

CITY OF FORT STOCKTON, TEXAS  
 MINUTES OF: REGULAR CITY COUNCIL MEETING  
 DATE OF MEETING: JUNE 23, 2020  
 TIME OF MEETING: 5:30 P.M.  
 PLACE OF MEETING: CITY COUNCIL CHAMBER

MOVED  
 SECONDED  
 VOTED AYE  
 VOTED NAY

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

PRESENT: RUBEN FALCON, JAMES WARNOCK & PAUL CASIAS

PRESENT VIA VIDEO CONFERENCE: MIKE URETA JR. & PAM PALILEO

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 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."**

**Mayor Alexander** recessed from the Regular Meeting @ 5:36 p.m. to convene into a:

**FIRST ORDER OF BUSINESS:**

1. **PUBLIC HEARING:** Regarding Application request from Property Owners Eric Daniel Gonzalez Hernandez and Brenda Valenzuela Gonzalez on behalf of Jorge Arturo Gonzalez and Sylvia Gonzalez to consider a Specific-Use Permit for Placement of a Manufactured Mobile Home in a Single Family-4 (SF-4) Residential Dwelling District located on Lot Nine (9), Block Eighteen (18), EAST PARK ADDITION, Fort Stockton, Pecos County, Texas & More Particularly described as being Adjacent to Schlegel 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, there being none, the Public Hearing was closed @ 5:37 p.m. to reconvene into the Regular Meeting.

**SECOND ORDER OF BUSINESS:**

2. **Consent Agenda**

**Minutes:**

- ➡ Regular Meeting Minutes of Fort Stockton City Council, 06/09/2020
- ➡ Special Meeting Minute of Fort Stockton City Council, 06/16/2020

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- 📎 Regular Meeting Minutes of Intergovernmental Recreation Board, 05/13/2020
- 📎 Regular Meeting Minutes of Fort Stockton Downtown Association, 03/17/2020
- 📎 Regular Meeting Minutes of Fort Stockton Downtown Association, 05/21/2020
- 📎 Regular Meeting Minutes of Fort Stockton Convention & Visitor's Bureau, 03/17/2020
- 📎 Regular Meeting Minutes of Fort Stockton Convention & Visitor's Bureau, 05/19/2020
- 📎 Regular Meeting Minutes of Fort Stockton Planning & Zoning Commission, 04/01/2020
- 📎 Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 03/04/2020

Accounts Payable Grand Total: \$228,901.44

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

### THIRD ORDER OF BUSINESS:

3. Discuss/Act upon Ordinance No. 20-108, Adopting Budget Amendment No. 3 to the Original Budget of the City of Fort Stockton, Texas for the Fiscal Year 2019-2020; Providing for Supplemental Appropriation and/or Transfer of Certain Funds; Providing for Severability; and Providing for Other Matters Related to the Subject.

Director of Finance Maria Rodriguez explained that Budget Amendment No. 3 is the Economic Development Corporation 4-B requesting \$150,000 for the Rio Street Project.

Mayor Alexander inquired if the \$150,000 would complete the walking trail up to the Service Road.

Director of Finance Rodriguez confirmed that the \$150,000 would complete the walking trail from Hornbeck to the Service Road.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

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**Motion was made, seconded and carried unanimously to Approve Ordinance No. 20-108, Adopting Budget Amendment No. 3 to the Original Budget of the City of Fort Stockton, Texas for the Fiscal Year 2019-2020; Providing for Supplemental Appropriation and/or Transfer of Certain Funds; Providing for Severability; and Providing for Other Matters Related to the Subject.**

**FOURTH ORDER OF BUSINESS:**

**4. Discuss/Act upon Ordinance No. 20-109, An Ordinance Amending the Zoning Chapter of the Municipal Code of the City of Fort Stockton, Texas, Allowing for the Placement of a Manufactured-Mobile Home by Specific-Use Permit in a Single Family-4 (SF-4) Residential Dwelling District; Located on Lot Nine (9), Block Eighteen (18), EAST PARK ADDITION, Fort Stockton, Pecos County, Texas, & More Particularly Described as being Adjacent to Schlegel Street; this being in Accordance with Section 7(1) & 7(2) & 7(16) of the Zoning Ordinance & Providing for an Effective Date Provision.**

City Manager Rodriguez explained that this request was reviewed by Planning & Zoning Commission, who recommended it be approved as mobile homes are allowed in SF-4 District by Specific-Use Permit.

**Motion was made and seconded to Approve Ordinance No. 20-109, An Ordinance Amending the Zoning Chapter of the Municipal Code of the City of Fort Stockton, Texas, Allowing for the Placement of a Manufactured-Mobile Home by Specific-Use Permit in a Single Family-4 (SF-4) Residential Dwelling District; Located on Lot Nine (9), Block Eighteen (18), EAST PARK ADDITION, Fort Stockton, Pecos County, Texas, & More Particularly Described as being Adjacent to Schlegel Street; this being in Accordance with Section 7(1) & 7(2) & 7(16) of the Zoning Ordinance & Providing for an Effective Date Provision.**

Mayor Alexander explained that he had driven by the location and there are several mobile homes in that area.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

X	X
X	X



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FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

MOVED	SECONDED	VOTED AYE	VOTED NAY
		X	
		X	
		X	
		X	
		X	

Motion carried unanimously to Approve Ordinance No. 20-109, An Ordinance Amending the Zoning Chapter of the Municipal Code of the City of Fort Stockton, Texas, Allowing for the Placement of a Manufactured-Mobile Home by Specific-Use Permit in a Single Family-4 (SF-4) Residential Dwelling District; Located on Lot Nine (9), Block Eighteen (18), EAST PARK ADDITION, Fort Stockton, Pecos County, Texas, & More Particularly Described as being Adjacent to Schlegel Street; this being in Accordance with Section 7(1) & 7(2) & 7(16) of the Zoning Ordinance & Providing for an Effective Date Provision.

Mayor Alexander recessed the Regular Meeting @ 5:42 p.m. to convene into:

**EXECUTIVE SESSION:** 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: Landfill Project*

Mayor Alexander closed the Executive Session @ 6:00 p.m. to reconvene into Open Session Pursuant to Texas Government Code Section §551.102:

**FIFTH ORDER OF BUSINESS:**

5. Discuss/Act upon Rescinding the Approved Final Motion during the June 9, 2020 Regular City Council Meeting i.e. Award J.C. Roberts Construction Company, LLC the Bid for the Construction of the Landfill Infrastructure, Cell I-1, and Cell IV-1 of the City of Fort Stockton MSW Type IAE and Type IV AE Landfill—Project No. 170L0123A.

City Attorney Puja Boinpally explained after a thorough review it was determined that J.C. Roberts Construction Company, LLC did not meet the qualifications outlined in the bid packet. According to the Supplementary Conditions "The contractor must perform at least 50 percent of the work, measured as a percentage of the Contract Price, using its own employees. They would only perform 30 % of the work themselves.

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FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

**Motion was made, seconded and carried unanimously to Rescind the Approved Final Motion during the June 9, 2020 Regular City Council Meeting i.e. Award J.C. Roberts Construction Company, LLC the Bid for the Construction of the Landfill Infrastructure, Cell I-1, and Cell IV-1 of the City of Fort Stockton MSW Type IAE an Type IV AE Landfill—Project No. 170L0123A.**

**SIXTH ORDER OF BUSINESS:**

- 6. Discuss/Act upon Awarding of Bid for the Construction of the Landfill Infrastructure, Cell I-1, and Cell IV-1 of the City of Fort Stockton MSW Type I AE and Type IV AE Landfill—Project No. 170L0123A. Bids for Consideration: *ONYX Contractors Operations, LP, Stephenson Dirt Contracting.***

**ONYX Contractors Operations, LP Vice President Paul Iaquaniello** introduced himself. He explained ONYX Contractors is currently the lowest bidder for the project.

They have been in business in Midland for over 20 years and have extensive landfill experience. They are currently working in Big Spring putting Scale Houses at their landfill and in the City of Pecos putting a Distribution Center in their landfill.

He pointed out their proposal was high due to their fence. However, he explained it is based on what was specified in the bid packet.

Project Manager is a Civil Engineer. The Superintendent has worked for ONYX for several years.

He thanked everyone for their time.

**Stephenson Dirt Contracting LLC Project Manager Jeremy McDowell** introduced himself. He stated he runs the West Texas Operations for Stephenson Dirt. They currently have an office and yard in Stanton, Texas. He has lived in Midland for the last 2 years.

He expressed his appreciation for the opportunity to Address City Council.

**VOTED NAY**  
**VOTED AYE**  
**SECONDED**  
**MOVED**



PRESENT VIA VIDEO CONFERENCE: MIKE URETA JR. & PAM PALILEO

He explained how competitive sealed bids for projects such as this are.

**The fact that Stephenson Dirt Contracting LLC was able to come in as the lowest bidder by \$17,000 was a win in itself.**

He acknowledged City Council's concern about their lack of landfill experience. However, he explained that the nature of the job was "a dirt job", which they specialize in.

They have been in business since 1987 and have dug countless ponds and wastewater lagoons. They have built dams, roads and numerous commercial grade sites. Moving mass excavation is their specialty.

He is a 3<sup>rd</sup> Generation Dirt Contractor. Been on projects where they have moved over 2 million yards of dirt. He has worked on building 30 Million Dollar interchanges. He is more than qualified to do this job and given the opportunity would be the project manager.

He elaborated for 3 months his men would stay in Fort Stockton hotels and RV Parks. His employees would eat in restaurants, rent local equipment, and buy parts locally. He guaranteed Stephenson Dirt Contracting, LLC would put money back into the Fort Stockton Community. There would also be opportunities for them to hire local equipment operators. He promised to complete the project on time-ahead of schedule and at the best price for the taxpayer's money if awarded this project.

**Council Member Falcon** thanked both gentlemen for their time. However, given the impact this project would have on the community, he felt the best option would be to re-solicit bids.

**City Manager Rodriguez** advised City Council that the bids received were sufficient as the companies were qualified for the project. He warned that Re-Solicitation of the bids would push the project back even further and emphasized the need to have this project completed.

**Mayor Pro-Tem Ureta requested a recommendation from Public Works Director Aaron Ramos.**

**City Manager Rodriguez** explained that Public Works Director Ramos was out sick; however, he previously recommended ONYX Contractors Operations, LP



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based on their experience and all the information provided.

**Council Member Warnock** inquired when the project was expected to begin.

**City Manager Rodriguez** would like to have the project completed by December or at the very latest January.

He explained that in order to prolong the life of the landfill, a large amount of trash has been deterred to other areas.

**Council Member Palileo** inquired how long the project would be delayed if City Council chose to re-solicit bids.

**City Manager Rodriguez** responded the project would be delayed between 70-90 days.

**Mayor Alexander** reiterated that several qualified bids were received, and he recalled that Hanson Engineering had recommended Stephenson Dirt Contracting be awarded the bid. He recommended a contractor be selected from the bids submitted.

**Motion was made, seconded and carried to Award ONYX Bid for the Construction of the Landfill Infrastructure, Cell I-1, and Cell IV-1 of the City of Fort Stockton MSW Type I AE and Type IV AE Landfill—Project No. 170L0123A. Bids for Consideration: ONYX Contractors Operations, LP, Stephenson Dirt Contracting.**

#### SEVENTH ORDER OF BUSINESS:

7. Discuss/Act upon Solicitation of Request for Proposals for a 2-Year Service Agreement for Bulk Fuel, Diesel Exhaust Fluid (DEF), Coolant/Anti-Freeze, Engine Oil, & Hydraulic Oil that shall be delivered to the City's Maintenance Yard and Current/New Landfill. Questions from the Media.

**City Manager Rodriguez** explained the City was requesting permission to Solicit Proposals for Bulk Fuel, Diesel Exhaust Fluid (DEF), Coolant/Anti-freeze, Engine Oil & Hydraulic Oil as the current agreement will end and the City would like ample time to solicit bids.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

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FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

Motion was made, seconded and carried unanimously to Authorize the Solicitation of Request for Proposals for a 2-Year Service Agreement for Bulk Fuel, Diesel Exhaust Fluid (DEF), Coolant/Anti-Freeze, Engine Oil, & Hydraulic Oil that shall be delivered to the City's Maintenance Yard and Current/New Landfill. Questions from the Media.

#### EIGHTH ORDER OF BUSINESS:

#### 8. Discuss/Act upon the Solicitation of Sealed Proposals from Banking Institutions for Designation as the Depository for City Funds.

Director of Finance Maria Rodriguez explained that she is requesting permission to Solicit Proposals for Bank Depository for a term spanning October 1, 2020-September 30, 2022.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

Motion was made, seconded and carried unanimously to Authorize the Solicitation of Sealed Proposals from Banking Institutions for Designation as the Depository for City Funds.

#### NINTH ORDER OF BUSINESS:

#### 9. Discuss/Act upon Re-Classification of the Fleet Manager Position for the Public Works Department; as per Revised Job Description.

City Manager Rodriguez explained he is requesting the Fleet Manager Position be re-classified from Exempt to Non-Exempt. He clarified that the employee assigned to this position would continue to assist the Sanitation Department with the routes. He clarified that this position is not a Supervisory Position.

Council Member Casias asked that Non-Exempt be defined.

City Manager Rodriguez explained that Non-Exempt meant overtime could be accrued.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

Motion was made, seconded and carried unanimously to Approve the Re-Classification of the Fleet Manager Position for the Public Works Department from Exempt to Non-Exempt, as per revised Job Description.



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**TENTH ORDER OF BUSINESS:**

**10. Discuss/Act upon Approval of Monitoring Expense to Texas Consulting Services for Asbestos Remediation at 623 N. Main Street and 507 N. Main Street for a total of \$52,600.**

**Economic Development Director Remie Ramos** explained that the company that monitors the air quality during asbestos remediation have completed the process at the 623 N. Main and 507 N. Main locations and are ready for payment. Since the payment exceeds \$50,000, he is requesting permission to proceed with the payment.

**Motion was made, seconded and carried unanimously to Authorize the Monitoring Expense to Texas Consulting Services for Asbestos Remediation at 623 N. Main Street and 507 N. Main Street for a total of \$52,600.**

**ELEVENTH ORDER OF BUSINESS:**

**11. Discuss/Act upon the Purchase of a 1000-Gal Capacity Distributor from BuyBoard. Options: DMS-1000-1000-Gal Capacity Skid Mounted Distributor for \$34,379.00, DMT-1000-1000-Gal Capacity Trailer Mounted Distributor for \$35,379.00.**

**Streets Department Supervisor Roy Mendoza** explained he provided quotes for two different pieces of equipment. One is mounted on a trailer and the other one is skid mounted equipment. He recommended the trailer mounted distributor. He explained there is a difference of \$1,000 between the two pieces of equipment.

**City Manager Rodriguez** explained that the City Council had previously approved a Distributor Soil Compactor back in December of 2019. This request would be to utilize the remainder of the funds to purchase this 1000-Gal Distributor for \$35,379.00. This equipment would be utilized on smaller street projects.

**Mayor Alexander** recommended the trailer mounted distributor as it could still be utilized whether the truck is operative or not. He inquired if the equipment was currently available.

**Streets Supervisor Mendoza** replied that the equipment is ready to either be shipped or picked up.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

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

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Motion was made, seconded and carried unanimously to Authorize the Purchase of a 1000-Gal Capacity Distributor from BuyBoard, more specifically a DMT-1000-1000-Gal Capacity Trailer Mounted Distributor for \$35,379.00.

**TWELFTH ORDER OF BUSINESS:**

**12. Questions from the Media.**

Fort Stockton Pioneer Publisher Steve Fountain inquired if the Fleet Manager Position is not Managerial, why is it titled as such.

City Manager Rodriguez clarified that the position is Managing the Fleet not individuals.


Fort Stockton Pioneer Publisher Fountain inquired what a distributor does.

City Manager Rodriguez explained the equipment distributes the oil for the streets.

**THIRTEENTH ORDER OF BUSINESS:**

**13. Adjourn.**

There being no further business, motion was made, seconded and carried unanimously to adjourn the Regular Meeting @ 6:31 p.m.

  
 Joe Chris Alexander, Mayor

ATTEST:  
  
 Marina A. Cantu, City Secretary

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

VOTED NAY  
 VOTED AYE  
 SECONDED  
 MOVED

X  
 X  
 X  
 X  
 X

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 CASIAS

X  
 X  
 X  
 X  
 X