly secured.

8. ADJOURNMENT

There being no further business before the council and upon a Motion by Mayor Pro Tem Leal, the meeting was adjourned at 9:36 p.m.

Approved this 9th day of February, 2016.

Mary Moore, Mayor

Krystal Garcia, City Clerk