

VOTED NAY
VOTED AYE
SECONDDED
MOVED

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

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 Warnock 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. Consent Agenda:

- Regular Meeting Minutes of Fort Stockton City Council, 08/13/2019
- Special Meeting Minutes of Fort Stockton City Council, 08/19/2019
- Regular Meeting Minutes of Convention & Visitor's Bureau, 07/16/2019
- Regular Meeting Minutes of F.S. 4-A Economic Development Corp., 07/18/2019
- Regular Meeting Minutes of F.S. 4-B Economic Development Corp., 07/18/2019
- Regular Meeting Minutes of F.S. Downtown Association, 07/16/2019
- Regular Meeting Minutes of F.S. 4-A Economic Development Corp., 06/20/2019
- Regular Meeting Minutes of F.S. 4-B Economic Development Corp., 06/20/2019
- Regular Meeting Minutes of Intergovernmental Recreation Board, 06/26/2019

Accounts Payable Total: \$930,138.45

Mayor Alexander reported that Purchase Order No. 19-50322 for \$1,935.00 to D&G Trucking for parking lot paving at Silliman Park was incorrectly charged to

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EDC 4-A instead of EDC 4-B. Thus, EDC 4-A's amount decreased to \$1,841.23 and EDC 4-B's amount increased to \$3,524.54. The total amount remained the same.

Mayor Pro-Tem Ureta conveyed that the CVB Meeting Minutes of 07/16/19 misnamed Zeke Rodarte as Zeke Hernandez and Zeke Rodriguez. Corrections to minutes were needed.

Motion was made, seconded, and carried unanimously to approve the Consent Agenda with specified corrections to the EDC 4-A & 4-B Budget, and CVB Minutes.

SECOND ORDER OF BUSINESS:

**2. Senior Civil Engineer Steve Synovitz of Hanson Professional Services Inc.
 18-Inch Well Field Line Project Update**

Engineer Synovitz of Hanson Professional Services Inc. reported that the 30" Water Transmission Line was 100% installed.

Water Superintendent Carlos Lopez' quote in June stated *"Great news after years of planning, a final connection of the new line at the R.O. Plant has been completed. Project is 100%. We are still doing some clearing of residual but once that is switched over from the old line to the new line everything will be back to normal. Also tested was the booster pump station at Belding, the City was afraid to turn it on due to the extra pressure to push that old 20" line but it worked like a charm and now we can push more water either by gravity or by turning on the Belding Pump Station. This is historic for the City and we can now get a lot more water from the well sources. Today was a good day for all of us and one we been waiting for a long time!"*

Public Works Director Aaron Ramos' quote *"On June 28th, its official and today is part of Fort Stockton's history. Two R.O. trains at the plant came online this morning at 10:00 a.m. with water from the new 30" line. Everything is working great so far and the old 20" line is a thing of the past. Some of us will just have memories of it. Again, this is historic for the City!"*

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Engineer Synovitz referenced that the 30-Inch Water Transmission Line Project contained some monetary credits which initiated the process for the 18-Inch Well Field Line Project (North Side of the Old Alpine Highway). In aiming to enhance the capacity of the 3 wells, the City elected to utilize some of those funds for a change order which added a line to the 3 wells to simultaneously flow to the Belding Station storage pump tanks and to the city.

To Date Summary:

- **30-Inch Pipe Installation:** Approximately 45,500 LF /45,500 LF = 100 % of Total Pipe;
- **Pay Application Progression 8/23/19:** \$2.97 M/ \$3.30 M =90% of Contract Price. (Latest Pay Application for \$99,714.11 was just received by Hanson and is currently under review);
- **Schedule Progression 8/27/19:** 492 Days;
- **Substantial Completion 10/21/19:** 492 Days / 547 Days = 90%; &
- **Ready for Final Payment 12/15/19:** 492 Days/ 602 Days = 82%

Contract Stats:

- **Original Contract Amount:** \$3,182,508
- **Additions by Change Order:** +\$346,418 (Including \$224,805 for Change Order #10 18 – Inch Line)
- **Deductions by Change Order -** \$224,027
- **Current Contract Amount:** \$3,304,899 a 3.8% Increase (Would have been a 3.3% Decrease Without Change Order #10)
- **Completed To-Date:** \$2,970,865
- **Remaining:** \$334,034
- **53 Acres of Seeding as Required by University Lands @ \$1000 Per Acre:**
 - \$ 53,000
- **Install 4 Concrete Support Pedestals:** \$ 4,000
- **Contractor to Disconnect Old Line Tie-In:** \$ 15,000
- **Change Order #10 (18-Inch Line):** \$ 202,034
- **Unanticipated Utility Conflicts:** \$ 60,000

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- Total Remaining that Will Return to the City if a Contractor does not need this money: \$ 334,034

Remaining Work:

- 18-Inch Well Field Waterline
- Seeding, Watering, & Establish Vegetation
- Contractor to Complete Punch List
- Final Inspection
- Record Drawings
- Hanson will Submit Record Drawings to TCEQ for Archiving
- City will Release Retainage
- Warranty Period – 1 Year on Waterline & 2 Years on Trench Compaction.

THIRD ORDER OF BUSINESS:

3. City Water Attorney Mark Harral —

(a) Texas Department of Criminal Justice Sewer Pond Project

City Water Attorney Harral reported that a prior issue with the TDCJ Facility was that it doubled in size which dramatically increased its water usage and effluent wastewater generated. The Belding Wastewater Plant only served TDCJ.

This violated the City's TCEQ Permit which required Former City Manager Raul Rodriguez to undergo a permitting process for a new pond. Nevertheless, TCEQ granted the City a 5-year extension to determine how it would pay for and install the new pond. Additionally, how the City planned to complete the pond from an engineering standpoint because the existing ponds needed to be protected, etc.

Furthermore, an unknown compliance issue was that the City's prior farmer and TDCJ failed to properly dispose of wastewater from the prison system. The farmer destroyed numerous irrigation canals at the site and damaged the distribution system that carried and properly discharged of the effluent water. The City now had numerous wetland that was overgrown in mesquite trees, etc. Due to concerns with the effluent water, the re-leasing of this property had become a major issue.

When TCEQ visits the site, this farm issue along with an approximate \$150,000 solution will be disclosed to them. Reminder: TDCJ previously agreed to

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reimburse the City for expenses related to the new pond over a 5-year period. For the City to recoup its costs, it must do the following:

- Provide cost estimates to TDCJ generated by Parkhill Smith & Cooper prior to construction of the new pond;
- Divide the cost estimates by 12 ÷ by 5 = the monthly amount that needs to be added to TDCJ's utility bill every month for the next 5 years; &
- According to the City's current permit, it must have a plan in place prior to TCEQ's visit before the end of the year on how it will properly dispose of the water for agricultural purposes on the 274 acres of land.

(b) City of Fort Stockton's Participation & Results in the Texas Mandated 2021 State Water Plan

City Water Attorney Harral reported that all cities and utilities were mandated by the Texas Legislature to participate in the Texas State Water Planning process. The reason for this is because it forces utilities and public officials to prepare a 50-Year Water Plan that includes their community's water demands, infrastructure issues, and water supply options. It also forces regional water planning groups to develop and review aquifer conditions and water demands. Also, this process qualifies utilities for funding of grants or low-interest loans from the Texas Water Development Board (TWDB).

The City had not participated in this process for over 15 years and therefore the data that was relied upon to formulate Fort Stockton's water projections was inaccurate. In 2016, MPGCD Director Groth required/requested that the City participate in this process because if figures were inaccurate then what evidence did the City now have that additional water was needed for the future. Therefore, he, Former City Manager Raul Rodriguez, and Water Supervisor Manuel Gonzales initiated the process.

Being that the City had not participated in this process for 15 years, missing or incomplete data was corrected. With assistance from consultants, this process was completed in 12 months. Incorrect data included:

- TDCJ Prison was not shown as being served by the City which is the largest water user the City has plus the prison population was not calculated into Fort Stockton's total population. A municipality needed to be prepared to serve all of its clients/customers in a worst case drought scenario. This occurred in 2011; so, all of the figures that the State had were based on the 2011 drought;
- TWDB did not indicate the hotel and R.V. population which is a major user-group of Fort Stockton. Every 6 years, the City will be required to provide the

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number of R.V. Parks inside and outside city limits. The TWDB made incremental improvements to their planning process which meant that there were limiters every time a utility participated in this process. If the City accurately completes this process every 6 years, numbers will increase because other utilities have been participating for the past 15 years whereas the City has not and therefore needs to catch up;

- TWDB had the wrong Certificate of Convenience and Necessity (CCN) which meant that some of the boundaries were inaccurately allocated to the Water Improvement District. This information needed to be revised;
- TWDB had incorrect water usage data regarding the City's growth. The prior City Council wanted to propose water management strategies using brackish aquifer zones (Rustler and Capitan);
- The City submitted water management strategies that focused on underutilized aquifers instead of relying on the Edwards Trinity and the Pecos Valley aquifers because as we all have heard ...there is not enough water and what was assumed going into this program
- Water management strategies were submitted to the Region F Water Planning Group and TWDB but after utilizing the Rustler and Capitan aquifers, success was reached with the Capitan but the Region F Water Planning Group and TWDB rejected water management strategies utilizing the Rustle aquifer. Reasons were that based on best available modeled groundwater availability, the Rustler aquifer did not have accessible groundwater to meet the City's allocated water plans. Also, there is available groundwater in the Edwards and Pecos Valley Aquifer that is not allocated/used; approximately 183,000-acre feet per year in Reeves and Pecos County.

The City assumed that the rules of both the MPGCD and Reeves Groundwater District would be the same. Initial results were that the City of Fort Stockton was designated as a major water provider because there are only 5-6 major water providers in our central area which includes the Colorado River Municipal Water District (CRMWD), City of Fort Stockton, City of Odessa, City of Midland, and City of San Angelo.

This is important because these competitors are actually looking at potentially using the Edwards Trinity and Pecos Valley water in Pecos County. These entities are developing management strategies on where the water is and are going to go where the water is in the Region F area. Pecos County and Reeves County are the only ones in the Region F area that actually have water and that is where these other entities plan to get their water because they need to develop a 50-Year Water Plan. The demand numbers which were unanimously approved last year by Region

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F listed the City of Fort Stockton at 22,302 acre feet.

The 50-Year Water Plan is important because the Texas Legislature approved a provision in the Texas Water Code, Chapter 36 that if an entity is applying for a transfer permit out of the groundwater district into another county that they must obtain a transport permit. These permits are mandated to be at least 30 years and when these entities attempt to acquire water, they can ask for 30 years to meet the 50-Year Water Plan which extends to 2050. Currently and according to the rules, the longest period that the MPGCD has completed is 16 years. At this time, the most the City can apply for is from 2030 - 2040.

According to Region F consultants and the TWDB, the Rustler Aquifer is completely capped. Any water management strategies that the City of Fort Stockton has considered in using the Rustler will not be approved by the State of Texas because it has already been utilized according to the best available signs that the consultants had at the time.

Also mentioned was that they are willing to approve use of the water from the Edwards Trinity and Pecos Valley for the City's water management strategies because there is approximately 183,000 acre feet per year of water that is available in both Pecos and Reeves Counties that is not currently being utilized.

The reallocation process for the Pecos and Reeves Counties water will be based on the Reeves County rules. The State plans to allocate approximately 6,000 acre feet of Pecos Valley water to place it into the Statewide Water Plan for the wells that the City has in Reeves County for the City's long-term use of approximately 2 ½ sections of land. In Pecos County approximately 3,000 acre feet of water will be allocated and approved in the next few months.

In 2-3 months, the State will consider the City's figures from information that he previously provided Director of Public Works Ramos.

(c) Texas Water Board Memorandums Concerning Contamination of Groundwater at Belding and Possible Permit Modifications by Cockrell Investments at Belding Farms;

City Water Attorney Harral reported that when he started to work for the City, rumors were that there were some memos from the State of Texas in the 1960's that groundwater contamination occurred between the Rustler formations and the Edwards Trinity but he could not locate any copies.

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Over the course of 2 years and on account of the situation between the Cockrells and Fort Stockton Holdings, he continued his search for these memos. He contacted the TWDB and completed a public records request to the MPGCD but neither entity had them. He finally located them by contacting hydrologists whose fathers were hydrologists that previously worked in this area. These will be in the City's records and cannot be misplaced moving forward.

Two memos were located; one dated 10/26/64 and 02/02/66. Both were initially requested by City Manager Eugene Higgins and lost. In furthering the investigation years ago, the TWDB communicated with the Cockrells that owned Belding Farms. Numerous information was received regarding changes that were noticed to the aquifer's condition which is of prime concern to the City's municipal water supply.

As described in the memos, numerous Rustler water wells were drilled in anticipation of finding oil and gas but ultimately these wells were converted to irrigation. During the interviews, Operations Manager Hal Walson from Belding Farms described that the farms were all pecan orchards and in order to establish these orchards they bulldozed approximately 30 wells to travel from the Edwards Trinity into the Rustler Aquifer which were not plugged but bulldozed. This was speculated as the cause.

Also mentioned in the memos was one well with a blockage in it. They were certain that the water was flowing into the Edwards Trinity Aquifer because the wells were degrading, etc.

The City needed to remember this information due to the additional issues that will occur out there. These documents were provided to the MPGCD.

(d) Oil & Gas Customers at Blue Ridge Property

• **Halcon**

City Water Attorney Harral reported that Halcon filed for bankruptcy in August but debt providers agreed to a structured buyout. They could possibly emerge from this bankruptcy in Mid-September based on information found and conversing with Halcon's staff, landowners, and mineral holders.

They have to return to Blue Ridge on January 2020 or otherwise they will lose their mineral leases. He believed that they will acquire additional funding for this

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or they will be bought out in the near future.

He has already sent demands regarding an outstanding debt owed to the City and informed City Manager Rodriguez on what should be done. His recommendation is that the City replicate the same process as 2 years ago when Halcon encountered a similar bankruptcy issue. The City will be paid because Halcon does not want to lose a surface lease because they will be unable to access minerals plus will violate the contract.

An agreement was approved with WaterBridge wherein all of Halcon's infrastructure, both saltwater disposal and water, was purchased. This 15-year agreement ensures WaterBridge as the exclusive water supplier and disposal of produced water.

The City is in good shape with Halcon's leases that are adjacent to Blue Ridge because the water that the City has on Blue Ridge is next to the recycling facility and they can obtain water from Blue Ridge directly to the recycling facility and ship it to the well sites. They should begin to frack in January to maintain mineral leases.

• Oxy

City Water Attorney Harral conveyed that Oxy had met its drilling obligations for 2019 and will drill in the first quarter of 2020. To meet the last requirement, they drilled underneath Blue Ridge which they were legally to do from an off-lease location. All of Oxy's, Halcon's, & Concho's rigs were no longer in Pecos County. They were waiting for interest rates to decrease for a more competitive market.

All of the water that is in the Oxy pit was purchased 1 year ago from the City. Three feet (3') remained in the frac pond that had not evaporated but was being used for dust control efforts when they complete work in that area. The City does not get paid when water is removed from the frac pit but at the wellhead. In December, the frac pit will possibly need to be filled because it will be damaged without a lining which is too costly.

• WaterBridge

City Water Attorney Harral stated that WaterBridge completed their transition of Halcon's water assets at Blue Ridge. This includes 4 frac lines connected to approximately 6 of the City's water wells.

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WaterBridge personnel were at Blue Ridge earlier that day installing SCADA meters for industrial purposes. They planned to return and install additional meters and possibly solar panels with battery packs because most of the City's wells were not connected to electricity and therefore required a generator, etc. which was an additional complication for them.

They previously acquired a frac pond and planned to complete repairs next month. At some point, the pivot lacked water which totally damaged the line. After the SCADA is entirely installed and the frac pond is repaired, 442,000 barrels of water will be purchased from the City to fill the pit. The City can choose if the water will be obtained from Reeves or Pecos County because the wells are already attached to both.

(e) Salt Creek Midstream at Blue Ridge Property

City Water Attorney Harral reported that Salt Creek was currently constructing which will require additional land. The same four agreements as approved in the past by the City will be used. They will be using a little more acreage but will provide the new city attorney with the same agreements, forms, drawings, etc. They increased their pad site from 50'x50' to 150'x150' and therefore additional money will be paid to the City through the existing agreements.

Additionally, they will be installing a pipeline at Blue Ridge that needs to be tested to ensure that there are not any leaks, bad welding, etc. that will be used for oil, gas, etc. The injection of water will be used for testing purposes. In order to complete that project, Salt Creek will need access to in close proximity to the pipeline that they install a frack pond, water wells, water pumps, and frack lines to connect infrastructure.

A significant amount of water will be used for oil and gas but not for fracking purposes. Currently, the City only owns the wells at Blue Ridge but does not own the infrastructure or the frack ponds, polylines, and pumps.

An agreement will need to be completed for the frack pond usage which will either be Oxy or WaterBridge. Currently, the adjacent landowners were selling water between 25 cents - 30 cents a barrel which was fully loaded with expenses i.e. generators, electric power, pumps, etc. The City needed to take this into account whenever a decision is made in September.

Salt Creek preferred to transact with the City because they knew that the money

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will be used to support the citizens plus they favored community involvement, etc. Monies from this project will not be budgeted which allows the City to determine its use.

(f) Rules of Reeves County Groundwater Conservation District

City Water Attorney Harral emphasized that the City had 23 months to obtain H&E Permits for industrial, agricultural, and public supply. "The City did not want to wait more than 6 months to do this but needed to get in there early and not later." Public Works Director Ramos will have all of the documentation that will need to be submitted to Reeves County. He recommended that Public Works Director Ramos sit down with Reeves County personnel for assistance with completion of forms, attach the Texas Water Plan that the City has been developing for the past 3 years and then submit it. A hydrology study will also need to be submitted due to the acre feet being discussed in the rules and which will be completed by WaterBridge for Blue Ridge towards the end of this month.

The reason a hydrology study was not published was because the City was unaware if the rules were going to change but were implemented the first week of this month. WaterBridge is paying for Hydrologist Mike Thornhill; a very capable hydrologist.

Another rule to keep in mind is Rule 11 which is up to 6 acre feet per contiguous acreage. All of the City's acreage in Reeves County and Pecos County was contiguous.

Rules of Reeves County Groundwater District

B. Applications for a Historic Use Permit for existing nonexempt wells must be filed with the District by September 1, 2021 (two years after Effective Date of Rules). Failure of an owner of an existing nonexempt well to apply for a Historic Use Permit on or before September 1, 2021 (two years after Effective Date of Rules) shall preclude the owner from making any future claim or application to the District for a historic use under these rules.

Rule 11. Maximum Allowable Production

A. Unless a smaller amount is requested, the amount of annual maximum production specified in the Historic Use or Operating Permit from all aquifers shall not exceed in any calendar year five acre feet per contiguous acres of land from all non-exempt wells owned or operated by the applicant as designated in the permit application.

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FOURTH ORDER OF BUSINESS:

- 4. Discuss/Act upon Ordinance No. 19-116, Authorizing Three (3) Separate Requests from Property Owners Yadira & Jose Renteria for All of Block 47, St. Gall Addition, Fort Stockton, Pecos County, Texas:**
- 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 and Providing for an Effective Date Provision.

Mayor Alexander asked for comments from the public.

Amelia Renteria, 1300 N. Schlegel, Fort Stockton, Texas, remarked that this raw land will look a lot better with mobile homes than with mesquite, trash, etc.

Ricky Gonzales, 109 E. El Paso, Fort Stockton, Texas, expressed once again that his family was displeased with mobile homes being placed on the block. They took a lot of pride in their home, concerned about property values, etc.

Building Official Stoddard apprised City Council that the statute required that they take action within 30 days after the Planning & Zoning Commission provides their report to them or the plat will automatically be approved unless the applicant withdraws it.

Council Member Falcon inquired when the Planning & Zoning Commission held their meeting. What district were these mobile homes in; Commercial or SF-4?

Building Official Stoddard replied that for a single-family dwelling, they were allowed by the ordinance in a SF-4 District by Specific-Use Permit.

Council Member Falcon asked "What about a group of mobile homes?"

Building Official Stoddard responded that parks or subdivisions were totally different. This is not a park but 4 individually platted lots and no different than one mobile home on one lot. In this case, 4 lots are owned by the same property owner; similar to owning 4 rental homes.

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City Manager Rodriguez wanted to ensure that only the plat required action.

Mayor Pro-Tem Ureta replied that it was already established that the 30 days had exceeded and therefore the plat was automatically approved.

Council Member Falcon expressed that this was a residential area and none will be a homestead. When dealing with tenants, they will treat the property differently than a homeowner. To him it was a commercial venture in a residential neighborhood.

Mayor Alexander asked for a motion. Hearing none, the item failed.

FIFTH ORDER OF BUSINESS:

5. 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. (Mayor)

Mayor Alexander asked for comments from the public.

Property Owner Armando Gonzalez, 700 Water Street, Fort Stockton, Texas, emphasized that before they initiated the Specific-Use Permit process, he and his wife Margarita went to the Code Enforcement Department to inquire if a mobile home could be placed on this property. The administrative assistant informed them that they could put a mobile home at the specified location but that it needed to be a double-wide. Afterward, they decided to purchase the land and double-wide. City Secretary Gonzalez was informed by them that they did inquire on three separate occasions.

Ricky Gonzalez, 109 E. El Paso Street, Fort Stockton, Texas, commented that the double wide was a beautiful home and he did not oppose it because they were award that it was for a family. Nevertheless, being that they took pride in their home, their concern regarding the depreciation of their property remained.

Building Official Stoddard affirmed that the ordinance required a Specific Use Permit to place a mobile home in a SF-4 District and not in a SF-3 District. Being

CITY OF FORT STOCKTON, TEXAS
 MINUTES OF: REGULAR CITY COUNCIL MEETING
 DATE OF MEETING: AUGUST 27, 2019
 TIME OF MEETING: 5:30 P.M.
 PLACE OF MEETING: CITY COUNCIL CHAMBER

VOTED NAY
 VOTED AYE
 SECONDED
 MOVED

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

MAYOR: JOE CHRIS ALEXANDER
 CITY MANAGER: FRANK RODRIGUEZ III
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 CITY ATTORNEY:

that it was a Specific-Use Permit, City Council could choose to authorize "anything they want and not an actual change to the ordinance but specific to the property."

He further emphasized that he met with his staff and they understood their error. In the future, only what is permitted in a SF-4 District will be presented to them for consideration. He was certain that Mr. Gonzalez inquired 3 times regarding this lot.

Council Member Falcon asked, "So SF-3 does not allow for a mobile home?"

Building Official Stoddard replied that in the future, only what is permitted in the Use Regulation District chart will be forwarded to City Council unless he is directed by them to revise it.

Mayor Alexander expressed to Ricky Gonzales "I am not arguing against what you said but as someone that has a home in an area where everything has gone to rental property; it can go downhill in a hurry. Somebody can buy property next to you and put stuff up and maybe not a house but a shop or something that to his eyes are all kinds of bad but the double-wide actually looks nice. They have taken the axles off, tongue is off, will be skirted, and already planted trees around the area and making it a home."

Council Member Falcon assumed that manufactured homes were allowed in SF-3 Districts as SF-4 Districts. The zoning ordinance for a SF-3 District will require a revision to allow this. He did not feel comfortable with this.

Homeowners paid taxes, voted, and elected them to make the decisions. It seemed as if though everyone opposed having a mobile home in their neighborhood. He believed it was time to address the trailer issue in the city limits to eventually authorize only modular homes which would solve numerous concerns.

Mayor Alexander asserted that the family was misinformed 3 times plus they completed the process with the Planning & Zoning Commission who made a favorable recommendation to City Council.

Council Member Warnock declared that the mobile home was already on the lot. Prior to that, they inquired on 3 separate occasions if one could be placed on the property that they were interested in. Being that it was allowed as per Code Enforcement, they proceeded to purchase the lot followed by the double-wide. This particular situation was already pre-determined. He made a motion to approve the

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ordinance.

Mayor Alexander asked for a second but the ordinance failed due to lack of an additional motion, etc.

SIXTH ORDER OF BUSINESS:

6. Discuss/Act upon Ordinance No. 19-119, Amending Appendix B of the Code of Ordinances of the City of Fort Stockton Titled Zoning*, Section 7. Use Regulation Districts, 2. Primary Residential Uses. One Family Dwelling Detached; Manufactured Modular Home for Agricultural, Single Family-1 (SF-1), Single Family-2 (SF-2), Single Family-3 (SF-3), Single Family-4 (SF-4), Two Family (2F), Multi-Family (MF), & Planned Development (PD); And Repealing All Other Ordinances or Portions Thereof in Conflict, A Severability Clause and Providing for an Effective Date.

Building Official Stoddard reported that the proposed ordinance was in compliance with the State Law regarding modular building homes. When he was hired by the City, he noticed that a Specific-Use Permit was required for a modular home and mentioned to his staff that they would eventually realize that this was an issue i.e. email received The industry was very strong in Texas when it came to this regulation.

The proposed ordinance was updated to reflect what the State Law requires for modular homes. These are constructed with the same building codes as site-built homes and enforced by on-site plant inspectors which are governed by the State of Texas. They are also placed on a permanent foundation by way of a slab or blocks to the ground. The values of these properties are attached to their real estate and can be a homestead.

Mayor Pro-Tem Ureta noted that Building Official Stoddard discovered this upon being employed with the City and asked "How long did the City operate without being inconsistent with the State statute? Obviously, you have looked at other ordinances that we have? If you find any more inconsistencies bring them before us so that they can be corrected or to avoid what has happened."

Motion was made, seconded, and carried unanimously to approve Ordinance No. 19-119, Amending Appendix B of the Code of Ordinances of the City of Fort Stockton Titled Zoning*, Section 7. Use Regulation Districts, 2. Primary Residential Uses. One Family Dwelling Detached; Manufactured Modular

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

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

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

SEVENTH ORDER OF BUSINESS:

Interim Chief of Police James Valenzuela conveyed that The Violent Offender Task Force specializes in locating and arresting violent fugitives for offenses that include but not limited to homicide, assault, sex crimes, failure to register as a sex offender, firearm violations and federal probation violations.

The Fort Stockton Department currently has 7 Police Officers that are being considered as Special Deputy U.S. Marshals. These individuals will be paid by the Border Star Grant and will be used locally when Marshals arrive in the community for various concerns.

Benefits of this task force for our community and Department include improved public safety by removing these offenders from our streets, improves the department's relations with federal entities, assistance in serving high-risk warrants, etc.

Motion was made, seconded and carried unanimously to approve Memorandum of Understanding (MOU) from the United States Marshals Service and Fort Stockton Police Department regarding the Violent Offender Task Force.

EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon Awarding of Lease for Approximately 274 Acres of Land Located on T&P RR Co., Block 3, Section 71, Pecos County, Texas. Proposal Submitted: Rayburn Durham

City Water Attorney Harral conveyed that for the past 5 years, the City's intent has been to offset costs to our taxpayers. A major issue existed with the City's

FALCON
WARNOCK
URETA
PALILEO
CASIAS

VOTED NAY
VOTED AYE
SECONDED
MOVED

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ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

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permit on the captioned location and it needed to be fixed. The only way to resolve this concern is through a major incremental cost of \$140,000 - \$150,000 which explains why proposals were not received on this project until now.

The only proposal received was Mr. Rayburn Durham's who is willing to accept the cost to upgrade the disposal system at the farm to comply with TCEQ's rules regarding effluent water. He is experienced, already operates at the Belding area, does this for two other utilities in the northern panhandle, plus has the manpower, equipment, etc.

After reviewing the proposal, his recommendation and the best option on the table is to award a 10-year lease to Mr. Durham from September 1, 2019 – December 31, 2029 and with no payment to the City until 2023 since he will be incurring a major expense. The same agreement as used for the Wastewater Treatment Plant in town can be revised for this purpose. Also, as a reminder, the City needs to submit its agricultural applications in 4 months.

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

X
 X
 X
 X
 X

Motion was made, seconded and carried unanimously to Award Lease for Approximately 274 Acres of Land Located on T&P RR Co., Block 3, Section 71, Pecos County, Texas to Mr. Rayburn Durham Contingent upon Approval of Contract.

NINTH ORDER OF BUSINESS:

9. Discuss/Act upon Rescheduling the September 10, 2019 Regular City Council Meeting to September 11, 2019.

City Manager Rodriguez asked that the September 10th City Council Meeting be rescheduled to September 11th to avoid two successive meetings. A meeting regarding the budget was previously scheduled for the 11th and if approved can combine additional agenda items into one meeting.

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

X
 X
 X
 X
 X

Motion was made, seconded and carried unanimously to approve rescheduling the September 10, 2019 Regular City Council Meeting to September 11, 2019.

Mayor Alexander recessed from the Regular Meeting @ 7:18 p.m. to convene into the:

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VOTED NAY
 VOTED AYE
 SECONDED
 MOVED

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

MAYOR: JOE CHRIS ALEXANDER
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 CITY ATTORNEY:

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):
- (a) Contemplated Litigation with WaterBridge Resources LLC regarding the Water Purchase Agreement with the City of Fort Stockton.
 - (b) Contemplated Litigation between Cockrell Farms and the City of Fort Stockton regarding the City's Use of Three (3) Water Wells near the Belding Prison.

Mayor Alexander closed the Executive Session(s) @ 8:07 p.m.

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(a) Discuss/Act upon Contemplated Litigation with WaterBridge Resources LLC regarding the Water Purchase Agreement with the City of Fort Stockton.

No action taken.

- 10(b) Contemplated Litigation between Cockrell Farms and the City of Fort Stockton regarding the City's Use of Three (3) Water Wells near the Belding Prison.

No action taken.

TWELFTH ORDER OF BUSINESS:

12. Questions from the Media on Agenda Items.

Several questions were asked by the media.

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ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:
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MAYOR: JOE CHRIS ALEXANDER
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 CITY ATTORNEY:

THIRTEENTH ORDER OF BUSINESS:

13. Adjourn.

Motion was made, seconded and carried unanimously to adjourn the Regular City Council Meeting @ 8:15 p.m.


 Joe Chris Alexander, Mayor

ATTEST:


 Delma A. Gonzalez, City Secretary

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

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