

MINUTES OF: REGULAR CITY COUNCIL MEETING

DATE OF MEETING: JUNE 25, 2019

TIME OF MEETING: 5:30 P.M.

PLACE OF MEETING: CITY COUNCIL CHAMBER

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

RUBEN FALCON, JAMES WARNOCK, MIKE URETA JR. &amp; PAUL CASIAS

ABSENT: JOE CHRIS ALEXANDER &amp; PAM PALILEO

MAYOR: JOE CHRIS ALEXANDER

CITY MANAGER: FRANK RODRIGUEZ III

CITY SECRETARY: DELMA A. GONZALEZ

CITY ATTORNEY: JESSE GONZALES, JR.

Mayor Pro-Tem Ureta called the Regular Meeting to order at 5:30 p.m. after declaring a quorum present.

City Manager Rodriguez gave the Invocation.

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

Mayor Pro-Tem Ureta 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."**

**RECOGNITION:** Commend City of Fort Stockton Gas Department Personnel for Their Exemplary Pipeline Safety Evaluation received from the Railroad Commission of Texas.

Mayor Pro-Tem Ureta reported that on June 13, 2019, City Manager Frank Rodriguez met with the Railroad Commission's Audit Team. During this briefing, the Audit Team praised Gas Department Personnel on their daily operations which includes compliance with the Gas Distribution Integrity Management Program (DIMP) and the Department's operational manuals which identified "zero deficiencies."

Gas Superintendent Almendarez who leads the department and considered an expert in his field, continues to be proud of his team's accomplishments. Administrative Assistant Orona recently joined this team and has become a key component in fulfilling the required paperwork for the Department.

Recognized with a Certificate for the Department were: Crew Leader Ruben Ramirez, Efrain Mendoza, Francisco "Kiko" Jaquez, Bonifacio Gonzalez, Randy Frausto, Admin. Asst. Korine Orona, & Gas Superintendent Orlando Almendarez.

**RECOGNITION:** Commend City of Fort Stockton Parks and Cemetery Department Personnel for Their Outstanding Commitment & Diligent Efforts to Ensuring that City Grounds are Properly Maintained for Citizens.

VOTED NAY  
VOTED AYE  
SECOND  
MOVED

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**Mayor Pro-Tem Ureta** presented a Certificate of Recognition to the Parks and Cemetery Department for their outstanding commitment and diligent efforts to ensuring that City parks are properly maintained for citizens to utilize.

Also commended was Supervisor Tovar for the preparation and design of the new & upgraded sprinkler system at the East Hill Cemetery. This upgrade rerouted the water lines to effectively serve different areas while repairs were being completed in malfunctioning areas.

Recognized with a Certificate for the Department were: Crew Leader Nathan Day, Ricardo Trejo, Thomas Ortiz, Johnny Hernandez, Jesse Barron, & Supervisor Marcus Tovar

**Last But Not Least ———**

**Mayor Pro-Tem Ureta** presented an additional certificate to Administrative Assistant Jessenia Villela who has diligently continued to compile a gravesite tracking system for the East Hill Cemetery. She has intently worked with the Parks and Recreation Department to ensure that every gravesite is accurately identified on the City's mapping system. This project has required numerous hours, attention to detail and dedication which she loyally continues to fulfill apart from her other duties.

**Mayor Pro-Tem Ureta** recessed from the Regular Meeting @ 5:43 p.m. to convene into the:

**PUBLIC HEARING:** Application Request from Property Owner Kelly Ganson, Inc., A Texas Corporation, To consider the Rezone of Lots Seven Through Twelve (7-12), Block 99, ORIENT ADDITION, from a Commercial "C" District to a Multi-Family (MF) Residential Dwelling District," Fort Stockton, Pecos County, Texas, for the Construction of an Apartment Complex.

**Mayor Pro-Tem Ureta** asked for comments from the public.

**Council Member Falcon** understood that this apartment complex which is very important for our community will be open to the public and will not have any financial requirements or restrictions.

MOVED  
 SECONDED  
 VOTED AYE  
 VOTED NAY

VOTED NAY  
VOTED AYE  
SECONDED  
MOVED

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:  
RUBEN FALCON, JAMES WARNOCK, MIKE URETA, JR., & PAUL CASIA

ABSENT: JOE CHRIS ALEXANDER & PAM PALILEO

MAYOR: JOE CHRIS ALEXANDER  
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Mayor Pro-Tem Ureta concurred with Council Member Falcon being that additional housing in the community was unquestionably needed.

Mayor Pro-Tem Ureta asked for additional comments. There being none, the Public Hearing was closed @ 5:44 p.m. to convene into another:

**PUBLIC HEARING:** Application Request from Property Owner Kelly Ganson, Inc., A Texas Corporation, To consider the Rezone of Lots One Through Five (1-5), North 10' of Lots 6 & 7 (N10' of 6 & 7), & Lots Eight Through Twelve (8-12), Block 146, ORIENT ADDITION, from a Retail "R" District to a Multi-Family (MF) Residential Dwelling District," Fort Stockton, Pecos County, Texas, for the Construction of an Apartment Complex.

Mayor Pro-Tem Ureta asked for comments from the public.

Oscar Hernandez, 1109 N. State Street, Fort Stockton, Texas, expressed several opinions/concerns regarding both of the proposed apartment complexes.

Council Member Falcon asked Mr. Hernandez if the members of the Planning & Zoning Commission authorized him to represent the board because otherwise he could not.

Mr. Hernandez replied "Yes, we did."

Council Member Falcon stated "This is an action item. Did the board okay you to represent them on their behalf?"

Mr. Hernandez replied "No, then as a public member."

Mayor Pro-Tem Ureta recommended that since he is a member of the Planning & Zoning Commission to schedule an appointment with City Manager Rodriguez to express his concerns. Thereafter, City Manager Rodriguez will apprise City Council.

Mayor Pro-Tem Ureta asked for additional comments from the public. There being none, the 2<sup>nd</sup> Public Hearing was closed @ 5:48 p.m.

**FIRST ORDER OF BUSINESS:**

**1. CONSENT AGENDA:**



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 PAUL CASIAS

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**Minutes:**

- Regular Meeting Minutes of Fort Stockton City Council, 06/11/2019
- Regular Meeting Minutes of Planning & Zoning Commission, 06/19/2019
- Regular Meeting Minutes of Planning & Zoning Commission (Carport), 06/19/2019
- Regular Meeting Minutes of Convention & Visitor's Bureau 05/21/2019
- Regular Meeting Minutes of Fort Stockton Downtown Association, 05/19/2019
- Regular Meeting Minutes of F.S. 4-A Economic Development Corporation, 05/14/19
- Regular Meeting Minutes of F.S. 4-B Economic Development Corporation, 05/14/19

Accounts Payable Total: ~~\$411,753.71~~ \$412,153.74

Director of Finance Rodriguez reported that an error was discovered earlier that day regarding a Wallace Lumber invoice. The amount incorrectly entered was for \$191.50 instead of \$591.50; a difference of \$400. The correct amount was \$412,153.74.

Motion was made, seconded and carried unanimously to approve the Consent Agenda, with correction to the Accounts Payable, as noted.

**SECOND ORDER OF BUSINESS:**

2. Discuss/Act upon Ordinance No. 19-112, Amending an Ordinance Enacted June 1, 1982, by Rezoning Block 99, Lots Seven Through Twelve (7-12), ORIENT ADDITION, from a Commercial (C) District to a Multi-Family (MF) Residential Dwelling District, Fort Stockton, Pecos County, Texas, For the Construction of an Apartment Complex; As Petitioned by Property Owner Kelly Ganson, Inc., A Texas Corporation.

Motion was made, seconded and carried unanimously to approve Ordinance No. 19-112, Amending an Ordinance Enacted June 1, 1982, by Rezoning Block 99, Lots Seven Through Twelve (7-12), ORIENT ADDITION, from a Commercial (C) District to a Multi-Family (MF) Residential Dwelling District, Fort Stockton, Pecos County, Texas, For the Construction of an Apartment Complex; As Petitioned by Property Owner Kelly Ganson, Inc., A Texas Corporation.

FALCON  
 WARNOCK  
 URETA  
 CASIAS

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

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X	X
X	X
	X
	X

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CITY MANAGER: FRANK RODRIGUEZ III  
CITY SECRETARY: DELMA A. GONZALEZ  
CITY ATTORNEY: JESSE GONZALES, JR.**THIRD ORDER OF BUSINESS:**

3. Discuss/Act upon Ordinance No. 19-113, Amending an Ordinance Enacted June 1, 1982, by Rezoning Block 146, Lots One Through Five (1-5), North 10' of Lots 6 & 7 (N10' of 6 & 7), & Lots Eight Through Twelve (8-12), ORIENT ADDITION, from a Retail (R) District to a Multi-Family (MF) Residential Dwelling District, Fort Stockton, Pecos County, Texas, for the Construction of an Apartment Complex; As Petitioned by Property Owner Kelly Ganson, Inc., A Texas Corporation.

Motion was made, seconded and carried unanimously to approve Ordinance No. 19-113, Amending an Ordinance Enacted June 1, 1982, by Rezoning Block 146, Lots One Through Five (1-5), North 10' of Lots 6 & 7 (N10' of 6 & 7), & Lots Eight Through Twelve (8-12), ORIENT ADDITION, from a Retail (R) District to a Multi-Family (MF) Residential Dwelling District, Fort Stockton, Pecos County, Texas, for the Construction of an Apartment Complex; As Petitioned by Property Owner Kelly Ganson, Inc., A Texas Corporation.

**FOURTH ORDER OF BUSINESS:**

4. Discuss/Act upon Resolution No. 19-110R, Endorsing an Agreement with the State of Texas Department of Transportation (TXDOT) for the Temporary Closure of the State Right-Of-Way to Utilize State Highway 1053 (North Main Street) Between Eleventh Street and Dickinson Boulevard, Fort Stockton, Texas, for the Purpose of Conducting the "Reunion Festival" Annual Event; Authorizing the City Manager to Execute Any & All Necessary Documents to Implement this Resolution; & Declaring an Effective Date.

City Manager Rodriguez conveyed that the Reunion Festival will be held by the CVB on July 20, 2019. This documentation was completed in advance to ensure that ample time is available to make the appropriate closures for this worthy event.

Motion was made, seconded & carried unanimously to approve Resolution No. 19-110R, Endorsing an Agreement with the State of Texas Department of Transportation (TXDOT) for the Temporary Closure of the State Right-Of-Way to Utilize State Highway 1053 (North Main Street) Between Eleventh Street and Dickinson Boulevard, Fort Stockton, Texas, for the Purpose of Conducting "The Reunion Festival" Annual Event; Authorizing the City

MOVED	SECOND	VOTED AYE	VOTED NAY
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FALCON  
WARNOCK  
URETA  
CASIAS

X  
XX  
X  
X

FALCON  
WARNOCK  
URETA  
CASIAS

X  
XX  
X  
X



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**Manager to Execute Any & All Necessary Documents to Implement this Resolution; & Declaring an Effective Date.**

**FIFTH ORDER OF BUSINESS:**

**5. Discuss/Act upon Awarding of Consulting Services for Design, Bidding, and Construction Administration for TDCJ Lynaugh Wastewater Treatment Facility Additional Effluent Holding Pond. *Qualifications Received: Enprotec/Hibbs & Todd, KSA, Parkhill Smith & Cooper***

City Water Attorney Harral reported that he and Public Works Director Ramos reviewed the qualifications received from Enprotec/Hibbs & Todd, KSA, & Parkhill Smith & Cooper. Each entity is qualified to complete this project but his recommendation is that this item be tabled until rate sheets, although not requested in the RFQ, are received from each firm to determine their general cost before awarding of project.

**Motion was made, seconded & carried unanimously to table Awarding of Consulting Services for Design, Bidding, and Construction Administration for TDCJ Lynaugh Wastewater Treatment Facility Additional Effluent Holding Pond until Rate Sheets are received from Enprotec/Hibbs & Todd, KSA, & Parkhill Smith & Cooper.**

**SIXTH ORDER OF BUSINESS:**

**6. Discuss/Act upon the Awarding of Bid for One New 200-Killowatt Natural Gas Generator. Bids Received: Critical Power, L. J. Power Generators**

Director of Public Works Ramos reported that bids were received from Critical Power and L. J. Power Generators. The generator's cost with Critical Power was \$71,050 with a manufacturer's standard warranty while the cost for L.J. Power's generator was \$68,275 +\$1,700 for Optional Startup, Training and Testing by a Factory Certified Technician. His recommendation was that the L.J. Power generator be awarded the bid due to the additional 2 Years Parts/Labor/2000 hours Warranty.

**Motion was made, seconded & carried unanimously to Award Bid for One New 200-Killowatt Natural Gas Generator to L. J. Power Generators.**

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X

X

X  
 X  
 X  
 X

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X

X

X  
 X  
 X  
 X

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**SEVENTH ORDER OF BUSINESS:**

**7. Discuss/Act upon Letter of Engagement with Smith & Rives, PC, for Fiscal-Year Ended September 30, 2019.**

**Director of Finance Rodriguez** commented that Smith & Rives, PC was initially awarded the 2016 Fiscal-Year Audit with an additional 3-year extension. If this Letter of Engagement for the 2018-2019 Audit is approved, it will be their final year or otherwise the City can opt to solicit bids.

**Motion was made, seconded & carried unanimously to approve Letter of Engagement with Smith & Rives, PC, for Fiscal-Year Ended September 30, 2019.**

**EIGHTH ORDER OF BUSINESS:**

**8. Discuss/Act upon City of Fort Stockton – Pecos County 2019 Interlocal Services Agreement Coyanosa/Imperial Trash Collection.**

**City Manager Rodriguez** reported that this agreement will become effective June 24, 2019 and is the same agreement approved in 2018. Containers in Imperial and Coyanosa are either collected once or twice per week or can exceed two collections per week.

The fee for 2 weekly collections is \$35 monthly per container or for those exceeding 2 collections per week is \$17.50 per container per each additional day per week.

**Council Member Casias** recalled several pictures of the trash in Imperial. He believed that some of the residents needed to request a second container.

**City Manager Rodriguez** concurred with Council Member Casias' comment and imparted that a meeting was held that day with Sanitation Department personnel regarding this concern. Sanitation Supervisor Iverson and Public Works Director Ramos were asked to relay this information to Commissioner Cantu.

**Motion was made, seconded & carried unanimously to Approve City of Fort Stockton – Pecos County 2019 Interlocal Services Agreement Coyanosa/Imperial Trash Collection effective June 24, 2019.**

[illegible]

FALCON  
WARNOCK  
URETA  
CASIAS

FALCON  
WARNOCK  
URETA  
CASIAS



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**NINTH ORDER OF BUSINESS:**

9. Discuss/Act upon the Construction of a Carport in a Single-Family (SF-1) Residential Dwelling District in Accordance with Ordinance No. 18-126, as Requested by Property Owners: (Mayor)
- Sin Wang Ley, 1701 W. First Street, Fort Stockton, Texas 79735

Building Official Stoddard remarked that on June 19, 2019, the Planning & Zoning Commission held a meeting to consider this project. After a short deliberation, their recommendation to City Council was that that the construction of this carport be approved.

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X

X

X

X

X

X

Motion was made, seconded & carried unanimously to approve the Construction of a Carport belonging to Property Owners Sin Wang Ley 1701 W. First Street, Fort Stockton, Texas 79735; being in a Single-Family (SF-1) Residential Dwelling District and in Accordance with Ordinance No. 18-126.

Mayor Pro-Tem Ureta recommended that the Tenth & Eleventh Order of Business be postponed until a future meeting. Additional information was needed to convene on this item.

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X

X

X

X

X

X

Motion was made, seconded & carried unanimously to postpone the Tenth & Eleventh Order of Business for a future meeting.

**TENTH ORDER OF BUSINESS:**

10. City Council May Convene in Closed Session in Accordance with the 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: Deliberation regarding Duties of City Attorney Jesse Gonzales, Jr.*

**ELEVENTH ORDER OF BUSINESS:**

11. Reconvene into Open Session Pursuant to Texas Government Code Section §551.102 & Take Action, if any, on Matters Deliberated in Executive Session:

(10) Discuss/Act upon Duties of City Attorney Jesse Gonzales, Jr.



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**TWELFTH ORDER OF BUSINESS:**

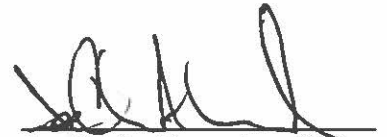
**12. Questions from the Media on Agenda Items.**

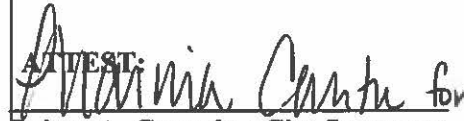
Inquiries regarding agenda items were not made by the Media.

**THIRTEENTH ORDER OF BUSINESS:**

**13. Adjourn.**

Mayor Pro-Tem adjourned the Regular City Council Meeting by unanimous consent @ 6:02 p.m.

  
Joe Chris Alexander, Mayor

ATTEST:  
  
Delma A. Gonzalez, City Secretary

VOTED NAY  
VOTED AYE  
SECONDED  
MOVED