

CITY COUNCIL AGENDA

A Regular Meeting of the City Council of the City of Pearsall, Texas will be held on Tuesday, June 9, 2015 at 7:00 P.M. at the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas.

COUNCIL MEMBERS

**Mary Moore, Mayor
James H. Leal, Mayor Pro Tem
Alex Hernandez, Council Member
Odilia Villarreal, Council Member
Mando Martinez, Council Member
Julian Hernandez, Council Member
Ben Briscoe, Council Member
Toby Lopez, Jr., Council Member**

- 1. CALL TO ORDER**
- 2. ROLL CALL AND ANNOUNCEMENT OF A QUORUM**
- 3. INVOCATION AND PLEDGE OF ALLEGIANCE**
- 4. CITIZENS TO BE HEARD**

In accordance with Section 3.12 of the Pearsall Municipal Charter: "All meetings of the City Council, and all committees thereof shall be opened to the public, and the rules of the Council shall provide that citizens of the City shall have a reasonable opportunity to be heard at any such meetings, in regard to any matter there considered. Any such meetings shall comply with all applicable laws of the State of Texas."

Accordingly, the Pearsall City Council has rules of courtesy in place for all persons in attendance at its meetings. The Presiding Public Official shall at all times preserve order and decorum, prevent personal references to Council Members or the impugning of persons' motives. Citizens requesting to be heard shall sign in before the meeting is called to order and shall be called upon in the order that they signed in. The Presiding Official shall use discretion in time allowed a citizen to be heard. The citizen shall make every effort to be brief, get to the point, and to limit speaking time to no more than 3 minutes. *Personal Attacks Shall Not Be Allowed By Any Speaker.*

5. ACTION ON CONSENT AGENDA

All matters on the Consent Agenda are considered to be of a routine nature by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any member of the City Council may remove any item from the Consent Agenda for separate discussion and consideration.

MINUTES

- A. Approve Minutes of the Regular City Council Meeting of May 12, 2015.**
 - B. Approve Minutes of the Special City Council Meeting of May 19, 2015.**
 - C. Approve Minutes of the Special City Council Meeting of May 26, 2015.**
- 6. PRESENTATIONS AND OTHER SPECIAL CONSIDERATION ITEMS**
- A. Administer the Oath of Office to the newly appointed Municipal Judge, Noemi Flores.**
 - B. Proclamation for the Fourth of July, 2015.**

7. OLD BUSINESS

- A. Discuss and Consider Ordinance No. 2015-04-01 to approve an advertising sign Lease Agreement between the Brannan, Escobar, & Saldivar, PLLC as Lessees and the City of Pearsall as Lessor. - Previously Fabled Action Item.**

8. NEW BUSINESS

A. Public Hearings

1. Open Public Hearing

- a. On the proposed Land Use Variance requested by Alejandro and Maria Frausto to allow for the use of 15 sq ft. located at 616 S. Bernal Street and legally described as being Lot S/2 of 1, Blk 6, Colonia Progreso Addition, in the City of Pearsall, Frio County, Texas.**
- b. On the proposed Conditional Use Permit requested by Hector Gonzales to allow for the placement of a 2015 Manufactured Home to be located at 317 N. Peach Street, City of Pearsall, Frio County, Texas and subject to the general conditions of Section 23 of the City's Mobile Home Ordinance.**

2. Close Public Hearings

- B. Discuss and Consider Ordinance No. 2015-06-01 to approve the Land Use Variance requested by Alejandro and Maria Frausto to allow for the use of 15 sq. ft. for the placement of a future manufactured home at 616 S. Bernal Street and legally described as being Lot S/2 of 1, Blk 6, Colonia Progreso Addition, Pearsall, Frio County, Texas is hereby approved, subject to compliance with conditions, if any, noted herein. - Action Item**
- C. Discuss and Consider Ordinance No. 2015-06-02 to approve the Conditional Use Permit requested by Hector Gonzales to allow for the placement of a 2015 Manufactured Home to be located at 317 N. Peach Street, City of Pearsall, Frio County, Texas and subject to the general conditions of Section 23 of the City's Mobile Home Ordinance. - Action Item**
- D. Discuss and Consider Resolution No. 2015-06-01 to approve request from Mr. Manuel Trevino to place a drainage pipe along Flaco Road beginning at the point where the drainage ditch was originally approved during the development of the Detention Facility and continuing to the IH 35 Frontage Road and to re-pave Flaco Road. - Action Item**
- E. Discuss and Consider Resolution No. 2015-06-02 to approve a request from the Pearsall Little League Association to cover approximately \$4,000.00 in the costs of 2 uniform officers and 3 City Park employees during the hosting of the Little League District 21 All Stars Tournament event in June and July, 2015. - Action Item.**
- F. Discuss and Consider Resolution No. 2015-06-03 to appoint a council member to the Frio County Appraisal District Board to fill a vacancy and serve the unexpired term ending in December 31, 2016. - Action item**
- G. Discuss and Consider Resolution No. 2015-06-04 to approve, amend, and update a prior engagement letter with Denton, Navarro, Rocha, Bernal, Hyde, & Zech, PC in regards to their legal services on the Concerned Citizens of Pearsall, et al. v. City of Pearsall, et al. Cause No. 14-08-00236-CVF (218th Judicial District Court, Frio County, Texas) and to authorize the Interim City Manager to execute said amended engagement letter. - Action item**
- H. Discuss and Consider Resolution No. 2015-06-05 to approve a request from 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 \$10,000 for planned event activities. - Action item

- I. Discuss and Consider Resolution No. 2015-06-06 to approve the renewal of the City's Health Insurance with the Texas Municipal League Pool for the Plan Year 2015-2016 and to authorize the Interim City Manager to make any necessary adjustments and to execute the necessary documents to renew the contract. - Action item
 - J. Review and Consider requests from Ms. Veronica Burleson and other residents of Drew Lane located in the City of Pearsall's Fernandez Sub-division to discuss plans and/or propositions for the City to address the severe drainage, sewer, and road issues existing there.
9. EXECUTIVE SESSION-In accordance with Texas Government Code Chapter 551, Subchapter D:

SECTION 551.071

A. Consultation with City Attorney regarding complaints filed with the Ethics Committee pursuant to the City's Code of Conduct against:

1. Complaint filed by Ruben P. Trevino against Council Member James H. Leal – April 10, 2015

SECTION 551.074

B. Deliberate about Personnel Matters:

1. Complaint filed by Ruben P. Trevino against Interim City Manager – April 14, 2015
2. Complaint filed by City Council Member Odilia Villarreal against Jose G. Trevino, Interim City Manager – April 20, 2015
3. Complaint filed by Ruben P. Trevino against Interim City Manager – April 20, 2015 08:25 am.
4. Complaint filed by Ruben P. Trevino against Interim City Manager – April 20, 2015 1:30 pm
5. Complaint filed by Paul A. Zepeda against Interim City Manager – April 21, 2015
6. Complaint filed by Josie Gonzalez against Jose G. Trevino, Interim City Manager – April 22, 2015
7. Complaint filed by Josie Gonzalez against Jose G. Trevino, Interim City Manager – April 23, 2015

C. Consultation with City Attorney regarding complaints filed with the City Council pursuant to the City of Pearsall's Home Rule Charter, Article 3 – City Council, Section 3.06 – No Interference:

1. Complaint filed by Jose G. Trevino against Council Member, Odilia Villarreal. – April 16, 2015
2. Complaint filed by Jose G. Trevino against Planning & Zoning Commission Chairman, Ruben P. Trevino. April 16, 2015

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, voting, and taking action as a power utility on a competitive matter; Section 551.087 deliberating about economic development negotiations; and Section 551.088, 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. Presentation of Reports Resulting From Complaints Filed Pursuant to the City of Pearsall's Code of Conduct**
 - A. Complaint filed by Ruben P. Trevino against Interim City Manager – April 14, 2015**
 - B. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint**
 - C. Complaint filed by City Council Member Odilia Villarreal against Jose G. Trevino, Interim City Manager – April 20, 2015**
 - D. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint**
 - E. Complaint filed by Ruben P. Trevino against Interim City Manager – April 20, 2015 08:25 am.**
 - F. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint**
 - G. Complaint filed by Ruben P. Trevino against Interim City Manager – April 20, 2015 1:30 pm**
 - H. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint**
 - I. Complaint filed by Paul A. Zepeda against Interim City Manager – April 21, 2015**
 - J. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint**
 - K. Complaint filed by Josie Gonzalez against Jose G. Trevino, Interim City Manager – April 22, 2015**
 - L. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint.**
 - M. Complaint filed by Josie Gonzalez against Jose G. Trevino, Interim City Manager – April 23, 2015**
 - N. Discuss and Take Any Action As Necessary As A Result of the Report on Jose G. Trevino, Interim City Manager, Code of Conduct Complaint.**
 - O. Complaint filed by Ruben P. Trevino against Council Member James H. Leal – April 10, 2015**
 - P. Discuss and Take Any Action As Necessary As A Result of the Report on James H. Leal, City Council Member, Code of Conduct Complaint.**
- 11. Presentation of Reports Resulting From Complaints Filed Pursuant to the City of Pearsall's Home Rule Charter, Article 3 – City Council, Section 3.06 – No Interference:**
 - A. Complaint filed by Jose G. Trevino against Council Member, Odilia Villarreal. – April 16, 2015**
 - B. Discuss and Take Any Action As Necessary As A Result of the Report on Odilia Villarreal, City Council Member, Home Rule Charter Violation Complaint.**
 - C. Complaint filed by Jose G. Trevino against Planning & Zoning Commission Chairman, Ruben P. Trevino – April 16, 2015**

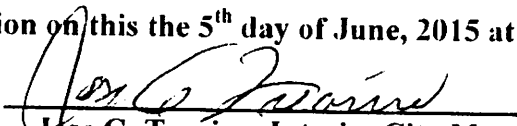
D. Discuss and Take Any Action As Necessary As A Result of the Report on Ruben P. Trevino, City Council Member, Home Rule Charter Violation Complaint.

12. APPROVAL TO PAY BILLS. Action Item

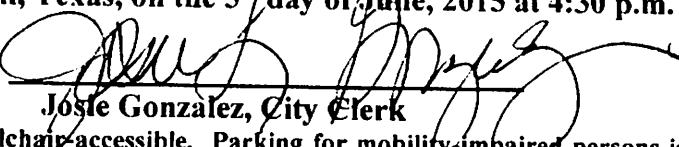
13. GENERAL ANNOUNCEMENTS

14. ADJOURNMENT

Posted for Public Inspection on this the 5th day of June, 2015 at 4:30 p.m.

By: 
Jose G. Trevino, Interim City Manager

I certify that the above notice of meeting was posted on the bulletin board of the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas, on the 5th day of June, 2015 at 4:30 p.m.

By: 
Josie Gonzalez, City Clerk

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours in advance of the meeting. To make arrangements, call the City Clerk at (830) 334-3676.