

CITY OF FORT STOCKTON, TEXAS
MINUTES OF: REGULAR CITY COUNCIL MEETING
DATE OF MEETING: FEBRUARY 25, 2020
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
CITY SECRETARY: MARINA A. CANTU
CITY ATTORNEY: PUJA BOINPALLY

Mayor Alexander called the Regular Meeting to order at 5:31 p.m. after declaring a quorum present.

Mayor Alexander 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. Senior Civil Engineer Steve Synovitz with Hanson Professional Services Inc.—
 ➤ Update on the 30-Inch Water Transmission Line Project.

To Date Summary:

- 30-Inch Pipe Installation: Approximately 45,500 LF/45,500 LF = 100% of Total Pipe;
- Change Order No. 12: \$33,250 Credit to the City
- Pay Application Progression 2/13/20: \$3,271,648.61 = 100% of Contract Price*
- *Note: The final pay application will be for release of the 5% retainage and will be for \$163,582.43
- Schedule Progression on 2/18/20: 667 Days
- Substantial Completion 2/18/20: 667 Days/667 Days = 100%
- Ready for Final Payment 4/13/20: 667 Days/722 Days = 92%

Contract Stats:

- Original Contract Amount: \$3,182,508
- Additions by Change Order: +\$ 346,418 (Including \$224,805 for C.O. #10 18-Inch Line)
- Deductions by C.O.: -\$ 257,277
- Current Contract Amount: \$3,271,649 Increase (4.3% Decrease w/o C.O. #10)

MOVED
SECONDED
VOTED AYE
VOTED NAY

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- Completed to date: \$3,271,649
- Remaining: \$ 0

Remaining Work:

- Establish Vegetation – Ongoing
- Contractor to complete punch list – Done (pending a few minor items).
- Final inspection – Done
- Record drawings – Done
- Submit record drawings to TCEQ for archiving – Pending
- Release retainage – Pending
- Warranty period – 1 year on waterline; 2 years on trench compaction.

SECOND ORDER OF BUSINESS:

**2. Performance Matters Associate/USA Agent Suzan Empero with Washington National—
↳ Supplemental Insurance**

Associate/USA Agent Suzan Empero advised everyone Washington National has been a Supplemental Insurance Company dating back to the 1940's and is an "A" Rated Insurance Company.

She has been working for Washington National for 18 years and is out of the Midland/Odessa area.

Washington National recently began offering supplemental benefits to the County.

They also provide benefits to the Pecos County Memorial Hospital.

Washington National offers Permanent Universal Life Insurance that is designed strictly for worksite, it is not offered to civilians.

Associate/USA Agent Suzan Empero explained she would nominate a group to make Permanent Life Insurance available to the employees of the City of Fort Stockton. This would be a onetime opportunity for employees to come aboard without asking them any health questions. Pre-existing conditions would not affect the premiums, the employees with pre-existing conditions would pay the same as

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healthy individuals. Next year this policy would be offered as a New Hire Benefit.

This insurance policy has automatic growth for 10 years.

Life Insurance is generally payable upon death. However, this policy has a Terminal Feature which means if a doctor determines death is expected within 12 months, 75% of the life insurance can be used upfront.

This is a Cash Value Policy. Based on premium and time this policy earns money. On an annual basis this company pays an interest rate or dividend from anywhere between 3-5%, based on the annual premium. This policy becomes a resource to the employee. The employee can take out a loan against the policy at a 4% interest rate.

This is a portable policy, which means it can be taken with the employee. The method of payment would change to direct bill once the employee leaves the City.

Premiums for this policy can be as little as \$4.00 a week or \$8.00 a paycheck.

Because of the cash value of these plans, this benefit does not have to be done in the cafeteria plan.

Mayor Pro-Tem Ureta advised everyone that he has worked with Associate/USA Agent Susan Empero since 2003 and has had a great experience with the products she has recommended. He suggested giving the staff the opportunity to make their own decision about the Permanent Life Insurance offered through Washington National.

Associate/USA Agent Suzan Empero advised everyone that Washington National also offers Cancer, Heart Disease, Heart Attack and Stroke Policies.

THIRD ORDER OF BUSINESS:

3. Consent Agenda

Minutes:

- **Regular Meeting Minutes of Fort Stockton City Council, 02/11/2020**
- **Regular Meeting Minutes of Fort Stockton Downtown Association, 01/21/2020**

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- ⬇ Regular Meeting Minutes of Fort Stockton 4-A EDC Corporation, 01/16/2020
- ⬇ Regular Meeting Minutes of Fort Stockton 4-B EDC Corporation, 01/16/2020
- ⬇ Regular Meeting Minutes of Fort Stockton Housing Authority Board, 01/15/2020
- ⬇ Regular Meeting Minutes of Intergovernmental Recreation Board, 12/18/2019

Accounts Payable Grand Total: \$578,503.87

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

Council Member Falcon inquired the proper procedure for approval of the stipend for the Recreation Director. Would the approval of the Recreation Minutes suffice, or would the stipend need to be listed as another item on the agenda?

Director of Finance Rodriguez explained that the stipend that already exists was done through the budget and wasn't done mid-year. The policy does not allow for a stipend; however, it allows for supplemental pay that is approved by the City Manager. She suggested asking the auditors to ensure this is allowed.

City Manager Rodriguez explained that the Intergovernmental Recreation is a joint governing board; however, there is a clause that states the Recreation Director follows the City policy. He suggested having the City Attorney review the documents for clarification.

Director of Finance Rodriguez further explained the City is not allowed to have bonuses. However, they are allowed to have a retention.

Council Member Ureta explained that a stipend is supplemental pay.

Director of Finance Rodriguez clarified that supplemental pay is approved by the City Manager.

City Manager Rodriguez explained the reason for the stipend was to account for the number of hours worked on the Pop Warner Tournament and the Little League Tournament.

Motion carried to approve the Consent Agenda, as presented. Council Member Casias Abstained from the Motion.

FALCON
WARNOCK
URETA
PALILEO
CASIAS

X
X

FALCON
WARNOCK
URETA
PALILEO
CASIAS (ABSTAINED)

X
X
X
X

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FOURTH ORDER OF BUSINESS:

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

Chief of Police Lujan explained that two individuals recently left the Police Department; leaving them extremely short handed.

Therefore, he generated a memo terminating the Agreement with the Drug Enforcement Administration (DEA) to pull the officer they have assigned to them. He explained that the DEA has agreed to terminate the agreement. The Police Officer assigned to the DEA was working as a Task Force Officer and will be brought back as a Patrol Officer.

Mayor Pro-Tem Ureta inquired if the memo was terminating the agreement or if it was asking to bring the officer back.

Chief of Police Lujan explained that the memo is asking to bring the officer back; However, the Drug Enforcement Administration would terminate the agreement based on the request to bring the officer back.

He explained once the Police Department is fully staffed, he would not have an issue speaking to the DEA to send the officer back.

Motion was made, seconded and carried unanimously to approve the Termination of State and Local HIDTA Task Force Agreement Between the Drug Enforcement Administration and the Fort Stockton Police Department; ORI-TX1860100 – Fiscal Year 2020.

FIFTH ORDER OF BUSINESS:

5. **Discuss/Act upon Change Order No. 12 Authorizing a credit of \$33,250.00 for unused portion of Unanticipated Utility Conflicts and for reduction of fence repair by 50 LF.**

Senior Civil Engineer Steve Synovitz advised City Council that this credit was due to the cash allowance that was built into the original contract, which was not

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

X X
 X X
 X X
 X X
 X X

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SECONDED
MOVED

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completely needed. He explained they did not run into as many conflicts as anticipated; therefore, this is the money remaining.

FALCON
WARNOCK
URETA
PALILEO
CASIAS

X X
X X
X X
X X
X X

Motion was made, seconded and carried unanimously to approve Change Order No. 12 Authorizing a credit of \$33,250.00 for unused portion of Unanticipated Utility Conflicts and for reduction of fence repair by 50 LF.

SIXTH ORDER OF BUSINESS:

6. Discuss/Act upon Pay Application No. 12 for \$80,085.00 for Work Performed by Nelson-Lewis, Inc. through 02/13/20 regarding the 30-Inch Water Transmission Line Project & 18-Inch Well Field Waterline.

Senior Civil Engineer Steve Synovitz explained that this was the final payment request aside from the retainage which will be requested as Pay Application No. 13.

FALCON
WARNOCK
URETA
PALILEO
CASIAS

X X
X X
X X
X X
X X

Motion was made, seconded and carried unanimously to approve Pay Application No. 12 for \$80,085.00 for Work Performed by Nelson-Lewis, Inc. through 02/13/20 regarding the 30-Inch Water Transmission Line Project & 18-Inch Well Field Waterline.

SEVENTH ORDER OF BUSINESS:

7. Discuss/Act upon Vendor Agreement for Comprehensive Energy Assistance Program (CEAP) between the City of Fort Stockton and Pecos County Community Action Agency.

City Secretary Cantu explained that this is the Vendor Agreement with Pecos County Community Action Agency to assist the elderly pay for their utilities.

Mayor Pro-Tem Ureta clarified that this is a standard Vendor Agreement to pay for gas that is funneled down from the Department of Energy through the Texas Department of Housing. This agreement enables them to help the elderly and the single families with children under 6 years old.

Mayor Alexander inquired approximately how many receive this assistance.

Mayor Pro-Tem explained that the amount receiving these benefits depends on the funding available. These are based on the Federal Poverty guidelines.

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FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

X
 XX
 X
 X
 X

Motion was made, seconded and carried unanimously to approve the Vendor Agreement for Comprehensive Energy Assistance Program (CEAP) between the City of Fort Stockton and Pecos County Community Action Agency.

EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon Request for TxDOT Traffic Study for the following Intersections; Hornbeck Blvd. & Highway 18, Hornbeck Blvd. & Highway 285, and Sycamore St. & Dickinson Blvd.

Council Member Falcon explained that a business owner had asked about a stop light being placed at the intersection of the Monahans Highway and Hornbeck. He suggested requesting a traffic study to see if these locations warrant a traffic light.

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

X
 X
 X
 XX
 X

Motion was made, seconded & carried to Authorize the Request for TxDOT Traffic Study for the following Intersections; Hornbeck Blvd. & Highway 18, Hornbeck Blvd. & Highway 285, and Sycamore St. & Dickinson Blvd.

Mayor Alexander recessed from the Regular Meeting @ 6:20 p.m. to convene into the:

NINTH ORDER OF BUSINESS:

9. 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.

Mayor Alexander closed the Executive Session @ 6:48 p.m.

TENTH ORDER OF BUSINESS:

10. Reconvene into Open Session Pursuant to Texas Government Code Section §551.102 & Take Action, if any, on Matters Deliberated in Executive Session:
 (9a) Discuss/Act upon Contemplated Litigation.

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:
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	MOVED	SECONDDED	VOTED AYE	VOTED NAY
FALCON			X	
WARNOCK	X		X	
URETA			X	
PALILEO			XX	
CASIAS			X	

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NO ACTION TAKEN

ELEVENTH ORDER OF BUSINESS:


11. Questions from the Media.

Inquiries were not made from the Media.

TWELFTH ORDER OF BUSINESS:

12. Adjourn.

There being no further business, motion was made, seconded and carried unanimously to adjourn the Regular Meeting @ 6:49 p.m.


 Joe Chris Alexander, Mayor

ATTEST:

 Marina A. Cantu, City Secretary

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS