

CITY OF FORT STOCKTON, TEXAS
 MINUTES OF: REGULAR CITY COUNCIL MEETING
 DATE OF MEETING: JULY 10, 2018
 TIME OF MEETING: 5:30 P.M.
 PLACE OF MEETING: CITY HALL COUNCIL CHAMBER

VOTED NAY
 VOTED AYE
 SECONDED
 MOVED

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

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

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

Mayor Pro-Tem Ureta gave the Invocation.

Council Member Falcon led the Pledge of Allegiance & Pledge to the Texas Flag.

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."

FIRST ORDER OF BUSINESS:

1. **RECOGNITION:** Commend the Majors & Minors Little League Baseball Teams for Competing in the District 37 Championship Game:
 - Majors All-Stars Team (Ages 10-12) Named "*Champions*" & *Advanced to the Section 1 Texas West Tournament, Placed 3rd*; **Players:** Corbin Luna, Julian Leyva, Jaydren Ramirez, Isaiah Garcia, Kael Rojero, Adrian Hernandez, Marco Garcia, Andric Duran, Felipe Sotelo, Gery Diaz, Jayden Ramirez
 - Minors All-Stars Team (Ages 8-10) : Named "*Champions*" & *Advanced to the Section 1 Texas West Tournament*; **Players:** Nick Almendarez, Jose Baeza, Jeremiah Escontrias, Ayden Gonzalez, Allan Leyva, Ethan Nunez, Michael John Patino, Cy Rojas, Kariel Rojero, Jaden Sotelo, Alonso Urias, Caden Valdez

Mayor Alexander expressed that both of these teams had done an outstanding job and everyone was extremely proud of them. On behalf of the City, he expressed his gratitude to everyone that contributed to their success.

Little League Board President Paul Casias introduced each player and recognized the Little League Board Members for the time and effort dedicated to these participants.

SECOND ORDER OF BUSINESS:

2. Public Testimony on Agenda Items Only.

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Public comments regarding agenda items were not received by those in attendance.

THIRD ORDER OF BUSINESS:

3. CONSENT AGENDA:

Minutes:

- Regular Meeting Minutes of Fort Stockton City Council, 06/26/2018

Accounts Payable Total: \$ 320,406.09

Accounts Recap Total: \$18,855,629.97

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

FOURTH ORDER OF BUSINESS:

4. Civil Senior Engineer/Design Engineer Steve Synovitz of Hanson Professional Services Inc. -

- 30-Inch Water Transmission Line – Construction Progress /Status Report

Engineer Steve Synovitz of Hanson Professional Services Inc. reported that Nelson Lewis Inc. had installed 860 linear feet of pipe. They also laid pipe sections along the alignment and therefore the total amount of pipe that was strung along the segment thus far was 9,100 linear feet in 20' sections along the Old Alpine Highway. They were beginning to make progress and gaining momentum.

Money & Time:

Pay Estimate #1 – Was submitted by Nelson Lewis for work through the end of May. Approved by the City was \$142,000 for work to date.

Pay Estimate #2 – Was recently submitted for work through June 30th for \$293,897.00; of that amount \$88,397.00 was for materials on-hand. They also submitted shop drawings for materials that the City did not procure. That pending payment with the retainage would be \$148,722.00 through the end of June.

The contract amount was \$3,182,508.00 and to date the work completed and materials on hand was \$293,897.00 which was 9.2% of dollars expended.

FALCON
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 PALILEO

	MOVED	SECOND	VOTED AYE	VOTED NAY
FALCON			X	X
WARNOCK			X	X
URETA	X		X	X
PALILEO			X	X

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Schedule:

This yearly contract started on April 23, 2018 but a change order will be requested for an additional 30 days. The current contract timeframe was 395 days through June 30th or 68 days which was 17.2% and 9.2% of money expended. To remain on track, Nelson Lewis will need to begin producing \$350,000-\$400,000 monthly.

Requests for Change Proposals:

Change Order #1 – Is to clean wind-blown dirt that accumulated in the pipe while stowed in the storage yard for approximately 1 year. In lieu of covering the pipe with a protective tarp, which is in the contract, they studied and decided that leaving the pipe uncovered would not damage the pipe and preferred to use part of those funds to string the pipe along the alignment. This change order deleted the protective covering which was \$180,000.00 but the pipe cleaning and stringing out of pipe totaled \$116,716.00 which equaled a net credit to the City's contract of \$63,283.19.

Instead of revising the contract, a line item for "Unanticipated Changes" would be added. This will be a cash allowance that Nelson Lewis can tap into with approval from the City and Hanson. Currently, the contract contains a \$75,000.00 cash allowance for unanticipated utility conflicts. This line item will now total \$138,000.00. If funds are not used, they revert back to the City at the end of the contract.

Pending Requests for Change Proposals:

The contractor initiated a Change Order Request for a Storm Water Pollution Prevention Plan. The original plan contained silt fencing (plastic fence with some metal fencing with stakes in the ground) for the most part along both sides of the entire alignment which totaled approximately \$140,000.00. Its purpose is to prevent silt from migrating from a construction site and entering waterways or contaminating streams and ponds.

As an alternate, a straw log to capture the silt was accepted from the contractor because the silt fencing that was needed could not be located to bring to the site and therefore requested that this item be eliminated. A Pollution Prevention Plan will be initiated for the culverts, arroyos, etc. to prevent the silt from migrating into these waterways. The City will receive a credit for this item and will be apprised on what Nelson Lewis proposes to do.

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Shifts in Alignment:

Sitting below the 55' offset from the edge of the pavement along the county right-of-way on the Alpine Highway is a fiber optic line that is a major toll-line to West Texas and valued at more than \$1 million if damaged.

The contract includes exploratory excavations and due to the fiber optic line the alignment for a certain stretch of area will shift from 55' to 45' off the edge of the pavement. A change order will be issued by him to shift that alignment which should not affect costs.

Also, the fiber-optic line was angling across the alignment of 2 existing water lines to the city, prison, gas line, overhead powerlines, etc. There were a lot of utilities on that side of the highway. Their intent was to approach TX DOT to amend the permit from the starting point of the job to where the state highway turned north in order to move the line on the south side of the right-of-way because there were not any utilities there which would permit them to avoid the fiber optic line. He believed this amendment would be approved because TX DOT would prefer that the pipe be on the edge of the right-of-way versus close to the road where it was currently. He would return to the City to report on TX DOT's response.

Also, there was an existing 33' easement across UT Lands that broke away from the Old Alpine Highway to the R.O. Plant. The City approached UT Lands about obtaining a wider easement because the alignment was only 8'4" from the existing centerline and a concern was that the pipe could be damaged.

They completed a survey, obtained legal descriptions, prepared exhibits and submitted this information to UT Lands. The City was also seeking Pecos County's approval and expected to get approval from UT to allow the contractor to enter that 100' wide easement to clear the land to begin stringing out pipe on that section. Instead of 8'4" from centerline, it would now be 73'6" from centerline to that 20" line. This would provide an additional risk reduction and a buffer along that section. Hanson would prepare the revised alignment and issue a change order to the contractor.

FIFTH ORDER OF BUSINESS:

5. Chief of Police Skelton -

✚ Fort Stockton Police Department Statistics for May & June 2018

Chief Skelton presented May & June's statistics for the Police Department:

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	MAY	JUNE
Total Arrests	28	19
Accidents:	18	13
Traffic Stops/Violations:	453	256
Traffic Citations Issued:	46	28
	MAY	JUNE
Investigations Initiated:	64	46
83 rd DA Filed Cases:	19	8
112 th DA Filed Cases:	24	11
County Attorney Filed Cases:	46	15
Juvenile Probation Filed Cases:	2	2
Calls for Service Dispatched:	1718	1411
FS Police Department Calls:	1180	966
FS Fire Department Calls:	19	16
PC EMS Calls:	167	159
PC Sheriff's Office Calls:	352	270

- Directed Traffic Program –
 - Complaint forms were not received for May or June. Instead Officers focused 62.6 hours in May on Parkview Road, Everts Street, E. Dickinson Boulevard, Young Street, Spur 194, & Eleventh Street and 22.6 hours in June on Parkview Road, Everts Street, Dickinson Boulevard, and Spur 194;
 - Traffic Stops: May - 150 & June – 45;
 - Public Relations Contacts: May - 128 & June – 26;
 - Departmental Training Hours Received: May - 148 & June – 152; &
 - Walk-Throughs Conducted: May – 185 in School Campuses and Hospital & for June – 56 in Hospital & Businesses

He also introduced 2 new Officers: Luis Acosta and James Wells who were currently in training.

SIXTH ORDER OF BUSINESS:

6. Discuss/Act upon Ordinance No. 18-120, Amending Chapter 12 Titled Garbage and Trash*, Article I. In General†, & Article III.- Charges* of the Code of Ordinances of the City of Fort Stockton; and Repealing All Other Ordinances or Portions Thereof in Conflict, a Severability Clause, Penalty Clause, and Providing for an Effective Date.

City Manager Rodriguez reported that the proposed ordinance increased the tonnage rate for Type I Waste from \$65 to \$75 and Type IV Waste from \$75 to

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\$100. In conversing with Public Works Director Ramos and the Landfill crew, there was a lot of activity throughout the community and landfill but the City had not been able to "catch up" with its revenues. The proposed fees would assist in maintaining the landfill.

Only one cell remained at the site which was the main reason for managing and controlling what entered the landfill. The panels and plastic from the oilfield were rapidly consuming the cell and why prohibited.

The proposed Type I Waste fee would affect in-town and out-of-town trash with the exception of residential customers and those hauling Type IV Waste. *"The best way to describe this is anybody else other than our trash trucks going and picking up trash in the community and bringing and dumping at the landfill."*

Council Member Falcon emphasized that residential trash rates were not increasing.

FALCON
 WARNOCK
 URETA
 PALILEO

X

X

X

XX

X

Motion was made, seconded and carried unanimously to approve Ordinance No. 18-120, Amending Chapter 12 Titled Garbage and Trash*, Article I. In General†, & Article III.- Charges* of the Code of Ordinances of the City of Fort Stockton; and Repealing All Other Ordinances or Portions Thereof in Conflict, a Severability Clause, Penalty Clause, and Providing for an Effective Date.

SEVENTH ORDER OF BUSINESS:

7. Discuss/Act upon Ordinance No. 18-121, Amending Chapter 21 Titled Taxation*, Article IV. Sales Tax*, Division 1. Generally of the Code of Ordinances of the City of Fort Stockton; and Repealing All Other Ordinances or Portions Thereof in Conflict, a Severability Clause, Penalty Clause, and Providing for an Effective Date.

City Manager Rodriguez stated that the proposed increases were being requested because several R.V. Parks, hotels, and apartments had increased their customer's fees. In reviewing the economy the proposed and appropriate adjustments would aid in balancing what was needed to maintain the city's infrastructure.

Council Member Falcon reiterated that the proposed fees were not being adjusted because these businesses increased their prices but because they were placing additional stress on the existing system and unfair to citizens that were

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paying monthly infrastructure fees to maintain the system. Those from elsewhere needed to pay their share.

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MOVED	SECOND	AYE	NAY
		X	
	X	X	
X		X	
		X	

Motion was made, seconded and carried unanimously to approve Ordinance No. 18-121, Amending Chapter 21 Titled Taxation*, Article IV. Sales Tax*, Division 1. Generally of the Code of Ordinances of the City of Fort Stockton; and Repealing All Other Ordinances or Portions Thereof in Conflict, a Severability Clause, Penalty Clause, and Providing for an Effective Date.

EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon Awarding of Combined Employee Group Medical, Dental, Vision, & Life/AD&D Coverage.

City Manager Rodriguez expressed that additional time was needed to compare the insurance proposals that were received. He suggested scheduling a special meeting prior to the July 24th Regular Meeting to specifically review and consider the proposals.

FALCON
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MOVED	SECOND	AYE	NAY
	X	X	
		X	
X		X	
		X	

Motion was made, seconded and carried unanimously to Table Awarding of Combined Employee Group Medical, Dental, Vision, & Life/AD&D Coverage, based on the City Manager's recommendation.

NINTH ORDER OF BUSINESS:

9. Discuss/Act upon S*Power Solar Lease Option Agreement at the City's Blue Ridge Property; As Well as Authorizing the City Manager and City Water Attorney to Send Notification Letter to Schuyler Wight.

City Water Attorney Harral reported that there was another entity that was interested in leasing acreage at Blue Ridge, as was S*Power who provided a verbal figure last week and a firm figure that morning. Based on several factors, his recommendation was S*Power.

- The second company was offering more money on a per acre basis than S*Power however that company had not indicated how many acres would be used for their project unlike S*Power who had.
- Also, timing was a major factor that would take 3-6 months to negotiate a final contract between the City and the second company.
- The second company was offering \$500 an acre during the construction phase which normally took between 6-12 months depending on the size of the project whereas S*Power was offering \$15,000 a quarter.

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- The second company had several projects with different landowners in Reeves and Pecos County whereas S*Power only wanted to focus on the City's property and getting out through the loop.
- A lease or an option agreement had yet to be provided to the City to consider which was a major undertaking. The S*Power lease took 6 months to negotiate.
- The timeline the second company proposed was beyond the Federal Investment Tax Credit which meant that the possibility of financing/constructing the solar project was unlikely beyond or would expire in 2021. If this process has not started now or within 3-6 months, more than likely a company will miss the federal tax incentives.
- The second company was requesting 4 years for the option agreement instead of 3 years. ERCOT had changed its interconnection procedures to require that solar and wind developers complete an additional 2 year process to get facilities connected and approved prior to financing occurring. S*Power either started or already completed this interconnection process.

FALCON
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MOVED	SECONDED	VOTED AYE	VOTED NAY
		X	X
		X	X
X		X	X
		X	X

Motion was made, seconded and carried unanimously to approve the S*Power Solar Lease Option Agreement at the City's Blue Ridge Property; As Well as Authorizing the City Manager and City Water Attorney to Send Notification Letter to Schuyler Wight.

TENTH ORDER OF BUSINESS:

10. Discuss/Act upon Two Additional Field Surveys for Salt Creek Midstream LLC at Blue Ridge Property: AB 5656 BLK. 50-9 SEC. 21, E ½ T&P & AB 5919 BLK. 50-9 SEC. 22, T&P.

City Water Attorney Harral commented that previously the City approved 4-6 surveys for Salt Creek Midstream at Blue Ridge but they needed extra space to place additional pipeline and why they were requesting 2 more surveys.

Due to issues acquiring right-of-ways on an adjacent landowner's property, they wanted to continue to expand the amount of land being used because the City was easier to contend with and quicker to respond.

He was preparing an easement for the company which would be considered by the City in August and if approved, a check.

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 WARNOCK
 URETA
 PALILEO

MOVED	SECONDED	VOTED AYE	VOTED NAY
		X	
		X	
X		X	
	X	X	

Motion was made, seconded and carried unanimously to approve Two Additional Field Surveys for Salt Creek Midstream LLC at Blue Ridge Property: AB 5656 BLK. 50-9 SEC. 21, E ½ T&P & AB 5919 BLK. 50-9 SEC. 22, T&P.

ELEVENTH ORDER OF BUSINESS:

11. Discuss/Act upon SecuraMax Service Contract between the City of Fort Stockton and Pro-Vision, Inc. for the Police Department Body Cams.

Chief Skelton affirmed that the body video cams that rest on an Officer's chest that were previously purchased are called Pro-Vision. If this 5-year contract with SecuraMax is approved, the company will be responsible for preserving the data from these body cams off-site and is retrievable. Digital discs will no longer need to be provided to prosecutors, etc. but will be available through a link on their reports or it can be texted.

To pay for this contract, areas were identified in the budget and as a contingency could use asset forfeiture funding.

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MOVED	SECONDED	VOTED AYE	VOTED NAY
		X	
		X	
X		X	
	X	X	

Motion was made, seconded and carried unanimously to approve SecuraMax 5-Year Service Contract between the City of Fort Stockton and Pro-Vision, Inc. for the Police Department Body Cams.

TWELFTH ORDER OF BUSINESS:

12. Discuss/Act upon FY 2018 Grant Award G18SW0019 for \$85,239.00 from the High Intensity Drug Trafficking Areas (HIDTA) Program to the Fort Stockton Police Department.

Chief Skelton reported that a position was previously approved by HIDTA but the agency continued to prepare the required paperwork for this year and next year to secure that individual. This was the second cycle of funding but the agency was required to return to the first cycle to re-program some monies intended for another agency that was no longer associated with HIDTA. The funding that the Police Department received would be used this year.

FALCON
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 PALILEO

MOVED	SECONDED	VOTED AYE	VOTED NAY
		X	
		X	
X		X	
	X	X	

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THIRTEENTH ORDER OF BUSINESS:

13. Discuss/Act upon Tax Deeds & Property Cards for Trust Properties from Texas Communities Group:

- Parcel 17214 - East One-Half of Lot One (1), Block Three (3), Old Fort Addition
- Parcel 17340 - East One-Half of Lot Seven (7), Block Nineteen (19), Old Fort Addition

Code Enforcement Officer Ingles stated that in partnership with the Texas Communities Group, the auction process commenced for properties that were in trust. These properties were struck off the taxing entities because they failed to sell in the foreclosure sale. The bids for both of the parcels closed and were pending approval. These lots were small and inadequate for homes.

The first property was located at 307 W. First Street. Juan & Angelina Sanchez bid \$1,000 for this parcel which was adjacent to their property and would be used to expand their current yard. Hillsboro Inlet LLC bid \$900 for the second property which was located at 306 W. Second Street.

Hopefully, both of these properties will once again be placed on the tax roll with property owners tending to them. Additional properties would be presented in the future once bids were received.

City Attorney Gonzales declared that every entity needed to approve and endorse the deeds in order to transfer to the proposed owners. In the proceeds was an initial tax lien that still needed to be satisfied which was a pro-rata share. Both of the bids were below the amount due for each property. The tax due for the \$900 bid was \$1, 2796.43 and \$2,180.46 for the \$1,000 bid. If approved, the proceeds would proportionally be split among the entities for what was owed.

Motion was made, seconded and carried unanimously to approve Tax Deeds & Property Cards for Trust Properties from Texas Communities Group: Parcel 17214 - East One-Half of Lot One (1), Block Three (3), Old Fort Addition & Parcel 17340 - East One-Half of Lot Seven (7), Block Nineteen (19), Old Fort Addition.

MOVED
 SECONDED
 VOTED AYE
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X
 X
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FOURTEENTH ORDER OF BUSINESS:

14. Discuss/Act upon Extension of Requests for Qualifications (RFQ) for a Construction Manager at Risk for Improvements topo the Public Safety Building; To be Opened 08/02/18 & Awarded 08/06/18.

City Manager Rodriguez expressed that several individuals inquired about this RFQ but submissions were not received by the deadline. He suggested that these be opened during the budget session.

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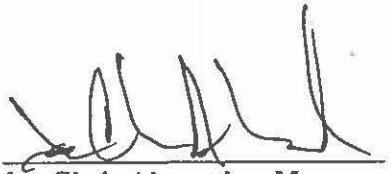
X
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 X
 X

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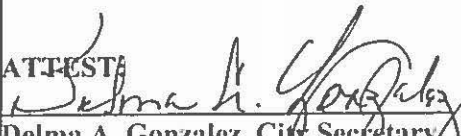
FIFTEENTH ORDER OF BUSINESS:

15. Questions from the Media on Agenda Items.

There being no further business, the Regular City Council Meeting was adjourned @ 6:35 p.m.


 Joe Chris Alexander, Mayor

ATTEST:


 Delma A. Gonzalez, City Secretary