

MINUTES OF: REGULAR CITY COUNCIL MEETING

DATE OF MEETING: JANUARY 28, 2020

TIME OF MEETING: 5:30 P.M.

PLACE OF MEETING: CITY COUNCIL CHAMBER

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

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

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

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 5:32 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."

OATH OF OFFICE: Publicly Swear-In Newly Appointed City Secretary Marina A. Cantu.

Mayor Alexander publicly Swore-In Newly Appointed City Secretary Marina A. Cantu.

Mayor Alexander recessed from the Regular Meeting to convene into the Board of Adjustment @ 5:36 p.m.

FIRST ORDER OF BUSINESS:

1. Discuss/Act upon appointment of Chairman of the Board of Adjustment.

Motion was made, seconded & carried unanimously to appoint Board Member Falcon as the Chairman of the Board of Adjustment.

SECOND ORDER OF BUSINESS:

2. Discuss/Act upon appointment of Vice-Chairman of the Board of Adjustment.

Motion was made, seconded & carried unanimously to appoint Board Member Warnock as the Vice-Chairman of the Board of Adjustment.

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THIRD ORDER OF BUSINESS:

- 3. **PUBLIC HEARING:** Application request from Property Owners Roy Kevin Johnson & Debra Kay Johnson to Consider a Special Exception for a Subsurface Structure, Namely a Fence, to exceed a height greater than forty (40) inches on the front yard of Lots Two & Three (2 & 3), Block Four-One A (4-1A), Brown Addition, Fort Stockton, Pecos County, Texas, & More Particularly described as being adjacent to Gallagher Street & Everts Street; This being in accordance with Section 17(3) of the Zoning Ordinance.

City Manager Rodriguez explained that the property in question is the last home within city limits on that block. The house faces Everts and the fence shown in the photo is located behind the neighbors back yard. The ordinance indicates that the front yard fence should decline to 40 inches. Therefore, Property Owner Mr. Johnson has requested a Special Exception be considered allowing the fence to exceed the 40-inch height requirement. He explained if Mr. Johnson abides by the City Ordinance the back of the neighbors existing fence would be visible.

FOURTH ORDER OF BUSINESS:

- 4. **Discuss/Act upon Special Exception Request from Property Owners Roy Kevin Johnson & Debra Kay Johnson to Consider a Special Exception for a Subsurface Structure, Namely a Fence, to exceed a height greater than forty (40) inches on the front yard of Lots Two & Three (2 & 3), Block Four-One A (4-1A), Brown Addition, Fort Stockton, Pecos County, Texas, & More Particularly described as being adjacent to Gallagher Street & Everts Street; This being in accordance with Section 17(3) of the Zoning Ordinance.**

Motion was Made & Seconded to approve the Special Exception Request from Property Owners Roy Keven Johnson & Debra Kay Johnson to Consider a Special Exception for a Subsurface Structure, Namely a Fence, to exceed a height greater than forty (40) inches on the front yard of Lots Two & Three (2 & 3), Block Four-One A (4-1A), Brown Addition, Fort Stockton, Pecos County, Texas & More Particularly described as being adjacent to Gallagher Street & Everts Street; This being in accordance with Section 17(3) of the Zoning Ordinance.

FALCON
WARNOCK
URETA
PALILEO
CASIAS

X
X

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SECONDED
VOTED AYE
VOTED NAY

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On behalf of the community Council Member Falcon inquired why this request did not have to go before Planning & Zoning.

City Secretary Cantu explained that the Board of Adjustment is authorized to hear Special Exception Appeals.

Mayor Alexander explained that the reason for the decrease in the fences height is so the view of on coming traffic is not obscured when someone drives up to the corner of a property. However, it will not be an issue in this case, because the area in question is not located on the corner. He explained that the request would allow the property owner Mr. Johnson to match the height of the neighbors existing fence.

FALCON
WARNOCK
URETA
PALILEO
CASIAS

X
X
X
X
X

Motion Carried Unanimously to approve the Special Exception Request from Property Owners Roy Keven Johnson & Debra Kay Johnson to Consider a Special Exception for a Subsurface Structure, Namely a Fence, to exceed a height greater than forty (40) inches on the front yard of Lots Two & Three (2 & 3), Block Four-One A (4-1A), Brown Addition, Fort Stockton, Pecos County, Texas & More Particularly described as being adjacent to Gallagher Street & Everts Street; This being in accordance with Section 17(3) of the Zoning Ordinance.

Mayor Alexander Closed the Board of Adjustment Meeting to Reconvene into the Regular Meeting @ 5:42 p.m.

FIFTH ORDER OF BUSINESS:

5. City Manager Frank Rodriguez III---
 ↳ City Manager's Report

City Manager Rodriguez advised everyone that a workshop was recently held where the possibility of a recreation facility was discussed. Team sports are a great way to teach children about rules, teamwork, commitment & obeying authority.

The Plaza Bowling Alley & Movie Theatre was considered for this project; however, there are too many unknown factors.

The County Judge & Superintendent have been contacted about the possibility of a new Recreation Facility. He considers a New Recreation Facility a great

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VOTED AYE
SECONDED
MOVED

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investment for the community.

The main things that need to be determined are a property for the Facility and the 3 entities agreeing on an area feasible for the community.

He showed everyone a few examples of indoor Sports Facilities. He stated the building could be utilized for a variety of sports during cold weather.

He informed everyone that there were 612 children that participated in recreational sports this year.

City Manager Rodriguez explained that there has been an issue retaining staff. There has been a shortage in dispatchers for 6-7 months. He explained that he is allowed to increase their salaries within their current paygrade. The increase in pay will allow the City to retain staff instead of training them and losing them to other agencies and/or communities. This will be implemented on the next pay period.

SIXTH ORDER OF BUSINESS:

**6. Consent Agenda
Minutes:**

- Regular Meeting Minutes of Fort Stockton City Council, 01/14/2020
- Special Meeting Minutes of Fort Stockton City Council, 01/22/2020
- Regular Meeting Minutes of Fort Stockton Convention & Visitor's Bureau, 11/19/2019
- Regular Meeting Minutes of Fort Stockton Downtown Association, 11/19/2019
- Regular Meeting Minutes of Fort Stockton Housing Authority Board, 10/16/2019

Accounts Payable Grand Total: \$263,996.60

Council Member Palileo asked for clarification on the CVB Total Revenue as it was missing from the minutes.

Motion was made & seconded to approve the Consent Agenda, removing the CVB Minutes for further clarification.

Council Member Falcon inquired if the second item for ADCOMP for \$5,000 was a monthly or yearly fee.

FALCON
WARNOCK
URETA
PALILEO
CASIAS

X

X

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

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Director of Finance Rodriguez replied that was a yearly maintenance fee.

Motion carried unanimously to approve the Consent Agenda, removing the CVB Minutes for further clarification.

SEVENTH ORDER OF BUSINESS:

7. Discuss/Act upon Resolution No. 20-100R, Completing the Annual Review of the Current City of Fort Stockton Investment Policy Manual.

Motion was made, seconded & carried to Approve Resolution No. 20-100R, Completing the Annual Review of the Current City of Fort Stockton Investment Policy Manual.

EIGHTH ORDER OF BUSINESS:

8. Discuss/Act upon Memorandum of Surface-Use Agreement with XTO Holdings, LLC for a Seismic Monitoring Station on Sec. 31, Blk. 48, Twp. 9, T & Ry. Co. Survey, Pecos County, Texas.

City Attorney Boinpally explained that this Memorandum of Surface-Use Agreement was an easement for their monitoring station.

Motion was made, seconded & carried to Approve the Memorandum of Surface-Use Agreement with XTO Holdings, LLC for a Seismic Monitoring Station on Sec. 31, Blk, 48, Twp. 9, T & Ry. Co. Survey, Pecos County, Texas.

NINTH ORDER OF BUSINESS:

9. Discuss/Act upon the Agreement for Project Engineering and Consulting Services for Various Projects with West of the Pecos Consulting Engineers.

Motion was made & seconded to Approve the Agreement for Project Engineering and Consulting Services for Various Projects with West of the Pecos Consulting Engineers.

Mayor Alexander explained that West of the Pecos Consulting Engineers was previously selected, and this action item is to merely approve the agreement.

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FALCON			X	
WARNOCK			X	
URETA			X	
PALILEO			X	
CASIAS			X	
FALCON	X		X	
WARNOCK			X	
URETA		X	X	
PALILEO			X	
CASIAS			X	
FALCON			X	
WARNOCK			X	
URETA	X		X	
PALILEO		X	X	
CASIAS			X	

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Motion carried to Approve the Agreement for Project Engineering and Consulting Services for Various Projects with West of the Pecos Consulting Engineers.

TENTH ORDER OF BUSINESS:

10. Discuss/Act upon the Solicitation of Bids for the Repair & Installation of Fire Hydrants.

Mayor Alexander explained that a number of fire hydrants were replaced 2 years ago. Since then equipment was purchased for Public Works & the Fire Department to exercise these fire hydrants on an annual basis to keep them functioning, flowing & testing them. In doing so, more inoperable fire hydrants have been identified. Therefore, the solicitation for bids is being requested to initiate the process of replacing these fire hydrants.

City Manager Rodriguez explained that Assistant City Manager Gonzales spoke with Public Works Director Ramos and they have selected a team of 4 that will identify what needs to be repaired or replaced. Hopefully this will help with the time management of the project, as last time it took approximately 2 weeks to install the new fire hydrants.

Motion was made, seconded & carried to Authorize the Solicitation of Bids for the Repair & Installation of Fire Hydrants.

ELEVENTH ORDER OF BUSINESS:

11. Discuss/Act upon Interlocal Cooperation Contract for Failure to Appear Program with the Texas Department of Public Safety.

Municipal Judge Munoz explained that the Interlocal Cooperation Contract for Failure to Appear Program helps the Municipal Court as the Texas Department of Public Safety denies the renewal of Driver's License for those that fail to appear or fail to satisfy the judgement of the court. The Municipal Court requested that City Council renew this contract.

Motion was made, seconded & carried to Approve the Interlocal Cooperation Contract for Failure to Appear Program with the Texas Department of Public Safety.

VOTED NAY
VOTED AYE
SECONDED
MOVED

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TWELFTH ORDER OF BUSINESS:

12. Discuss/Act upon the 1st Quarter Revenue & Expense Report for Fiscal-Year 2019-2020.

Director of Finance Rodriguez provided a summary on various accounts from the Revenue & Expense Report ending December 31, 2019 which was 25% of the 2019-2020 FY Budget.

General Fund – Total Revenues @ \$2,681,993.34, which is 27.12%; Total Expenditures @281,906.55, which is 24.27%.

- \$281,906.55 Revenues over Expenditures, which is good for the 1st Quarter.
- Sales tax are doing good, waiting on property taxes, which usually come in January.

HB 445 Road Repair – Total Revenues @ 29.59%; Total Expenditures @ 10.44%

- \$79,815.40 Revenues over Expenditures
- She explained that most of the street repairs are done during the summer.

Recreation Fund – Total Revenues @ 24.18%; Total Expenditures @ 23.07%

- \$4,038.80 Revenues over Expenditures.

Housing Authority – Total Revenues @ 19.11%; Total Expenditures @ 22.03%

- 13,966.36 Expenditures over Revenues.
- She explained the past the Housing Authority has had extra money in their fund; therefore, the Federal Government hasn't been sending as much so they utilize their fund balance.

Enterprise Fund – Total Revenues @ 25.99%; Total Expenditures @ 24.69%

- \$133,455.62 Revenues over Expenditures.
- She explained that the gas was at 22.72% because it hasn't been a very cold winter, which is usually expected.
- The summer months are expected to bring in most of the water revenues.
- The Enterprise Fund is going good for the 1st Quarter.

EDC 4A – Total Revenues @ 26.58%; Total Expenditures @ 6.74%

- \$155,578.18 Revenues over Expenditures.
- EDC 4A has plans for expenditures that will be reflected on the next quarterly report.

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FALCON			X	
WARNOCK		X	X	
URETA	X		X	
PALILEO			X	
CASIAS			X	

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EDC 4B – Total Revenues @ 29.79%; Total Expenditures @ 5.86%

- \$148,373.22 Revenues over Expenditures.
- EDC 4B also has some big expenses that will be reflected on the next quarterly report.

CVB – Total Revenues @ 14.03%; Total Expenditures @ 16.27%

- \$40,818.08 Expenditures over Revenues.
- There has been a decline in occupancy tax.
- The Fall Festival was held and \$30,000 was spent.
- They are paying for the Rehabilitation of the Fort for \$41,000.
- Their Non-Contracted Events is @ \$43,000.
- They have a large fund balance that they are able to access until they start picking up on their occupancy tax.

Debt Service – Total Revenues @ 24.33%; Total Expenditures @ 0.22%

- She explained the City will make their debt payment in March.
- \$674,902.00 is money received from property tax.

Special Assessment – Total Revenues @ 25.47%; Total Expenditures @ 5.75%

- There is an outstanding balance for Nelson Lewis \$276,000 to complete the 30-Inch & 18-Inch Waterlines.
- There are the Debt payments due in March & September.

Motion was made, seconded and carried unanimously to approve the 1st Quarterly Revenue & Expense Report for Fiscal-Year 2019-2020.

THIRTEENTH ORDER OF BUSINESS:

13. Discuss/Act upon the 1st Quarter Investment Report for Fiscal-Year 2019-2020.

Director of Finance Rodriguez reported that the City was receiving their best interest with LOGIC.

Special Assessment

- Beginning of Quarter: \$1,358,091.05
- End of Quarter: \$1,555,514.59
- Quarterly Interest Earned: \$6,027.58
- PCSB Interest Rate: 1.07%

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

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- LOGIC Interest Rate: 1.82%

2017 Certificates of Obligation

- Beginning of Quarter: \$75.64
- End of Quarter: \$0.00
- Quarterly Interest Earned: \$0.13
- Account was closed.

EDC 4B

- Beginning of Quarter: \$1,584,374.98
- End of Quarter: \$1,727,855.50
- Quarterly Interest Earned: \$7,213.55
- The majority of their money is invested with LOGIC.

EDC 4A

- Beginning of Quarter: \$2,153,788.53
- End of Quarter: \$2,311,483.71
- Quarterly Interest Earned: \$10,099.78

General Fund

- Beginning of Quarter: \$12,087,067.92
- End of Quarter: \$11,921,441.24
- Quarterly Interest Earned: \$55,125.67
- In Accordance with Resolution No. 11-110R, 7% of the yearly income of \$20,108,020.00 is \$1,401,561.40.

Motion was made, seconded and carried unanimously to approve the 1st Quarterly Investment Report for Fiscal-Year 2019-2020

FOURTEENTH ORDER OF BUSINESS:

14. Discuss/Act upon Rescinding the Sixth Order of Business Motion during the January 14, 2020 Regular City Council Meeting wherein the Purchase of a Volvo SD115B Soil Compactor from Sourcewell with BuyBoard Government Purchasing Cooperative for \$131,164.00 was approved.

City Manager Rodriguez explained that the previously approved purchase was not made, as the Volvo was sold before the purchase was approved. He further stated that the Streets Department was able to locate a BOMAG with the same type of equipment with a \$12,000 savings.

FALCON
 WARNOCK
 URETA
 PALILEO
 CASIAS

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FALCON			X	
WARNOCK	X		X	
URETA			X	
PALILEO		X	X	
CASIAS			X	

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Motion was made, seconded and carried to rescind the Sixth Order of Business Motion during the January 14, 2020 Regular City Council Meeting wherein the Purchase of a Volvo SD115B Soil Compactor from Sourcewell with BuyBoard Government Purchasing Cooperative for \$131,164.00 was approved.

FIFTEENTH ORDER OF BUSINESS:

15. Discuss/Act upon Purchase of a 2020 BOMAG BW 211D-5 from Sourcewell with BuyBoard Government Purchasing Cooperative for \$118,157.80, Contract No. 032119-BAI.

City Manager Rodriguez requested that the purchase of the 2020 BOMAG BW 211D-5 be approved.

FALCON	X		X	
WARNOCK		X	X	
URETA			X	
PALILEO			X	
CASIAS			X	

Motion was made, seconded and carried to approve the Purchase of the 2020 BOMAG BW 211D-5 from Sourcewell with BuyBoard Government Purchasing Cooperative for \$118,157.80, Contract No. 032119-BAI.

SIXTEENTH ORDER OF BUSINESS:

16. Discuss/Act upon Purchase of a 2020 E.D. Etnyre Centennial 2000 Gallon HD Pump Distributor from Yellowhouse Machinery Co. with BuyBoard Government Purchasing Cooperative for \$105,105.75, Contract No. 515-16.

City Manager Rodriguez explained that this was part of the Budget Amendment done for HB 445 to purchase a distributor @ \$105,105.75.

FALCON				
WARNOCK	X			
URETA				
PALILEO		X		
CASIAS				

Motion was made and seconded to purchase a 2020 E.D. Etnyre Centennial 2000 Gallon HD Pump Distributor from Yellowhouse Machinery Co. with BuyBoard Government Purchasing Cooperative for \$105,105.75, Contract No. 515-16.

Mayor Alexander explained that HB 445 is ¼ % sales tax money that is dedicated specifically for road improvements. The purchase of the Distributor would be coming from the HB 445 Fund.

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FALCON			X	
WARNOCK			X	
URETA			X	
PALILEO			X	
CASIAS			X	
FALCON	X		X	
WARNOCK			X	
URETA			X	
PALILEO		X	X	
CASIAS			X	
FALCON			X	
WARNOCK			X	
URETA	X		X	
PALILEO			X	
CASIAS			X	

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Motion carried to purchase a 2020 E.D. Etnyre Centennial 2000 Gallon HD Pump Distributor from Yellowhouse Machinery Co. with BuyBoard Government Purchasing Cooperative for \$105,105.75, Contract No. 515-16.

SEVENTEENTH ORDER OF BUSINESS:

17. Discuss/Act upon Notice of May 2, 2020 City of Fort Stockton General Election to Elect Three (3) Council Members.

City Secretary Cantu explained that the City will hold an election to elect three (3) Council Members.

Early Voting will be held at City Hall, 121 W. Second Street from 8:00 a.m. – 5:00 p.m. from April 20, 2020 – April 28, 2020 with April 23rd & April 27th having extended hours from 8:00 a.m. – 8:00 p.m.

Applications for ballot by mail must be received no later than the close of business on April 21, 2020.

Deadline to file for Application for Placement on the Ballot is February 14, 2020.

Motion was made, seconded and carried to Approve the Notice of May 2, 2020 City of Fort Stockton General Election to Elect Three (3) Council Members.

EIGHTEENTH ORDER OF BUSINESS:

18. Questions from the Media.

Inquiries were not made from the Media.

NINETEENTH ORDER OF BUSINESS:

19. Adjourn.


There being no further business, motion was made, seconded and carried unanimously to adjourn the Regular Meeting @ 6:14 p.m.

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Joe Chris Alexander, Mayor

ATTEST:


Marina A. Cantu, City Secretary