

MINUTES OF: **REGULAR CITY COUNCIL MEETING**
DATE OF MEETING: **AUGUST 13, 2019**
TIME OF MEETING: **5:30 P.M.**
PLACE OF MEETING: **CITY COUNCIL CHAMBER**

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

RUBEN FALCON, MIKE URETA, JR., PAM PALILEO &
PAUL CASIAS

ABSENT: JAMES WARNOCK

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

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 Casias 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.”

Mayor Alexander recessed from the Regular Meeting @ 5:33 p.m. to convene into a:

PUBLIC HEARING: Application request from Property Owners Yadira & Jose Renteria to consider Revisions to All of Block 47, St. Gall Addition, Fort Stockton, Pecos County, Texas, which is Adjacent to Water Street; Between El Paso Street & Spring Street:

- **Re-Zone Property from a Single Family-3 (SF-3) Residential Dwelling District to a Single Family-4 (SF-4) Residential Dwelling District;**
- **Plat Block to Contain Lot 1, Lot 2, Lot 3, Lot 4; &**
- **Specific-Use Permit for the Placement of Four (4) Manufactured Mobile Homes in accordance with Section 7(1), 7(2) & 7(16) of the Zoning Ordinance.**

Mayor Alexander asked for comments from the public.

Amelia Renteria, 1300 N. Schlegel, Fort Stockton, Texas, expressed that City Council's approval of this request will benefit the community due to its lack of rental housing. The four mobile homes, as well as the property, will be properly maintained and comply with the City's ordinances.

Ricky Gonzales, Jr. 109 E. El Paso, Fort Stockton, Texas, stated that he and his mom resided on the corner of El Paso Street. Years earlier, his parents wanted to purchase a modular home but were advised by the City that these were prohibited in the city limits. Being no other option, they extensively remodeled their home

VOTED NAY
VOTED AYE
SECONDED
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and took pride in ensuring that it was properly maintained. Recently, a mobile home was placed caddy-corner to their residence and they were very displeased.

They opposed rental properties where "strangers come and go." Their neighborhood was safe and did not want this altered. There were empty areas &/or lots inside and outside the city that could be utilized instead.

Ms. Renteria responded that the mobile homes will be rented to families that will be required to abide with rental terms and certain stipulations.

Amelia Irvin, 3257 7-D Road, Fort Stockton, Texas, expressed interest in renting a mobile home because she currently taught at Alamo School.

Steven Walker, 204 W. Hornbeck, Fort Stockton, Texas, remarked that property values in the immediate area will be of concern. Regardless how nice a trailer, property values will decrease.

Ricky Gonzales asserted that they were very proud of their home, paid astronomical property taxes, and did not want their property to depreciate.

Ms. Renteria replied that mobile homes with proper maintenance could last for a long time.

Mayor Alexander asked for additional comments, there being none, the Public Hearing was closed at 5:43 p.m.

PUBLIC HEARING: Application request from Property Owners Armando & Margarita Gonzalez to consider a Specific-Use Permit for the Placement of a Manufactured Mobile Home in a Single Family-3 (SF-3) Residential Dwelling District located on Lot Four (4), Block Twenty-Nine (29), St. Gall Addition, Fort Stockton, Pecos County, Texas, & More particularly described as being Adjacent to Ryan Street and Water Street; This being in accordance with Section 7(1), 7(2) & 7(16) of the Zoning Ordinance.

Mayor Alexander asked for comments from the public.

Mrs. Ramona Saavedra, 705 W. Fifth, Fort Stockton, Texas, commented that her comments pertained to their family home on 109 E. El Paso Street and the double-wide placed caddy-corner to the property. She inquired if all taxing entities were prepared to reduce everyone's property taxes in the area due to decreased

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valuations. Several mobile homes were already situated on Mills Street plus other locations could be considered instead.

Mayor Alexander asked for additional comments, there being none, the Public Hearing was closed at 5:46 p.m.

PUBLIC HEARING: Application request from Property Owner Ledesma Properties, LLC, to consider a Specific-Use Permit in a Single Family-1 (SF-1) Residential Dwelling District for the Construction of a Multi-Family Dwelling consisting of Two (2) - Four (4) Units located on Lot Six (6) and the South Twenty-Five Feet of Lot Five (S/25'-5), Block One Hundred Fifteen (115), Orient Addition, Fort Stockton, Pecos County, Texas, & More particularly described as being Adjacent to or on the Corner of Colpitts & Seventh Streets; & Being in compliance with the Use Regulations for a "Community Unit Development" & Sections 7(1), 7(2) & 7(16) of the Zoning Ordinance.

Mayor Alexander asked for comments from the public. There being none, the Public Hearing was closed at 5:47 p.m. to reconvene into the Regular Meeting.

FIRST ORDER OF BUSINESS:

1. CONSENT AGENDA:

Regular Meeting Minutes of Fort Stockton City Council, 07/23/2019

- **Special Meeting Minutes of Fort Stockton City Council, 07/30/2019**
- **Special Meeting Minutes of Fort Stockton City Council, 08/05/2019**
- **Special Meeting Minutes of Fort Stockton City Council, 08/06/2019**
- **Regular Meeting Minutes of Planning & Zoning Commission, 08/07/2019**
- **Regular Meeting Minutes of Keep Historic FS Beautiful. 07/17/2019**

Accounts Payable Total: \$611,529.41

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

SECOND ORDER OF BUSINESS:

2. Discuss/Act upon Ordinance No. 19-116, Authorizing Three (3) Separate

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- **Specific-Use Permit for the Placement of Four (4) Manufactured Mobile Homes in accordance with Section 7(1), 7(2) & 7(16) of the Zoning Ordinance and Providing for an Effective Date Provision.**

Mayor Pro-Tem Ureta inquired if there were any manufactured or modular homes in the area?

Building Official Stoddard replied, "Not immediately adjacent but there are manufactured mobile homes within a radius of the property."

Council Member Falcon asked, "Being that this is for "commercial" use, should the request not be to modify the district to a commercial zone instead of it being a Single Family-3 Residential Dwelling District?"

Building Official Stoddard replied that in considering commercial areas, multi-family areas, etc. it was automatically allowed. In discussing SF-3 and SF-4 it was a specific-use permit.

Council Member Falcon emphasized that this property was not going to be anyone's homestead but a business.

Mayor Alexander responded then that he would be talking about residences throughout the community that were rental homes.

Council Member Falcon understood this when someone relocated elsewhere and preferred to rent their home instead of selling it because the rental market was favorable. He questioned whether this empty block needed to be re-classified as a commercial district being that it will eventually be occupied with four (4) rental homes.

Building Official Stoddard replied that these will be homes and a business will not be found in the dwelling.

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SECONDED
VOTED AYE
VOTED NAY

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Council Member Falcon referenced an email received from City Secretary Gonzalez regarding modular homes. He inquired what was the difference between a modular home and a manufactured mobile home?

Building Official Stoddard reported that manufactured mobile homes contained HUD standards with a HUD seal on them. These were not inspected on-site and when inspected only 1 out of 100 were.

Modular homes were Industrialized Housing Buildings that were modular residential or modular commercial buildings. Drawings were engineered, required the same type of plans as stick-built homes, and signed-off by the State. They were constructed with inspectors on-site and each met state adopted building, residential, plumbing, electrical, and mechanical codes.

Mayor Alexander conveyed that this item was presented to the Planning & Zoning Commission and forwarded to City Council with their support of this item.

Council Member Falcon remarked that he preferred that modular homes be placed in this block instead of manufactured mobile homes due to their permanency.

Mayor Alexander asked for a motion ---

There being none, item fails due to lack of a motion.

THIRD ORDER OF BUSINESS:

3. Discuss/Act upon Ordinance No. 19-117, Allowing for the Placement of a Manufactured Mobile Home by Specific-Use Permit in a Single Family-3 (SF-3) Residential Dwelling District; Being Lot Four (4), Block Twenty-Nine (29), St. Gall Addition, Fort Stockton, Pecos County, Texas, as requested by Property Owners Armando & Margarita Gonzalez; This being in accordance with Section 7(1), 7(2) & 7(16) of the Zoning Ordinance and Providing for an Effective Date Provision.

Council Member Falcon inquired if this property was in the same vicinity as the prior item.

Building Official Stoddard replied that it was in the same general area; a different block.

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Ricky Gonzales reported that approximately 1 month ago, the double-wide was placed behind their house without notice.

Building Official Stoddard reported that the owners were forced to take possession of their mobile home from where they purchased it. The City did not authorize this placement and warned them that it was at their own risk. Nevertheless, depending on what City Council chose to do they might be forced to remove it. Being that they initiated the Specific-Use Process, enforcement could not take place until the City made a determination.

City Secretary Gonzalez clarified that they purchased their double-wide in Fort Worth and were being forced by the mobile home business to remove it from their property. She, Building Official Stoddard, and Property Owner Margarita Gonzales discussed this dilemma in his office and both agreed that the double-wide could be placed on their property with the stipulation that they could not reside there &/or obtain utilities. It was currently vacant until approved or disapproved by the City.

Council Member Falcon believed the burden was being placed on the City and stated, "Don't purchase anything until you have permission to park it." This was similar to owners with 4-wheelers and without a property to use it in.

Mayor Alexander asked for a motion ----

There being none, item fails due to lack of a motion.

FOURTH ORDER OF BUSINESS:

4. Discuss/Act upon Ordinance No. 19-118, Authorizing a Specific-Use Permit in a Single Family-1 (SF-1) Residential Dwelling District for the Construction of a Multi-Family Dwelling Consisting of Two (2) - Four (4) Units on Lot Six (6) and the South Twenty-Five Feet of Lot Five (S/25'-5), Block One Hundred Fifteen (115), Orient Addition, Fort Stockton, Pecos County, Texas, as Requested by Property Owner Ledesma Properties, LLC; This being in compliance with the Use Regulations for a "Community Unit Development," Sections 7(1), 7(2) & 7(16) of the Zoning Ordinance, and Providing for an Effective Date Provision.

Building Official Stoddard reported that Property Owner James Ledesma opted instead during the Planning & Zoning Commission to complete 4 units instead of

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2 units. Each unit will be 1,277 sq. ft. with a garage and rented for \$1.50 per sq. ft.
 "It will meet a need but be a very expensive need."

Mayor Pro-Tem Ureta remarked that the information was good to know but the price had nothing to do with the City but with the property owner. This will be private property with the price set by the property owner. City Council's purpose was to discuss and determine if the proposed project fit into the City's criteria and if it will help the community.

City Secretary Gonzalez conveyed that the anticipated project will face Seventh Street and will contain high-end units with granite countertops, custom cabinetry, laundry units, central heating & air conditioning, and a garage for each unit. Objections were not received from property owners notified within 200' of the specified location.

EDC Director Ramos expressed that duplexes and multi-family structures already existed in several neighborhoods within the community. Property Owner Ledesma was in the rental business and adjusted his rental rates according to the market. Establishing the rental rates was his business. The EDC supported any kind of housing especially those that could be considered affordable housing, state built, and a long-term solution.

Building Official Stoddard remarked that these 4 - 2-Story units will utilize all of the land area that it can be built on. Setback requirements and a minimum of 2 parking spaces for each unit will be complied with.

Motion was made, seconded, and carried unanimously to approve Ordinance No. 19-118, Authorizing a Specific-Use Permit in a Single Family-1 (SF-1) Residential Dwelling District for the Construction of a Multi-Family Dwelling Consisting of Two (2) - Four (4) Units on Lot Six (6) and the South Twenty-Five Feet of Lot Five (S/25'-5), Block One Hundred Fifteen (115), Orient Addition, Fort Stockton, Pecos County, Texas, as Requested by Property Owner Ledesma Properties, LLC; This being in compliance with the Use Regulations for a "Community Unit Development," Sections 7(1), 7(2) & 7(16) of the Zoning Ordinance, and Providing for an Effective Date Provision.

SIXTH ORDER OF BUSINESS:

6. Discuss Re-Naming Silliman Park to "ZIA" Dog Park.

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Vanessa Cardwell, 106 S. Mesquite, Fort Stockton, Texas, expressed that "Zia" was the name of a dog that they adopted several years ago and lost two years ago. It was a traumatic experience and they continued to miss her tremendously.

They understood that the City planned to build a dog park and suggested to Mayor Alexander, City Manager Rodriguez, and Council Members that Silliman Park be renamed. If approved, they will locally purchase an entry gate with a sign over it that displays "Zia Dog Park."

EDC Director Ramos stated that in accordance with TDC Laws, the public notice was posted 60 days in advance prior to the construction of this park. It was posted under Silliman Park and being that funds are going to be expended from EDC, the park could not undergo a name change/revisions until the entire funds were expended. Thereafter, it will be City Council's discretion.

Mayor Alexander reported that the City needed to be careful in renaming a park that was donated by a specific family. A possibility was to keep the main name of the park with an additional name but for now the City could not do anything until improvements were paid by the EDC.

Mayor Pro-Tem Ureta believed that City Council could entertain this at the proper time.

No action taken.

SEVENTH ORDER OF BUSINESS:

7. Discuss/Act upon Interlocal Agreement for School Resource Officers (S.R.O.) Between FSISD & City of Fort Stockton.

City Manager Rodriguez acknowledged that language in the agreement identified an equal partnership between the City and FSISD. The school year will commence with two SRO instead of five SRO, as the agreement indicated. They completed on-line training and were familiarizing themselves with the TPA Laws in order to be prepared for August 19, when the school year begins. If 3 additional officers are obtained, they will also be at the school.

Mayor Pro-Tem Ureta commented that this was perhaps one of the most important agreements because the City was partnering with the FSISD to provide for the safety of our school children. He asked City Manager Rodriguez if he

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CITY ATTORNEY:

recommended the agreement and if he believed that the City was an equal partner and not compromised in anyway?

City Manager Rodriguez responded that he was content with the agreement because both shared the responsibility of identifying the SRO that will be placed in the schools.

Mayor Alexander reported that in meeting with FSISD personnel during the summer, everyone strongly believed that an SRO was needed in every campus.

Motion was made, seconded and carried unanimously to approve Interlocal Agreement for School Resource Officers (S.R.O.) Between FSISD & City of Fort Stockton commencing August 1, 2019 – July 31, 2020.

EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon State and Local HIDTA Task Force Agreement Between the Drug Enforcement Administration and the Fort Stockton Police Department; ORI-TX1860100 - Fiscal Year 2020.

City Manager Rodriguez reported that this agreement was effective October 1, 2019 through September 30, 2020 between the US Department of Justice, Drug Enforcement Administration, & the Fort Stockton Police Department.

The goal of this Task Force was to address drug-related issues by supporting and collaborating with our law enforcement, treatment, and prevention partners. The Department currently had one officer that participated in this project.

Motion was made, seconded and carried unanimously to approve State and Local HIDTA Task Force Agreement Between the Drug Enforcement Administration and the Fort Stockton Police Department; ORI-TX1860100 - Fiscal Year 2020.; effective October 1, 2019 - September 30, 2020.

NINTH ORDER OF BUSINESS:

9. Discuss/Act upon Interlocal Agreement for E9-1-1 Public Safety Answering Point Services.

City Manager Rodriguez remarked that this was an interlocal agreement between the City of Fort Stockton & the PBRPC which will be effective 09/01/2019 -

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08/31/2021. Its purpose was to plan, develop, operate, and deliver 9-1-1 Service, use wireline and wireless 9-1-1 fees and equalization surcharges appropriated to the Commission and granted to the 9-1-1 Funds.

The City needed to ensure that this 911 Service continued for the community. Mayor Alexander was currently a board member.

Motion was made, seconded and carried unanimously to approve Interlocal Agreement for E9-1-1 Public Safety Answering Point Services effective 09/01/2019 -08/31/2021.

TENTH ORDER OF BUSINESS:

10. Discuss/Act upon Agreement with Paso-Tex Industries LLC for Reverse-Osmosis Plant Maintenance Services and SCADA System.

City Water Attorney Harral reported that in July, City Manager Rodriguez and some of the staff members asked him to review the Paso-Tex Agreement.

He commenced his assessment of the bidding process associated with this award, reviewed it, and compared it to the RFP that was submitted in addition to the proposals received from both applicants. The wording that was initially used in the City's RFP was broad to allow every bidder the ability to recommend a system to accomplish the City's goals. This included not only SCADA systems but also Open-Source Software Programs that could be used to accomplish the City's goal to automate and control not only the Reverse-Osmosis Plant but the Wastewater Treatment Plant and the wellfield. All this information was in the RFP that was originally submitted.

Paso-Tex indicated the use of a SCADA System which coincided with the RFP and language that the City used in the RFP process. He was not concerned about the RFP process in his review.

The second aspect was the award process wherein Paso-Tex was awarded the proposal. Based on all available data given to him by City staff, he believed the recommendation that City staff provided City Council removed any biases. Anyone, including him, that had a bias did not participate in the recommendation made to City Council, solicitation process, etc.

He had a conflict with one of his other clients and Alpha Water and therefore recused himself from the process when he realized that Alpha Water planned to

**FALCON
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On the contract process, he reviewed the written materials where the City did approve the scope of work in the bid that was submitted by Paso-Tex which included Paso-Tex' preferred method to establish communication and controls of the R.O. Plant, Wastewater Plant, and the wellfield.

Furthermore, if there is a mutual agreement between Paso-Tex and the City to reduce the contract; Local Government Code authorizes this. Specifically, **Local Government Code, Chapter 252. Purchasing and Contracting Authority of Municipalities Subchapter A. General Provisions, Sec. 252.048. Change Orders.** (a) If changes in plans or specifications are necessary after the performance of the contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the governing body of the municipality may approve change orders making the changes. (d) The original contract price may not be increased under this section by more than 25 percent. The original contract price may not be decreased under this section by more than 25 percent without the consent of the contractor.

The City had 2 options and believed that Section 252.048 (d) covered this if there was a mutual agreement with the contractor and City to reduce the scope and the contract price. He and City staff could prepare a revised contract with Paso-Tex in the following 10 days to be reviewed and approved by City Council or the City could wait until the new City Attorney was hired to review the revised contract

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and make a recommendation.

Council Member Falcon did not believe that a new city attorney would know what the City was talking about. He had been doing this for quite some time and believed it "fell on him."

Operations Manager Jeremy Everett with Paso-Tex stated that he did not have a problem with this; he previously talked to City Manager Rodriguez.

City Manager Rodriguez reported that Wastewater Treatment Plant could be removed and only the water side of the SCADA System would be completed for \$297,000.00.

Mayor Pro-Tem Ureta preferred to see something in writing that Paso-Tex agreed to the revision.

City Manager Rodriguez reported that Operations Mgr. Everett forwarded the agreement with the adjusted figure and reduction in the scope of work to only include the R.O. Plant with mechanisms. It will be included in the next meeting for City Council's review and consideration.

No action taken.

ELEVENTH ORDER OF BUSINESS:

11. Discuss/Act upon Solicitation of Request for Proposals for Reverse-Osmosis Plant Maintenance Services.

No action taken.

TWELFTH ORDER OF BUSINESS:

12. Discuss/Act upon Retention Stipend based on Years of Service for Full-Time Personnel who were Employed Prior to July 31, 2019 & Actively Employed on August 12, 2019; To be issued August 16, 2019.

City Manager Rodriguez reported that this one-time retention stipend which was generated from enhanced revenues related to the City's business models and sales tax was intended to assist and encourage full-time personnel to remain with the City. In the past year, numerous employees resigned and elected the oilfield

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industry instead. Employees that submitted their 2-weeks notice forfeited this benefit.

Optimistically, employees will recognize that the longer employed and based on the City's business models and sales tax that there is a possibility that they could continue to benefit from heightened revenues.

The City currently had 115 employees. Breakdown with the # of employees per years of service and the proposed stipend %, is as follows:

#	Years	%
25	2-4	2%
21	5-9	3%
16	10-19	4%
5	20+	5%

Motion was made, seconded and carried unanimously to approve the Retention Stipend based on Years of Service for Full-Time Personnel who were Employed Prior to July 31, 2019 & Actively Employed on August 12, 2019; To be issued August 16, 2019.

THIRTEENTH ORDER OF BUSINESS:

13. Questions from the Media on Agenda Items.

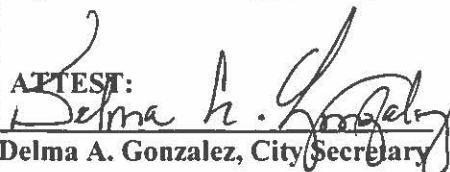
Several inquiries regarding the Paso-Tex Agreement were made by the Media.


FOURTEENTH ORDER OF BUSINESS:

14. Adjourn.

Motion was made, seconded and carried unanimously to adjourn the Regular City Council Meeting @ 6:38 p.m.

ATTEST:


 Delma A. Gonzalez, City Secretary


 Joe Chris Alexander, Mayor

FALCON
URETA
PALILEO
CASIAS

MOVED
SECOND
AYE
NAY

X
 X
 X
 X