

CITY OF FORT STOCKTON, TEXAS  
 MINUTES OF: REGULAR CITY COUNCIL MEETING  
 DATE OF MEETING: JULY 9, 2019  
 TIME OF MEETING: 5:30 P.M.  
 PLACE OF MEETING: CITY COUNCIL CHAMBER

MOVED  
 SECONDED  
 VOTED AYE  
 VOTED NAY

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

PAM PALILEO ARRIVED DURING EXECUTIVE SESSION

MAYOR: JOE CHRIS ALEXANDER  
 CITY MANAGER: FRANK RODRIGUEZ III  
 CITY SECRETARY: 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.

**Mayor Alexander** gave the Invocation.

**Majors & Minors Little League Baseball Teams** 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."**

**RECOGNITION:** Commend the Majors & Minors Little League Baseball Teams for their Achievement in District 37 Championship Games:

- **Majors All-Stars Team (Ages 10-12) Named "Champions" & Advanced to the Section 1 Texas West Tournament, Ranked 3<sup>rd</sup> Place; Players:** Rylan Nunez, Kael Rojero, Gerry Diaz, Zhane Natividad, Gama Corral, Nick Almendarez, Divani Palacios, Mario Natera, Jayden Sotelo, Cedric Lopez, Jondrey Reyes, Jorell Tapp
- **Minors All-Stars Team (Ages 8-10): Named "Champions" & Advanced to the Section 1 Texas West Tournament and Ranked 3<sup>rd</sup> Place; Players:** Bubba Patino, Christian Carrillo, Christian Guzman, Kenneth Losoya, Rogelio Marquez, Jesse Montoya, Giovanni Montoya, Rylee Muniez, Marco Natividad, Ethan Nunez, Esai Ramos, Henry Simmons, Brayde Barragan.

**Recreation Director Ruby Bernal** introduced each member of the Majors All-Stars Team (Ages 10-12).

She acknowledged the coaches Hector Natividad, Ernesto Palacios, Gama Corral & Nathan Tapp.

She commended the team on being undefeated in the District 37 Tournament held in Fort Stockton. She acknowledged the great showing they had both here in Fort Stockton and in Lubbock. She informed everyone that the Majors All-Stars Team was ranked 3<sup>rd</sup>.

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Recreation Director Bernal introduced each member of the Minors All-Stars Team (Ages 8-10).

She recognized the coaches Ruben Bernal, Joe Bernal, Jesse Montoya & Junior Ramos.

She commended the team on being undefeated in the District 37 Tournament held in Fort Stockton. She stated the minors won the championship game 21-5, and advanced to Midland Sectionals where they placed 3<sup>rd</sup>.

# FIRST ORDER OF BUSINESS:

## 1. Director of Public Works Aaron Ramos—

- City of Fort Stockton 2018 Water Quality Report

Public Works Director Aaron Ramos advised City Council in accordance with TCEQ regulations, Water Quality Reports must be sent to all the city's customers by July of each year.

The reports contain facts such as where the City of Fort Stockton gets their drinking water from, the chlorine levels of the water from the previous year, as well as lead & copper sampling results, which are done every 3 years. Tips on Water Conservation are also included to encourage customers to fix their small leaks. Recommendations for customers to water their yards at optimal times of the day, not when it is extremely hot. Any violations on the water samples, which are collected monthly from the distribution system, are also included in the Water Quality Reports.

He commended the Water Department for being a Great Water Team. He informed everyone that there have not been any violations in 4 years. He explained the violations documented in the 2018 Water Quality Report were from a previous team that is no longer with the City of Fort Stockton. Although these violations have been rectified, they must remain on our Water Quality Reports for a minimum of 3 years. The violations can be removed from the Water Quality Report for next year, with TCEQ's permission.

Mayor Alexander commended the Water Department for the great job they have done and acknowledged their part in ensuring the 30-inch waterline was tied in seamlessly.

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MOVED	SECONDED	VOTED AYE	VOTED NAY
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**Public Works Director Ramos** advised everyone that the 30-inch waterline was completed June 28.

**Mayor Alexander** advised everyone that the booster pump is now able to be used. He explained that previously the city was free flowing water without the use of the booster pump.

He inquired how long the water had been free flowing.

**Assistant Public Works Director Carlos Lopez** responded that the water had been free flowing for approximately 2 years.

**Councilman Falcon** inquired if he found any of the levels and/or rates in the Water Quality Reports concerning.

**Public Works Director Ramos** replied that he did not. He elaborated that TCEQ sends a sampler once every year. He stated the city should receive the sampler in 2 weeks.

The Water Department will obtain the samples and TCEQ will give them the results that will be reflected on next year's Water Quality Report.

The Water Department conducts their own chlorine, lead and copper tests.

## SECOND ORDER OF BUSINESS:

### 2. CONSENT AGENDA:

#### Minutes:

- Regular Meeting Minutes of Fort Stockton City Council, 06/25/2019
- Regular Meeting Minutes of Intergovernmental Recreation Board, 04/17/2019

Accounts Payable Total: \$260,606.85

Motion was made, seconded and carried to approve the Consent Agenda, as presented. Council Member Casias abstained from the motion.

FALCON			X
WARNOCK		X	X
URETA	X		X
CASIAS (ABSTAINED)			

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**THIRD ORDER OF BUSINESS:**

**3. Discuss/Act upon Ordinance No. 19-115 & Service Plan, Regarding the Voluntarily Annexation of:**

- A 5.872 Acre Tract of Land situated in the Chopra Addition, A Re-Plat of Block 18, Stockton Heights Addition, Section 24, Block 146, T&STL RR Co. Survey, Pecos County, Texas As recorded in Plat Cabinet 1, Slide 122-A, Pecos County, Texas, Being All of that Certain 5.80 Acre Tract (Lot 3) as described in a Deed from Bharatraj S. Chopra, et al. to Puja Raj Chopra and Vishal Raj Chopra, et al., Dated August 16, 2007, Recorded in Volume 786, Page 86, Official Public records, Pecos County, Texas, which shall be zoned a "Commercial District" for the Construction of a "Motel 6/Studio 6" &
- A 1.501 Acre Tract of Land situated in Block 17, of the Stockton Heights Addition, Section 24, Block 146, T&STL RR Co. Survey, Pecos County, Texas, As recorded in Plat Cabinet 1, Slide 107-A & B, Pecos County, Texas, Being All of Block 17 as described in a Deed from Finat, Inc. to Puja Raj Chopra, Dated January 6, 2003, Recorded in Volume 740, Page 438, Deed Records, Pecos County, Texas which shall also be zoned a "Commercial District."

Motion was made, seconded and carried unanimously to approve Ordinance No. 19-115 & Service Plan, Regarding the Voluntary Annexation of:

- A 5.872 Acre Tract of Land situated in the Chopra Addition, A Re-Plat of Block 18, Stockton Heights Addition, Section 24, Block 146, T&STL RR Co. Survey, Pecos County, Texas As recorded in Plat Cabinet 1, Slide 122-A, Pecos County, Texas, Being All of that Certain 5.80 Acre Tract (Lot 3) as described in a Deed from Bharatraj S. Chopra, et al. to Puja Raj Chopra and Vishal Raj Chopra, et al., Dated August 16, 2007, Recorded in Volume 786, Page 86, Official Public records, Pecos County, Texas, which shall be zoned a "Commercial District" for the Construction of a "Motel 6/Studio 6" &
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FALCON  
 WARNOCK  
 URETA  
 CASIAS

	MOVED	SECONDED	VOTED AYE	VOTED NAY
FALCON			X	
WARNOCK	X		X	
URETA		X	X	
CASIAS			X	

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VOTED AYE	
SECONDED	
MOVED	

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Dated January 6, 2003, Recorded in Volume 740, Page 438,  
 Deed Records, Pecos County, Texas which shall also be zoned  
 a "Commercial District."

**FOURTH ORDER OF BUSINESS:**

**4. Discuss/Act upon Awarding of Consulting Services for Design, Bidding, and Construction Administration for TDCJ Lynaugh Wastewater Treatment Facility Additional Effluent Holding Pond.**

City Water Attorney Harral explained that he and Public Works Director Ramos reviewed the 3 Qualification submitted.

He explained that Parkhill, Smith & Cooper was the only entity that identified a potential issue with this project. He recommended selecting Parkhill, Smith & Cooper for this project before proceeding with contract negotiations.

Mayor Pro-Tem Ureta asked City Water Attorney Harral to elaborate on his reason behind the recommendation.

City Water Attorney Harral explained that Parkhill, Smith & Cooper took an extra step by identifying a modeling effort in their Qualifications submitted. The modeling effort outlined a need to prevent the other two existing ponds from collapsing with the installation of the third pond. The other two entities did not identify this issue.

Council Member Falcon inquired if this issue was identified in the information sheet.

City Water Attorney Harral responded that this issue was identified in the information sheet. He explained there was a page worth of information specifically on the modelling efforts that would need to be done. He accounted Parkhill, Smith & Cooper's realization of the potential issue to their previous involvement as the engineering company that installed the Wastewater Plant.

Mayor Pro-Tem Ureta stated that Parkhill, Smith & Cooper has completed numerous successful projects in Fort Stockton.

FALCON  
 WARNOCK

X X  
 X X

**Motion was made, seconded and carried unanimously to Award Consulting Services for Design, Bidding, and Construction Administration for TDCJ**

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URETA  
 CASIAS

MOVED  
 VOTED AYE  
 VOTED NAY  
 VOTED AYE  
 VOTED NAY

X X  
 X X

**Lynagh Wastewater Treatment Facility Additional Effluent Holding Pond to  
 Parkhill, Smith & Cooper.**

**FIFTH ORDER OF BUSINESS:**

**5. Discuss/Act upon Solicitation of Request for Qualifications (RFQ) to  
 Upgrade the City's SCADA System for: Two (2) Reverse-Osmosis Plants,  
 Six (6) Water Wells, & Eight (8) Water Tanks.**

City Water Attorney Harral explained the main pipeline has been fixed. In an effort to establish a more resilient Water System to deal with extreme water events and to have a more efficient means of running the system, the Infrastructure Plans call for the City's SCADA System to be fixed.

Mayor Alexander explained that fixing the SCADA System has been in the Plan ever since issues arose with the waterline.

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X X  
 X X  
 X X  
 X X

**Motion was made, seconded and carried unanimously to Approve the  
 Solicitation of Request for Qualifications (RFQ) to Upgrade the City's SCADA  
 System for: Two (2) Reverse-Osmosis Plants, Six (6) Water Wells, & Eight (8)  
 Water Tanks.**

**SIXTH ORDER OF BUSINESS:**

**6. Discuss/Act upon the Re-Solicitation of Lease Proposal for Approximately  
 274 Acres of Land located on T&P RR Co., Block 3, Section 71, Pecos  
 County, Texas. This property contains the City of Fort Stockton  
 Wastewater Treatment Plant serving TDCJ and three (3) registered water  
 wells with 960-acre feet of H&E Irrigation Permits.**

City Water Attorney Harral explained that the City has attempted to solicit a Farmer to fix the problems that exist at the Wastewater Plant and essentially utilize the land as well as the Water Wells. One of the issues the City has encountered, is other farmers are hesitant to lease the land.

Repairs are needed to take the water from the effluent pond and properly disperse the water on the open fields. When the prison was managing the land, the offenders made holes in the ditch. This allowed the water to run out the side rather than taking the water out of the main ditch which went down to the effluent pond. What is essentially happening is the effluent water is running down the additional ditch that



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was put in; however, it is not being properly channeled for it to be applied to the field.

He explained that this re-solicitation would allow farmers an additional 3 weeks to come up with an estimate and submit a bid.

**Mayor Alexander** inquired if the bid was solely for farmers or if an oilfield company that wanted to use the water could bid as well.

**City Water Attorney Harral** explained that the Request for Lease Proposals have been worded for farming purposes thus far. He elaborated that the City of Fort Stockton reserves the right associated with the effluent water to use it for other purposes. The city could use it for public supply, other water or Aquifer Storage Recovery (ASR) Project.

**Mayor Pro-Tem Ureta asked for clarification on the ideal situation.**

**City Water Attorney Harral** responded that ideally the City would use the property for farming. He explained in order to remain in compliance with TCEQ permits, the city would need the effluent water to be applied to the land.

**Motion was made, seconded and carried unanimously to approve the Re-Solicitation of Lease Proposal for Approximately 274 Acres of Land located on T&P RR Co., Block 3, Section 71, Pecos County, Texas. This property contains the City of Fort Stockton Wastewater Treatment Plant serving TDCJ and three (3) registered water wells with 960-acre feet of H&E Irrigation Permits.**

**SEVENTH ORDER OF BUSINESS:**

**7. Discuss/Act upon Rescinding the Sixth Order of Business Motion during the June 25, 2019 Regular City Council Meeting wherein L.J. Power Generators was Awarded the Bid for One New 200-Kilowatt Natural Gas Generator.**

**Director of Public Works Ramos** explained that a 300-kW Generator was needed.

He explained that there is a 75% continuous load limit, which was not taken into consideration. The 250-horsepower motor on Well #2 has a running kW or energy demand of 226. Therefore, the 300-kW generator is the minimum sized generator needed.

FALCON  
WARNOCK  
URETA  
CASTAS

VOTED NAY	
VOTED AYE	X X X X
SECONDED	
MOVED	X

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**Councilman Falcon** inquired if the 300-kW generator is the minimum size required, why aren't we requesting a larger generator.

**Director of Public Works Ramos** responded that a larger generator could be purchased; however, a 300-kW generator is the minimum.

**Motion was made, seconded and carried unanimously to Rescind the Sixth Order of Business Motion during the June 25, 2019 Regular City Council Meeting wherein L.J. Power Generators was Awarded the Bid for One New 200-Kilowatt Natural Gas Generator.**

#### EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon the Purchase of One (1) New 300-Kilowatt Generator through L.J. Power Generators, a Buy-Board Purchasing Cooperative:
- ULI300 (Diesel) Driven Generator Set for \$92,199
  - NG300 (Natural Gas) Driven Aksa Generator Set for \$151,039

**Director of Public Works Ramos** explained that 2 Buy-Board bids were received by L.J. Power Generators: One is a diesel generator for \$92,000.00, the other is a Natural Gas Generator for \$151,000.00, which they recommended purchasing.

He advised City Council they also had the option to go out for bids if they preferred.

**Council Member Falcon** voiced that he believed the Natural Gas Generator was the best option as it is more cost effective in the long run. He explained the cost of the diesel generator plus the cost of the Diesel needed would by far outweigh the cost of the Natural Gas Generator, as the city would use their own gas to run the generator.

**Motion was made, seconded and carried unanimously to approve the Purchase of a One (1) New 300-Kilowatt Generator, NG300 (Natural Gas) Driven Aksa Generator Set for \$151,039, through L.J. Power Generators, a Buy-Board Purchasing Cooperative.**

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X X  
 XX X  
 X X

FALCON  
 WARNOCK  
 URETA  
 CASIAS

X X  
 XX X  
 X X



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**NINTH ORDER OF BUSINESS:**

9. Discuss/Act upon Pay Application No. 8 totaling \$448,133.33 for Work Performed by Nelson-Lewis, Inc. through 07/05/19 regarding the 30-Inch Water Transmission Line Project.

City Manager Rodriguez recalled Senior Civil Engineer Steve Synovitz of Hanson Professional Services, Inc. attending the last City Council Meeting in which he informed City Council that the Pay Applications were behind. He informed City Council that the necessary information has since been submitted and was requesting that City Council approve Pay Application No. 8 for the 30-inch waterline Project in the amount of \$448,133.33.

Motion was made, seconded and carried unanimously to approve Pay Application No. 8 totaling \$448,133.33 for Work Performed by Nelson-Lewis, Inc. through 07/05/19 regarding the 30-Inch Water Transmission Line Project.

**TENTH ORDER OF BUSINESS:**

10. Discuss/Act upon Revised Change Orders from Nelson-Lewis, Inc. regarding the 30-Inch Water Transmission Line Project; as per the City of Fort Stockton's Purchasing Manual:

Change Order No. 1= -\$63,283.19  
 Change Order No. 2 = \$ -0-  
 Change Order No. 3 = \$ -0-  
 Change Order No. 4 = -\$ 4,080.00  
 Change Order No. 5 = -\$129,664.00  
 Change Order No. 6 = -\$ 27,000.00  
 Change Order No. 7 = \$ 2,500.00  
 Change Order No. 8 = \$ -0-  
 Change Order No. 9 = \$ -0-

City Manager Rodriguez explained that adjustments were made to the original change orders as requested by Senior Civil Engineer Steve Synovitz of Hanson Professional Services, Inc. He elaborated that in accordance with the City's Purchase Manual he was requesting the adjustments be approved.

FALCON  
 WARNOCK  
 URETA  
 CASIAS

MOVED	SECOND	VOTED AYE	VOTED NAY
			X
			X
			X
X			X
	X		X

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He clarified the change orders reflect the amount of work done within the specified phases. The changes are within the amount the City agreed with Nelson-Lewis, Inc. for the 30-inch waterline.

**Councilman Falcon** inquired if Director of Finance Rodriguez had any issues with the change orders submitted.

**Director of Finance Rodriguez** informed City Council that there would be another change order on the next meeting for the 18" waterline if City Council decides to proceed.

**Motion was made, seconded and carried unanimously to approve the Revised Change Orders from Nelson-Lewis, Inc. regarding the 30-Inch Water Transmission Line Project; as per the City of Fort Stockton's Purchasing Manual.**

**Mayor Alexander recessed from the Regular Meeting @ 6:00 p.m. to convene into the:**

**ELEVENTH ORDER OF BUSINESS:**

**11. EXECUTIVE SESSION: 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:

- (a) Contemplated Litigation: Regarding Amendment to the City's Historic Irrigation and Existing-Use Permits.
- (b) Deliberation regarding Duties of City Attorney Jesse Gonzales, Jr.

**Mayor Alexander closed the Executive Session @ 6:35 p.m.**

FALCON  
 WARNOCK  
 URETA  
 CASIAS

VOTED NAY				
VOTED AYE				
SECOND				
MOVED				

X  
 X  
 X  
 X

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**TWELFTH ORDER OF BUSINESS:**

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

(11a) Discuss/Act upon Contemplated Litigation regarding Amendment to the City's Historic Irrigation and Existing-Use Permits.

Item was tabled

(11b) Discuss/Act upon Duties of City Attorney Jesse Gonzales, Jr.

No action was taken.

**TIRTEENTH ORDER OF BUSINESS:**

13. Questions from the Media on Agenda Items.

Fort Stockton Pioneer Reporter Aurora Sain inquired if the duties of the City Attorney and Interim Police Chief would remain the same.

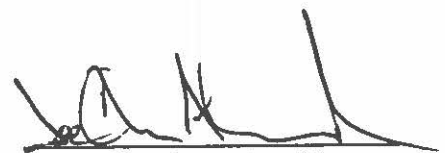
Mayor Alexander replied that the duties of the City Attorney would remain the same. He explained the duties of the Interim Police Chief were not discussed as the city does not currently have an Interim Police Chief.

**FOURTEENTH ORDER OF BUSINESS:**

14. Adjourn.

Mayor Alexander adjourned the Regular City Council Meeting by unanimous consent @ 6:36 p.m.

ATTEST:  
  
 Marina A. Cantu, Admin. Asst.

  
 Joe Chris Alexander, Mayor