

CITY OF FORT STOCKTON, TEXAS  
 MINUTES OF: REGULAR CITY COUNCIL MEETING  
 DATE OF MEETING: APRIL 28, 2020  
 TIME OF MEETING: 5:30 P.M.  
 PLACE OF MEETING: CITY COUNCIL CHAMBER

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

PRESENT VIA VIDEO CONFERENCE: 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 5:30 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."

OATH OF OFFICE: Publicly Swear-In Police Officer Diana Hernandez

Mayor Alexander advised everyone that the Oath of Office would be skipped at this time.

**FIRST ORDER OF BUSINESS:**

1. **Consent Agenda**  
**Minutes:**
  - ⚡ Regular Meeting Minutes of Fort Stockton City Council, 04/14/2020
  - ⚡ Regular Meeting Minutes of Fort Stockton 4-A EDC Corporation, 03/19/2020
  - ⚡ Regular Meeting Minutes of Fort Stockton 4-B EDC Corporation, 03/19/2020
  - ⚡ Regular Meeting Minutes of Fort Stockton Housing Authority Board, 02/19/2020
  - ⚡ Special Meeting Minutes of Fort Stockton Housing Authority Board, 03/24/2020

Accounts Payable Grand Total: \$386,974.03

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

VOTED NAY  
 VOTED AYE  
 SECONDED  
 MOVED

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

X	X
	X
X	X
	X
	X

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 MOVED

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**SECOND ORDER OF BUSINESS:**

**2. Discuss/Act upon Order 20-102(b) City of Fort Stockton, Texas Second Amended Limited Shelter in Place Order due to Public Health Emergency.**

**Mayor Alexander** recommended City Council extend the current Order to coincide with Governor Abbott's New Order.

He explained the proposed Order 20-102(b) City of Fort Stockton, Texas Second Amended Limited Shelter in Place Order due to Public Health Emergency would remove the current Curfew in place.

**Motion was made, seconded and carried unanimously to leave the current Order 20-102(a) City of Fort Stockton, Texas First Amended Limited Shelter in Place Order due to Public Health Emergency in place through midnight of April 30, 2020.**

**Mayor Alexander** explained that Rural Counties with 5 or fewer active cases may request to skip phase one and proceed to phase two of the Governor's Report to Open Texas. This would allow certain businesses to open at 50% capacity rather than the 25% capacity. Fort Stockton currently has six active cases. Fort Stockton has two cases that may be classified as recovered cases which would qualify Fort Stockton to move to phase two. In order to do so, the County would have to file the request accordingly.

**Council Member Falcon** voiced concern about rushing the re-opening of Fort Stockton. He explained that the active cases for Pecos County are in Fort Stockton as there is a cluster related to the Fort Stockton Transfer Facility.

**Mayor Alexander** explained that Counties that file the attestation and qualify for 50% occupancy will revert to the 25% occupancy limits if any of the following occurs:

1. Five consecutive testing/tracking intervals with positivity rates greater than 12% in that interval.
2. The county as more than 3 positive cases per 1,000 residents.
3. Less than 15% of the surge capacity in hospitals for the catchment area is

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VOTED AYE  
SECONDED  
MOVED

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**Mayor Pro-Tem Ureta** agreed with the concerns of Council Member Falcon. However, he explained the City has to abide by the Governor’s Order.

**Council Member Falcon** inquired when the results of those tested by the National Guard.

**Mayor Alexander** responded that the results should be received by Friday.

**THIRD ORDER OF BUSINESS:**

- 3. **1<sup>st</sup> Reading of Resolution No. 20-103R, A Resolution of the Fort Stockton Economic Development Corporation Approving the Distribution of Funds to Local Businesses to “Promote or Develop or Expand their Business Enterprise back to the level prior to the Economic Retraction caused by the COVID-19 National Disaster,” in an Amount not to exceed \$10,000 per project and per business.**

**Economic Development Corporation Director Remie Ramos** advised City Council that Resolution No. 20-103R was approved by the Economic Development Corporation during the April 20, 2020 meeting. He explained that there is a requirement of at least two readings prior to approval of this Resolution. Once the approval is done, the Economic Development Corporation would be able to initiate funding the proceeding day.

**Mayor Alexander** read the proposed Resolution of the Fort Stockton Economic Development Corporation Approving the Distribution of Funds to Local Businesses to “Promote or Develop or Expand their Business Enterprise back to the level prior to the Economic Retraction caused by the COVID-19 National Disaster,” in an Amount not to exceed \$10,000 per project and per business.

**Mayor Alexander** commended the Economic Development Corporation for their foresight to try to help our local businesses. Fort Stockton has been very fortunate to be able to help our community.

**Mayor Pro-Tem Ureta** praised City Manager Rodriguez for his efforts in finding sources to assist our community.

**Economic Development Corporation Director Ramos** stated the application would be placed on their website effective April 28, 2020. He advised everyone

VOTED NAY  
 VOTED AYE  
 SECONDED  
 MOVED

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that applications would be accepted pending City Council's Approval of the Resolution at the May 12, 2020 Meeting.

**FOURTH ORDER OF BUSINESS:**

4. **Discuss/Act upon Resolution No. 20-104R, A Resolution of the City of Fort Stockton, Texas finding that Texas-New Mexico Power Company's Application for a Distribution Cost Recovery Factor to Increase Distribution Rates within the City should be Denied; Authorizing Participation with TNMP Cities; Authorizing the Hiring of Legal Counsel and Consulting Services; Finding that the City's Reasonable Rate Case Expenses shall be Reimbursed by the Company; finding that the Meeting at which this Resolution is passed is open to the public as required by law; Requiring Notice of this Resolution to the Company and Legal Counsel.**

City Attorney Puja Boinpally explained that Texas New Mexico filed an application seeking an increase in distribution revenues of \$14.7 million annually. This will result in approximately \$2.79 increase to the average residential customer's bill per month. A group named TNMP Cities have engaged the services of a consultant, Mr. Karl Nalepa to review the Company's filing. In order to do so, they are requesting that the City of Fort Stockton deny the application at no cost to the City. TNMP is required to reimburse the City for fees incurred.

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**Motion was made, seconded and carried to Approve Resolution No. 20-104R, A Resolution of the City of Fort Stockton, Texas finding that Texas-New Mexico Power Company's Application for a Distribution Cost Recovery Factor to Increase Distribution Rates within the City should be Denied; Authorizing Participation with TNMP Cities; Authorizing the Hiring of Legal Counsel and Consulting Services; Finding that the City's Reasonable Rate Case Expenses shall be Reimbursed by the Company; finding that the Meeting at which this Resolution is passed is open to the public as required by law; Requiring Notice of this Resolution to the Company and Legal Counsel.**

**FIFTH ORDER OF BUSINESS:**

5. **Discuss/Act upon temporary utility rate relief for only commercial and residential utility accounts, by reducing a portion of the total amounts billed for water, sewer, gas, and sanitation services as deemed necessary by City Council.**

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**Mayor Alexander** explained that a 50% reduction in utility billing was approved last month totaling \$246,756.07. Should City Council decide to approve the 50% reduction in billing it would be \$269,755.15. He accounted the increase in billing to the warmer weather.

**Mayor Pro-Tem Ureta** voiced that he felt the 50% reduction should be approved for this month.

**Council Member Falcon** inquired if this reduction made the Finance Department nervous.

**Director of Finance Rodriguez** explained that anything out of the norm such as this makes the Finance Department worrisome.

**Mayor Pro-Tem Ureta** recommended approving the reduction as he felt it was in the community's best interest.

**Mayor Alexander** agreed with Mayor Pro-Tem Ureta's sentiments and stated the reduction would be revisited next month to see if it was still feasible or if other assistive measures would need to be taken.

**City Manager Rodriguez** explained that the City needs to give back to the community.

**Council Member Falcon** reiterated that he wanted to ensure the approval of this reduction would not leave the City in a bind.

**Mayor Alexander** assured Council Member Falcon that the approval of this reduction would not leave the City in a predicament.

**Motion was made, seconded and carried unanimously to Approve temporary utility rate relief for only commercial and residential utility accounts, by reducing the total amounts billed for water, sewer, gas, and sanitation services by 50% as deemed necessary by City Council.**

MOVED  
 SECONDED  
 VOTED AYE  
 VOTED NAY

FALCON  
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 CASIAS

X

X

X  
 X  
 X  
 X  
 X

MOVED  
 SECONDED  
 VOTED AYE  
 VOTED NAY

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**SIXTH ORDER OF BUSINESS:**

**6. Discuss/Act upon Payment to Advanced Environmental for Asbestos Remediation for 507 N. Main St. & 623 N. Main St. for a total of \$106,950.00.**

**Economic Development Corporation Director Ramos** explained that these two Main Street buildings have been evaluated.

It was recommended that 507 N. Main have Asbestos Remediation done followed by gutting the building and listing it for sale.

623 N. Main Street is beyond repair. Therefore, there is a demolition scheduled after the Asbestos Remediation.

The total for both these projects is \$106,950.00, which requires City Council's approval.

**Motion was made, seconded and carried unanimously to Authorize the Payment to Advanced Environmental for Asbestos Remediation for 207 N. Main St. & 623 N. Main St. for a total of \$106,950.00.**

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 X

**SEVENTH ORDER OF BUSINESS:**

**7. Discuss/Act upon Potable Water Supply Agreement between the City of Fort Stockton and Pecos County Water Control & Improvement District #1.**

**City Manager Rodriguez** explained that the City currently operates and maintains facilities for processing and distributing the supply of potable water. The purpose of the Agreement is to assist the Pecos County Water Control & Improvement District #1 in times of any line breakage, drought or any other emergencies to be able to ensure uninterrupted services to their customers.

There was a new line installed to assist in the event that continued water services or the increase in volume are needed as that area expands.

The Emergency Rate is \$5.43 per 1,000 gallons. The Pecos County Water Control & Improvement District #1 has not needed this service; however, this agreement would make these services available should they need them.

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The term of this proposed agreement is 1 year.

Council Member Falcon inquired if the Pecos County Water Control & Improvement District #1 still has a hold on drilling permits.

Mayor Alexander explained that drilling permits have to be for property consisting of at least 10 acres. The best solution would be for the Pecos County Water Control & Improvement District #1 to upgrade their system. The City has offered to open this line up to allow the Pecos County Water Control & Improvement District #1 the opportunity to upgrade their system.

He explained if the Pecos County Water Control & Improvement District #1 should require water on a long-term basis another rate would be negotiated.

**Motion was made, seconded and carried unanimously to Approve the Potable Water Supply Agreement between the City of Fort Stockton and Pecos County Water Control & Improvement District #1.**

**EIGHTH ORDER OF BUSINESS:**

**8. Discuss/Act upon the 2nd Quarterly Investment Report ending March 31, 2020.**

**Director of Finance Rodriguez summarized the following investments:**

**General Fund:**

Balance as of March 2020:	Market Value:	Quarterly Interest Earned:
LOGIC	\$10,336,404.81	\$10,629,655.21
General Operations	\$ 1,585,036.43	\$ 2,031,450.74

Quarterly Interest Earned: \$47,787.50

The City is exceeded the \$1,407,561.40 required to be in accordance with Resolution NO. 11-110R.

PCSB currently has an interest rate of 0.71%.

The majority of our funds are invested in LOGIC which has an interest rate of 1.43%

FALCON  
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 URETA  
 PALILEO  
 CASIAS

MOVED	X	X	X
SECONDED	X	X	X
VOTED AYE	X	X	X
VOTED NAY			

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VOTED NAY  
VOTED AYE  
SECONDED  
MOVED

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Mayor Pro-Tem Ureta responded that Wal-Mart should not experience a reduction of customers allowed in their facility as they are considered an essential business. The 25% occupancy mainly affects the restaurants and non-essential retail stores.

Fort Stockton Pioneer Publisher Steve Fountain inquired if a business can require customers to wear a mask upon entering their facility.

City Attorney Boinpally responded that she would seek clarification.

TENTH ORDER OF BUSINESS:

10. Adjourn.

There being no further business, motion was made, seconded and carried unanimously to adjourn the Regular Meeting @ 6:32 p.m.

FALCON  
WARNOCK  
URETA  
PALILEO  
CASIAS

X  
X  
X  
XX  
X

  
Joe Chris Alexander, Mayor

ATTEST:  
  
Marina A. Cantu, City Secretary