MINUTES OF:

REGULAR CITY COUNCIL MEETING

DATE OF MEETING: TIME OF MEETING:

JANUARY 9, 2018 5:30 P.M.

PLACE OF MEETING: CITY HALL COUNCIL CHAMBER

VOTED NAY
VOTED AYE
SECONDED

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

RUBEN FALCON, JAMES WARNOCK, BILLY JACKSON,

MIKE URETA, JR., & DINO RAMIREZ

MAYOR:

JOE CHRIS ALEXANDER

CITY MANAGER: CITY SECRETARY: FRANK RODRIGUEZ III DELMA A. GONZALEZ

CITY ATTORNEY:

JESSE GONZALES, JR.

Mayor Alexander called the Regular Meeting to order at 5:30 p.m. after declaring a quorum present.

Council Member Ureta gave the Invocation.

Council Member Warnock led the Pledge of Allegiance.

Mayor Alexander read the Mission Statement:

"The Mission of the City of Fort Stockton Municipal Government is to Promote & Value Public Confidence and Trust by the Accountable and Responsible Use of Community Resources; to Ensure Public Safety; Improve Public Services; Promote Local Recreation and Entertainment; and Generate Economic Development."

Mayor Alexander thanked Former Interim Chief of Police Salvador G. Rangel for His 20 Years of Unwavering Dedication & Exemplary Service to the Citizens of Fort Stockton. He presented him with a plaque and his service revolver.

Mayor Alexander recessed from the Regular Meeting at 5:35 p.m. so cake could be distributed to those in attendance.

Mayor Alexander reconvened into the Regular Meeting at 5:44 p.m.

FIRST ORDER OF BUSINESS:

1. Public Testimony on Agenda Items Only.

There were three (3) Public Testimony Forms submitted by the following to discuss Item 11 concerning the Cactus Health Clinic:

- · Cactus Health Clinic Board Chairman Darren Hodges
- Cactus Health Clinic Chief Executive Officer (CEO) Luis Villarreal
- Physician Assistant Alberto Sauceda

Board Chairman Hodges stated that the Cactus Health Clinic has outgrown their current location located by the Post Office. He explained that they would like to quadruple the Clinic in size. He elaborated that they are going to build a new building on Main Street by the cable business.

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The Fort Stockton Economic Development Corporation has agreed to assist the Cactus Health Clinic with funding for a larger facility for up to \$100,000. They would like the building to fit in with the Historic Fort Stockton Theme.

The new facility will increase from 13 to 20 full-time employees and 2 to 9 part-time employees. This will increase both the full-time employees and part-time employees by 7.

The Clinic has plans of providing a dentist for this location.

The Clinic sees an average of 36 patients a day. The main limitation presently, is size.

He thanked City Council for their time.

Cactus Health Services CEO Luis Villarreal thanked City Council for serving their community and their continued support.

He emphasized that the Clinic had run out of space to expand.

He stated that the clinic would like to continue to provide care for the community and the surrounding areas.

The Uniform Data System (UDS) Report shows that the Cactus Health Clinic serves patients from areas ranging from Midland, Odessa all the way down to Terlingua.

He stated that Cactus Health Clinic has an agreement with Pecos County Memorial Hospital (PCMH) to provide medical services to the community.

He provided Letters of Support the Clinic received from Congressman Will Hurd and the Texas Association of Community Health Centers (TACHC). He explained the Clinic is trying to provide the best quality of health care for the community and its surrounding areas.

He thanked City Council for the time they took to consider the funding request for the new Cactus Health Clinic Building.

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Physician Assistant Albert Sauceda stated that he would like to give a perspective from the Clinicians point of view. He introduced Nurse Practitioner Karin Hahn and Physician Assistant Daria Wood.

He explained that Cactus Health Clinic was created as a non-profit organization to serve the indigent population, primarily the uninsured. However, they do have privately insured patients as well. Patients have shown such gratitude towards the clinic. The clinic allows patients the opportunity to make payments.

The Clinic has grown tremendously, which has limited them for space.

He too thanked City Council for their time and consideration.

SECOND ORDER OF BUSINESS:

2. Consent Agenda

Minutes:

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- Regular Meeting Minutes of Fort Stockton City Council, 12/19/2017
- Regular Meeting Minutes of Keep Historic F.S. Beautiful Board, 12/06/2017

Accounts Payable Total: \$ 299,289.89 Account Recap Report Total: \$16,165,271.29

Motion was made, seconded and carried unanimously to approve the Consent Agenda, as presented.

Mayor Alexander stated that he would like to address Item 11 at this time.

ELEVENTH ORDER OF BUSINESS:

11. Discuss/Act upon EDC 4-A Funding Request to Cactus Health Clinic for Infrastructure & Site Improvements for the Proposed Clinic totaling \$100,000.

Mayor Alexander advised everyone that the Fort Stockton Economic Development Corporation approved a forgivable loan for Cactus Health

FALCON WARNOCK JACKSON URETA RAMIREZ

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Clinic for up to \$100,000 based on projected numbers. The funding will be utilized for Infrastructure and Site Improvements.

FALCON WARNOCK JACKSON URETA RAMIREZ Motion was made, seconded and carried to approve EDC 4-A Funding Request to Cactus Health Clinic for Infrastructure & Site Improvements for the Proposed Clinic totaling \$100,000.

THIRD ORDER OF BUSINESS:

3. City Manager Rodriguez ---

♣ Fort Stockton Police Department Statistics for December 2017

♣ 2017 Racial Profile Report

Chief of Police Ryan Skelton presented the following:

POLICE DEPARTMENT STATISTICS FOR DECEMBER 2017:

Calls	for Service Dispatched:	1,276
•	Fort Stockton Police Department	909
•	Fort Stockton Fire Department	21
•	Pecos County Emergency Medical Service	181
•	Sheriff's Office	277

He explained that the total doesn't balance as some calls are for other state agencies**

Accidents:	24
Investigations Initiated:	86
 83rd District Attorney 	11
 112th District Attorney 	5
County Attorney	23
Traffic Violations/Stops:	243
Total Arrests:	31

2017 RACIAL PROFILE REPORT:

Number of motor vehicle stops:

3,219 citation only

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CITY OF FORT STOCKTON, TEXAS

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FRANK RODRIGUEZ III DELMA A. GONZALEZ JESSE GONZALES, JR.

CITY ATTORNEY:

13 arrest only

3,232 Total

Race or Ethnicity:

- 92 African
- 27 Asian
- 767 Caucasian
- 2,338 Hispanic
- 5 Middle Eastern
- 3 Native American

Race and Ethnicity were only known prior to the stop on 3 of these occasions.

Searches:

- 31 Searches were conducted
- 8 Consented
- 23 Did not consent

2017 ANIMAL CONTROL REPORT:

838 Dogs

- 448 Rescued
- 170 Euthanized
- 118 Returned to Owners
- 87 Deceased on Arrival
- 12 Dogs Currently Impounded
- 2 Dogs Adopted
- 1 Dog Escaped

433 Cats

- 252 Euthanized
- 115 Deceased on Arrival
- 44 Released
- 21 Rescued
- I Escaped

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25 Skunks

- 17 Deceased on Arrival
- 5 Euthanized
- 1 Released

30 Other

- 6 Raccoons Released
- 5 Rabbits Deceased on Arrival
- 3 Pigs Deceased on Arrival
- 2 Snakes Euthanized
- 1 Snake Released
- 2 Deer Deceased on Arrival
- 1 Deer Euthanized
- 2 Birds Deceased on Arrival
- 1 Bird Transferred Outside the Community
- 1 Goat Rescued
- I Goat Deceased on Arrival
- 1 Porcupine Released
- I Turtle Released
- 1 Fox Deceased on Arrival
- · 2 Squirrel Deceased on Arrival

FOURTH ORDER OF BUSINESS:

4. Discuss/Act upon Ordinance No. 18-100 Amending the Code of Ordinances of the City of Fort Stockton, Chapter 18, Police* by Incorporating Article I. Establishment of a "Fort Stockton Police Department Reserve Force"; Prescribing Qualifications of Members; Order of Command; Rules Governing Operation Thereof & Repealing All Other Ordinances or Portions Thereof in Conflict, A Severability Clause and Providing for an Effective Date.

Chief of Police Skelton explained that the Fort Stockton Police Department Reserve Force would give the Police Department Free Officers. Since Fort Stockton does not have a Reserve Force the officers living in the community have to go elsewhere to hold their commission. He explained that he would like to use those officers where needed.

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The officers would be required to work 16 hours a month to hold their commission. They would be utilized in emergencies or events requiring additional deployment of officers.

The individuals in the Reserve Force would be trained, which could lead to their hire.

The Reserve Force would entail the cost of Workman's Compensation and Liability Insurance. Workman's Compensation was estimated at \$986 a year at full-staff, which would be 6 reserves. The Liability Insurance was estimated at \$1,338.

He explained that the estimates are based on the number of hours worked. Therefore, the estimate may vary.

Council Member Falcon inquired where the funding for the Reserve Force Insurance would come from.

Chief of Police Skelton explained that the funding will be taken out of the Police Department's current budget.

Mayor Pro-Tem Jackson inquired if Chief of Police Skelton had worked with a Reserve Force before.

Chief of Police Skelton advised City Council that every law enforcement agency he has worked with has had a reserve.

Mayor Alexander inquired if the Chief of Police already had people in mind for the Reserve Force.

Chief of Police Skelton stated that the Animal Control Officers were interested in the Reserve Force.

Mayor Pro-Tem Jackson inquired if the Officers would only be utilized at special events.

Chief of Police Skelton explained that once the officers complete their training they will be utilized where needed, as they would have the same training a full-time Officer does only they won't be getting paid.

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He stated that the Pecos Chief of Police, who has extensive experience working with Reserve Forces, reviewed the Ordinance and gave him a few suggestions to add to the Reserve Force Officer's job description.

FALCON WARNOCK JACKSON URETA RAMIREZ Motion was made, seconded and passed unanimously to approve Ordinance No. 18-100 Amending the Code of Ordinances of the City of Fort Stockton, Chapter 18, Police* by Incorporating Article I. Establishment of a "Fort Stockton Police Department Reserve Force"; Prescribing Qualifications of Members; Order of Command; Rules Governing Operation Thereof & Repealing All Other Ordinances or Portions Thereof in Conflict, A Severability Clause and Providing for an Effective Date.

FIFTH ORDER OF BUSINESS:

 Discuss/Act upon Authorizing the Award of Contract to Nelson Lewis, Inc. for the 30-Inch Water Transmission Line; Project No. 16L0302C; as recommended by Hanson Professional Services Inc.

City Manager Rodriguez introduced Steve Synovitz of Hanson Professional Services, Inc.

Professional Engineer Synovitz advised everyone that on November 30, 2017 the City of Fort Stockton received 7 bids for the 30-Inch Water Transmission Line; Project No. 16L0302C.

Bids Received

- Nelson Lewis, Inc.
- S.J. Louis Construction of Texas, Ltd.
- Morrow Enterprises, Inc.
- J&H Services, Inc.
- · Whitney Underground Utilities, Inc.
- DCI Contracting, Inc.
- Lehne Construction, Inc.

He stated that 6 complied with the bidding requirements. Whitney Underground Utilities, Inc. did not attach evidence of Authority to Sign. Therefore, they were deemed non-responsive bidders.

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He explained that the three apparent low bidders are asked to submit Statements of Experience.

He stated that the math was checked on the bid tabulations and a few errors were found. He explained that there is an order of precedence to resolve the errors; however, it did not change the order of the bids.

He explained that the apparent 3 low bidders: Nelson Lewis, Inc., S.J. Louis Construction of Texas, Ltd. & Morrow Enterprises, Inc. were asked to submit Statements of Experience information as required by the contract documents. All 3 responded and were deemed responsive bidders.

He explained that a pass or fail system is used to grade the proposals. All 3 apparent low bidders were deemed responsive and responsible.

He explained based on their review Hanson Professional Services, Inc. recommended awarding the Contract to Nelson Lewis, Inc. out of Marble Falls, Texas.

He advised everyone that Nelson Lewis sent representatives.

Estimator Gaspar Caracheo introduced himself and Acting Superintendent Tony Lawson.

Motion was made, seconded and carried to Authorize the Award of Contract to Nelson Lewis, Inc. for the 30-Inch Water Transmission Line; Project No. 16L0302C; as recommended by Hanson Professional Services Inc.

SIXTH ORDER OF BUSINESS:

6. Discuss/Act upon Surface-Use Agreement at Belding Well Field with B&J Air and Pump.

Assistant City Manager Davis provided the amended agreement, which changed the amount due to the City of Fort Stockton and included the lease of the buildings as well.

FALCON WARNOCK **JACKSON** URETA RAMIREZ

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CITY SECRETARY: CITY ATTORNEY:

She acknowledged that John and Johnny Vanover of B&J Air and Pump were present. She stated that B&J Air and Pump specializes in providing 3" & 4" water lines to rig locations and pumping fresh water. They will be operating in areas ranging from Lamesa to Balmorhea.

They are interested in leasing 7 acres of City owned property in Belding for the purpose of storing pipe.

They have agreed to work closely with TxDOT concerning the Railroad Crossing into the property and Improving that entrance as well as maintaining all the roads and property in good working order.

They have agreed to voluntary surface damages and compensation rates in accordance with the University Lands Rate & Surface use Schedule. They agree to purchase all utilities from the City, excluding Electricity. They will also purchase caliche from the City of Fort Stockton.

She stated that she believed that they would be good stewards of the City's property and improvements. She stated that she felt they would make great improvements to the site. She added that they also offered to move any Polly pipe that the City may need moved for their use.

They will be bringing in tax dollars to the City of Fort Stockton.

There is potential of additional retail in the future.

They will create a minimum of 10 positions for our community.

Motion was made, seconded and carried to approve the Surface-Use Agreement at Belding Well Field with B&J Air and Pump.

SEVENTH ORDER OF BUSINESS:

7. Discuss/Act upon Authorizing City Water Attorney Harral to Prepare a Letter of "Amicus Curiae Brief" in Support of the Middle Pecos Groundwater Conservation District (MPGCD).

FALCON WARNOCK JACKSON URETA RAMIREZ

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City Water Attorney Harral stated that it doesn't appear that Fort Stockton Holdings (FSH) will not be able to negotiate a Settlement Agreement with the Cockrell Investments.

Cockrell Investments is in the process of suing MPGCD for issuing FSH permit this summer.

The Permit MPGCD issued FSH included permit restrictions, which are to the benefit of the City; as well as, each one of their rate payers.

Cockrell Investments wants more stringent permit restrictions put in place.

Therefore, Cockrell Investments filed a lawsuit against MPGCD for issuing that permit.

This could result in another major legal battle moving forward.

He stated his intentions were to keep the City out of the lawsuit. Submitting a "Amicus Curiae Brief" would allow the City to participate without joining the lawsuit. The Brief would show that the City supports the decision that protects the water rights of the City and that of its rate payers.

Mayor Pro-Tem Jackson inquired if Cockrell Investments testified at any of the hearings.

City Water Attorney Harral explained that Cockrell Investments did not seek party status in 2011 when the lawsuit initially began. They did not get involved when the City of Fort Stockton, Pecos County, MPGCD and Brewster County got involved. It was not until 2017, when a Settlement Agreement was actually reached by all these parties that Cockrell Investments established their party status.

This lawsuit is essentially to determine whether or not Cockrell Investments should receive party status since they established their party status several years later.

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MAYOR:

JOE CHRIS ALEXANDER FRANK RODRIGUEZ III DELMA A. GONZALEZ

CITY MANAGER: CITY SECRETARY: CITY ATTORNEY:

JESSE GONZALES, JR.

FALCON WARNOCK JACKSON URETA

RAMIREZ

If approved, the draft of the "Amicus Curiae Brief" will be ready to be approved at the next City Council Meeting.

Motion was made, seconded and carried to Authorize City Water Attorney Harral to Prepare a Letter of "Amicus Curiae Brief" in Support of the Middle Pecos Groundwater Conservation District (MPGCD).

EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon Authorizing City Manager Rodriguez to File a Grant Application & Resolution with the Permian Basin Regional Planning Commission for a FY 2018-2019 Regional Solid Waste Grants Program Grant.

City Manager Rodriguez explained that the Grant Application to the Permian Basin Regional Planning Commission for the FY 2018-2019 Regional Solid Waste Grants Program Grant would be for removable fences known as litter fences that will assist the landfill in compliance with Texas Commission on Environmental Quality (TCEQ) compliance.

The quote the City received was for \$47,250 for 3 sets of litter fences measuring 16' High x 40' Long x 8' Wide. Blade Bucket System is included in the quote. The fences can be adjusted and moved as needed.

Motion was made, seconded and carried to Authorize City Manager Rodriguez to File a Grant Application & Resolution with the Permian Basin Regional Planning Commission for a FY 2018-2019 Regional Solid Waste Grants Program Grant.

NINTH ORDER OF BUSINESS:

Discuss/Act upon the Pecos County EMS Contract with the City of Fort Stockton regarding Police Department Offenders in Custody.

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JACKSON
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CITY OF FORT STOCKTON, TEXAS

REGULAR CITY COUNCIL MEETING MINUTES OF:

DATE OF MEETING: **JANUARY 9, 2018**

5:30 P.M. TIME OF MEETING:

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WARNOCK **JACKSON** URETA RAMIREZ

PLACE OF MEETING: CITY HALL COUNCIL CHAMBER

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MOVED	VOTED AYE	ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS: RUBEN FALCON, JAMES WARNOCK, BILLY JACKSON, MIKE URETA, JR., & DINO RAMIREZ
		MAYOR: JOE CHRIS ALEXANDER CITY MANAGER: FRANK RODRIGUEZ III CITY SECRETARY: DELMA A. GONZALEZ CITY ATTORNEY: JESSE GONZALES, JR.
	í	This Agreement pertains to the offenders in custody. The offender's insurance is charged first. The current rate is \$100 for non-transport. The rate changes September 30. Medicare allowable will apply for one year. Rates adjust by \$5 to \$10 depending on the Medicare rates.
	X X X X	Motion was made, seconded and carried to approve the Pecos County EMS Contract with the City of Fort Stockton regarding Police Department Offenders in Custody.
x X	X	TENTH ORDER OF BUSINESS:
		10. Discuss/Act upon Re-Classification of a Criminal Investigation Department (C.I.D.) Lieutenant Position for the Police Department.
		Chief of Police Skelton stated that he would like to reclassify the C.I.D Sergeant Position to a Lieutenant Position.
		The Lieutenant would be responsible for ensuring the guidelines of the New Police Department Policy are being adhered to.
		Funds from the current budget would be utilized for this position.
x	<	Motion was made, seconded to approve the Re-Classification of Criminal Investigation Department (C.I.D.) Lieutenant Position for the Police Department.
		Mayor Pro-Tem Jackson inquired why this item had to go before City Council.
		Council Member Ureta explained that it is a reclassification of a position, which requires City Council's approval.
	X X X	Motion carried to approve the Re-Classification of Criminal Investigation Department (C.I.D.) Lieutenant Position for the Police Department.

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MAYOR: CITY MANAGER: CITY SECRETARY: CITY ATTORNEY: JOE CHRIS ALEXANDER FRANK RODRIGUEZ III DELMA A. GONZALEZ JESSE GONZALES, JR.

TWELFTH ORDER OF BUSINESS:

12. Discuss/Act upon Adoption of a 30 mph Speed Limit at the Fort Stockton Industrial Park, as per the Police Department Traffic Study.

Mayor Pro-Tem Jackson voiced that the adoption of the 30 mph Speed Limit was much needed.

Motion was made, seconded and carried to Adopt of a 30 mph Speed Limit at the Fort Stockton Industrial Park, as per the Police Department Traffic Study.

THIRTEENTH ORDER OF BUSINESS:

13. Discuss/Act upon Pecos County, Texas - City of Fort Stockton, Texas 2018 Interlocal Services Agreement - Water Line.

Assistant City Manager Davis stated that this Interlocal Agreement was between the City of Fort Stockton and Pecos County. It allows the City to place a 30" pipeline along the Alpine Highway and Right-of-Way. It permits the City to cross the Old Alpine Highway at the location specified and in accordance with the design and engineering plans provided by Hanson Professional Services, Inc.

The City will use care in doing so and will return the surface to the same or improved condition.

Eventually, the County will assign their easement through UT Lands to the City.

There will be a \$30 fee with UT Lands plus the filing fees at the Pecos County Court House, once the agreement expires.

FALCON WARNOCK JACKSON URETA RAMIREZ

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ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS: RUBEN FALCON, JAMES WARNOCK, BILLY JACKSON, MIKE URETA, JR., & DINO RAMIREZ

MAYOR: CITY MANAGER:

JOE CHRIS ALEXANDER FRANK RODRIGUEZ III

CITY SECRETARY: CITY ATTORNEY:

DELMA A. GONZALEZ JESSE GONZALES, JR.

FALCON WARNOCK JACKSON URETA RAMIREZ

Motion was made, seconded and carried to approve the Pecos County, Texas - City of Fort Stockton, Texas 2018 Interlocal Services Agreement - Water Line.

FORTEENTH ORDER OF BUSINESS:

14. Discuss/Act upon Officially Awarding TLC Engineering as the Firm and GrantWorks Engineering Administration/Professional Services Firm for the Texas Capitol Fund Project.

City Manager Rodriguez stated utilizing System for Award Management (SAM) he was requesting permission to officially award TLC Engineering as the Engineering Firm and Grant Works as the Administration and Professional Services Firm for the Texas Capitol Fund Project.

He stated that this project is associated with La Quinta.

FALCON WARNOCK JACKSON URETA RAMIREZ

Motion was made, seconded and carried to Officially Award TLC Engineering as the Engineering Firm and GrantWorks as the Administration/Professional Services Firm for the Texas Capitol Fund Project.

Mayor Alexander recessed from the Regular Meeting at 6:33 p.m. to convene into the:

FIFTEENTH ORDER OF BUSINESS:

15. City Council may Convene in Closed Session in Accordance with Texas Open Meetings Act, Texas Government Code, Concerning Attorney-Client Matters (§551.071); Deliberation regarding Real Property (§551.072); Deliberation regarding Prospective Gifts (§551.073); Personnel Matters (§551.074); and/or Deliberation regarding Security Devices (§551.076):

Ref: Annual Evaluation & Retainer Contract for City Attorney Jesse Gonzales, Jr.

MINUTES OF: REGULAR CITY COUNCIL MEETING DATE OF MEETING: **JANUARY 9, 2018** 5:30 P.M. TIME OF MEETING: PLACE OF MEETING: CITY HALL COUNCIL CHAMBER ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS: VOTED NAY
VOTED AYE
SECONDED RUBEN FALCON, JAMES WARNOCK, BILLY JACKSON, MIKE URETA, JR., & DINO RAMIREZ MAYOR: JOE CHRIS ALEXANDER CITY MANAGER: FRANK RODRIGUEZ III **DELMA A. GONZALEZ** CITY SECRETARY: JESSE GONZALES, JR. CITY ATTORNEY: Mayor Alexander closed the Executive Session @ 6:55 p.m. to reconvene into the Regular Meeting. SIXTEENTH ORDER OF BUSINESS: 16. Reconvene into Open Session Pursuant to Texas Government code Section §551.102 & Take Action, if any, on Matters Deliberated in **Executive Session:** (15) Discuss/Act upon Annual Evaluation & Retainer Contract for City Attorney Jesse Gonzales, Jr. Council Member Ureta stated that City Attorney Gonzales received a positive Annual Evaluation. X Motion was made, seconded and passed unanimously to approve the FALCON X Retainer Contract for City Attorney Jesse Gonzales, Jr. increasing his XXX WARNOCK **JACKSON** salary from \$34,000 to \$42,000. X URETA X RAMIREZ **SEVENTEENTH ORDER OF BUSINESS:** 17. Ouestions from the Media on Agenda Items. Media was not available. There being no further business, motion was made, seconded and passed XXX FALCON unanimously to adjourn the Regular Meeting @ 6:56 p.m. WARNOCK X **JACKSON** X URETA X RAMIREZ Joe Chris Alexander, Mayor

CITY OF FORT STOCKTON, TEXAS

ATTEST:

Marina A. Cantu, Admin. Asst