



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF PEARSALL
SPECIAL MEETING
February 23, 2016**

1. CALL TO ORDER: Mayor Mary Moore called the meeting to order at 7:03 p.m.

2. ROLL CALL AND ANOUNCEMENT OF A QUORUM:

COUNCIL MEMBERS PRESENT: Mary Moore, Mayor

James H. Leal, Council Member -Arrived at 7:13 pm

Alex Hernandez, Council Member

Mando Martinez, Council Member

Julian Hernandez, Mayor Pro Tem

Toby Lopez, Jr., Council Member

Ben Briscoe, Council Member

STAFF MEMBERS PRESENT:

Krystal Garcia, City Clerk

Toni-Amar Martinez, City Attorney

Bobby Maldonado, City Attorney

Rudy Alvarez, Finance Director

Ruben Frausto, Human Resource Director

Jose Navarro, Street Foreman

Trinidad Martinez, Waste Water Plant Operator

Conrad Banda, Utilities Supervisor

Ramiro Otero, Parks & Rec Director

Rudy Olivarez, Street Supervisor

Peter Salinas, Police Captain

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

3. INVOCATIONS AND PLEDGE OF ALLEGIANCE:

Invocation Lead by: Ben Briscoe

Pledge of Allegiance: Lead by all present

4. CITIZENS TO BE HEARD

Mrs. Sheila Pugh inquired if the current street vendors in town all have valid permits. City Attorney Toni-Amar Martinez interjected and addressed the room that for the safety of the Council they are not allowed to answer questions or speak during the "Citizens to be heard" portion of the meeting. Mrs. Sheila Pugh stated she understood and continued that the City should raise the rates of permits to discourage outside vendors from coming in and taking sales from local tax paying businesses.

5. NEW BUSINESS

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

Councilman Mando Martinez motioned to Untable the item, Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the motion was unanimous. Mayor Mary Moore asked City Attorney Toni-Amar Martinez for updates for the MuniGas contract. Mr. Toni-Amar Martinez stated after reviewing the agreement the firm does not recommend to execute the agreement as it has been presented. Councilman Ben Briscoe recommended that the City to look at other companies while legal counsel reviews the original contract to see if the City is bound to MuniGas. Mayor Pro Tem Julian Hernandez asked Legal Counsel if there were provisions to review the contract. Mr. Toni-Amar Martinez advised the Council they are prepared to give an opinion if they would move the item to Executive Session. Council Agreed to discuss the item in Executive Session.

After returning from Executive Session Councilman James Leal Motioned to Table the item, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

B. Discuss and Consider and/or Approve The Frio Pioneer Jail Museum's request for financial assistance for the Pioneer Day festivities.

Councilman Mando Martinez Motioned to Untable the item, Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the Motion was unanimous.

Ms. Francie Gasch was available to review the Frio Pioneer Jail Museum's application for HOT Tax Funds with the City Council. Mayor stated there are guidelines in place that are preventing the Council from Approving the request. Mayor advised the Council would have to do a separate item removing the deadline and raising the amount allowed to be requested. Councilman Mando Martinez Motioned to Table the item, Second by Toby Lopez, Jr.. The vote in favor of the motion was unanimous.

C. Discuss and Consider Resolution No. 2016-02-05 Declaring James Leal to be a "Holdover Officer" under Tex. Const. Article XVI, Section 17.

Councilman Ben Briscoe Motioned to Approve Resolution No. 2016-02-05, Second by Mayor Pro Tem Julian Hernandez. The Council voted Five (5) For, Zero (0) Against, One (1) Abstain. Councilman Ben Briscoe, Councilman Toby Lopez, Jr., Councilman Mando Martinez, Councilman Alex Hernandez, and Mayor Pro Tem Julian Hernandez voted For. Councilman James Leal Abstained. Motion carries.

D. Discuss, Consider and Approve Interlocal Agreement between City of Pearsall, Texas and the Pearsall Independent School District to provide Annual City/Community Recreation Summer Program Activities.

Parks and Rec Director Ramiro Otero made himself available to explain the contents of the agreement and to answer questions from the Council. Councilman James Leal asked Counsel if they reviewed the agreement. City Attorney Toni-Amar Martinez stated they did not have a problem with the agreement as it has been presented. Councilman Mando Martinez Motioned to Approve the Interlocal Agreement

between City of Pearsall, Texas and the Pearsall Independent School District, Second by Councilman James Leal. The vote in favor of the Motion was unanimous.

E. Consideration and action to approve a Contract for Services with LNV Engineering, Inc. for the preparation of a Storm Water Pollution Prevention Plan and Permit for the Wastewater Treatment Plant in an amount not to exceed \$5,800.00.

Mr. Rick Garcia from LNV made himself available to answer the Council's questions. He explained the City needs to modify the current permit in place to avoid penalties from TCEQ. Councilman Mando Martinez Motioned to Approve the Contract for services with LNV Engineering, Inc., Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

F. Council Workshop regarding a \$7,500,000 debt issuance to finance the construction and improvements for the repair of gas lines, water and sewer improvements, repair and replacement of streets, sidewalks and gutters, community center and old city hall improvements.

Mr. Rick Garcia from LNV discussed the debt issuance with the Council. Mr. Rick Garcia provided a rough draft of the \$7,500,000 budget. After a brief discussion, Mr. Rick Garcia and the Council agreed on the budget of: Equipment for \$250,000, Waste Water Treatment Plant Improvement Project for \$2.5 Million, Street Assessment & Improvements for \$4 Million, Water Line Crossing Project for \$500,000, and Gas Line Replacement Project for \$1.2 Million, totaling to \$8.45 Million.

6. 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 Mando Martinez, Second by Mayor Pro Tem Julian Hernandez. The vote in favor of the Motion was unanimous and the Council went into Executive Session at 7:15pm.

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

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

Upon the Council's return to chambers at 7:27 pm a Motion was made by Councilman Mando Martinez, Second by Councilman Ben Briscoe. The vote in favor of the Motion was unanimous.

7. Interim City Manager Report.

Interim City Manager Xavier Antu was not available to give a report.

8. Waste Water Plant Supervisor and Waste Water Plant Operator Report.

Waster Water Plant Supervisor Conrad Banda and Waste Water Plant Operator Trinidad Vasquez were available to answer the Council's questions concerning the status of the Waste Water Treatment Plant. Councilman James Leal gave a directive to Mr. Trinidad Vasquest to contact Aqua-Zyme to order another bin and ACI to set up a schedule for daily haul-offs.

9. Street Supervisor and Street Foreman Report.

Street Supervisor Rudy Olivarez and Street Foreman Jose Navarro were present to answer questions from the Council. Councilman James Leal asked if the Streets Department is capable of completing the Gilliam Road project. Mr. Rudy Olivarez stated with the County's help they would be able to complete the project. Councilman Mando Martinez wants Interim City Manager Xavier Antu to speak to the County in regards to completing Gilliam Road.

10. GENERAL ANNOUNCEMENTS

NONE

11. ADJOURNMENT

There being no further business before the council and upon a motion by Councilman Mando Martinez, the meeting was adjourned at 8:47 p.m.

Approved this 8th day of March, 2016.

APPROVED:



Mary Moore, Mayor

ATTEST:



Krystal Garcia, City Clerk