

REGULAR MEETING CITY COUNCIL AGENDA

A Regular Meeting of the City Council of the City of Pearsall, Texas will be held on Tuesday, February 10, 2015 at 7:00 P.M. at the Pearsall City Hall, 215 S. Ash Street, Pearsall, Texas.

COUNCIL MEMBERS

**Davina Trevino-Rodriguez, Mayor
George Cabasos, Mayor Pro Tem
Margarita Ariza, Council Member
Roy Trevino, Council Member
Mando Martinez, Council Member
James Leal, Council Member
Alex Hernandez, Council Member
Odilia Villarreal, Council Member**

- 1. CALL TO ORDER**
- 2. ROLL CALL AND ANNOUNCEMENT OF A QUORUM**
- 3. INVOCATIONS AND PLEDGE OF ALLEGIANCE**
- 4. ACTION ON AGENDA**

All matters on the Agenda are considered by the City Council and will be enacted by one motion, resolution, or ordinance. There will be separate discussion of these items. Approval Agenda items authorizes the Mayor/City Manager to execute all matters necessary to implement each item.

5. 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.*

6. MINUTES

Approval of minutes for: February 3, 2015

7. PRESENTATON

Pearsall Police Department

8. OLD BUSINESS

A. None

9. NEW BUSINESS

A. OPEN PUBLIC HEARING

1. Discussion and consideration for XCHEM, LLC, Owners of the property and applicant has filed a request for conditional use permit to blend chemicals on location of property legally describe as being lot 1 of the X-CHEM, Addition being a 5.302 acre tract, zoned as (n) M-2; Heavy Industrial District located at 1224 S. Oak St., Pearsall, Frio County, Texas.
2. Discussion and consideration by Eddie Trevino, owner of the property and applicant has filed a request to re-zone from a (n) R-1; Single and Two Family Dwelling District to a (n) C-3; General Business District. Legally described as: Lot (s) 3-5, Block 1 Frio Heights Addition Property is zoned as a (n) R-1; Single and Two Family Dwelling District located at: 411 S. Trevino St. Pearsall, Frio County, Texas.
3. Discussion and consideration to approve the Conditional Use Permit requested by San Juanita Rodriguez for placement of a 2015-'32x56' manufactured home on her property legally described as being Lot 9, Blk 103 Pearsall Addition located at 1013 E. Medina Street, Pearsall, Frio County, Texas presently zoned as R-1 single and two family dwelling district.

4. CLOSE PUBLIC HEARING

- B. Discussion, consideration and action for Ordinance No. 2015-01-01 for XCHEM, LLC, Owners of the property and applicant has filed a request for conditional use permit to blend chemicals on location of property legally describe as being lot 1 of the X-CHEM, Addition being a 5.302 acre tract, zoned as (n) M-2; Heavy Industrial District located at 1224 S. Oak St., Pearsall, Frio County, Texas. **Action Item**
- C. Discussion, consideration and action for Ordinance No. 2015-02-02 by Eddie Trevino, Owner of the property and applicant has filed a request to re-zone from a (n) R-1; Single and Two Family Dwelling District to a (n) C-3; General Business District. Legally described as: Lot (s) 3-5, Block 1 Frio Heights Addition Property is zoned as a (n) R-1; Single and Two Family Dwelling District located at: 411 S. Trevino St. Pearsall, Frio County, Texas. **Action Item**
- D. Discussion, consideration and action for Ordinance No. 2015-02-03 approve the Conditional Use Permit requested by San Juanita Rodriguez for placement of a 2015-'32x56' manufactured home on her property legally described as being Lot 9, Blk 103 Pearsall Addition located at 1013 E. Medina Street, Pearsall, Frio County, Texas presently zoned as R-1 single and two family dwelling district. **Action Item**
- E. Discussion, consideration and action for Resolution No. 2015-02-01 to approve the city attorney salary in the amount of \$100,000 and amending the budget. **Action Item**
- F. Discussion, consideration and action for Resolution No. 2015-02-02 to approve amending the Police Department budget to accommodate unforeseen expenditures in the amount \$20,000. **Action Item**

- G. Discussion, consideration and action to amend Ordinance No. 2007-04-27 by adding language to Section II. Parking Prohibited. A. Semi-truck/trailer and Commercial Vans. It shall be unlawful for any person to park or leave standing on any public right-of-way, street, alley, municipal property or on private property in a residential area with the city limits of Pearsall a semi-truck/trailer combination, semi-truck trailer, or commercial van except for the commercial delivery or parking or standing shall be limited to the period of time of actual loading or unloading. **Action Item**
- H. Discussion, consideration and action for Resolution No. 2015-02-03 to enter into a supplemental agreement for lease audit No. 255210, covering use of railroad property and authorizing payment in the amount of \$2,000 to renew the existing lease between Union Pacific Railroad and the city of Pearsall for a city street on the west side of Union Pacific's track and south of Frio Street, Pearsall, Frio County, Texas. **Action Item**

10. EXECUTIVE CLOSED SESSION – In accordance with Texas Government Code Chapter 551, Subchapter D:

- A. Discussion, consideration and action approving amended engagement letter with outside counsel Denton, Navarro, Rocha, Bernal, Hyde and Zech, P.C. for legal actions against the City of Pearsall in *Cause number 14-08-00236-CVF; entitled and Concerned Citizens of Pearsall and Henry Martinez, Plaintiffs v. City Pearsall, TX, Petra Davina Trevino-Rodriguez, individually, Eliberto Roy Trevino, individually and Richard Alvarez, individually*. Section 55.071.
- B. Discussion and consideration for update status of pending lawsuits. Section 551.071.
- C. Discussion and consideration to modify the city manager agreement. Section 551.074

11. RETURN TO OPEN SESSION – In accordance with Texas Government Code Chapter 551, Subchapter D:

- A. Discussion, consideration and action approving amended engagement letter with outside counsel for Denton, Navarro, Rocha, Bernal, Hyde and Zech, P.C. for legal actions against the City of Pearsall in *Cause number 14-08-00236-CVF; entitled and Concerned Citizens of Pearsall and Henry Martinez, Plaintiffs v. City Pearsall, TX, Petra Davina Trevino-Rodriguez, individually, Eliberto Roy Trevino, individually and Richard Alvarez, individually*. **Action Item**
- B. Discussion and consideration for update status of pending lawsuits. Section 551.071.
- C. Discussion and consideration to modify the city manager agreement. Section 551.074

12. APPROVAL TO PAY BILLS. **Action Item**

13. CITY MANAGER'S REPORT

ADJOURNMENT _____

By: _____

Richard Alvarez, 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 6th day of February, 2015 at 5:00 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.

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.