

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING  
DATE OF MEETING: JANUARY 10, 2022  
TIME OF MEETING: 5:30 PM  
PLACE OF MEETING: FORT STOCKTON CONVENTION CENTER 2181 W. 1-10 FORT STOCKTON, TEXAS 79735

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

PRESENT: JAMES WARNOCK, PAM PALILEO, PAUL CASIAS, RUBEN FALCON, DARREN HODGES

CITY MANAGER: FRANK RODRIGUEZ III  
CITY SECRETARY: MARINA CANTU  
CITY ATTORNEY: PUJA BOINPALLY

**Mayor Pro-Tem Casias** called the Regular Meeting to Order at 5:31 p.m. after declaring a quorum present.

**Mayor Pro-Tem Casias** 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."**

**Council Member Hodges** gave the Invocation.

**Council Member Warnock** led the Pledge of Allegiance to the United States of America Flag & the Pledge of Allegiance to the Texas Flag.

**CONSENT AGENDA:**

1. All matters listed are considered to be routine by the City Council and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

**Minutes: (Mayor)**

- Regular Meeting Minutes of Fort Stockton City Council, 12/13/2021
- Regular Meeting Minutes of Housing Authority Board, 11/18/2021
- Special Meeting Minutes of Housing Authority Board, 11/30/2021
- Special Meeting Minutes of Housing Authority Board, 12/07/2021
- Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 11/03/2021
- Regular Meeting Minutes of Intergovernmental Recreation, 10/20/2021
- Regular Meeting Minutes of Substandard Building Committee, 10/07/2021

**Accounts Payable Grand Total:                      \$423,152.92**

**Council Member Falcon** noted there was a payment for trash containers and inquired how many were purchased.

**City Manager Rodriguez** responded the City received 36 trash containers.

**Council Member Falcon** inquired if more would be purchased.

**City Manager Rodriguez** explained historically two purchases are made a year: one in the 1st Quarter and another in the 3rd Quarter.

**Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Consent Agenda, as presented. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

## **REGULAR BUSINESS:**

2. Discuss/Act upon Agreement between Just Macs LLC, dba Absolute AVL and the City of Fort Stockton for Audio System in City of Fort Stockton Convention Center. **(City Mgr./CVB Dir.)**

**City Attorney Boinpally** explained this agreement has been reviewed by Mr. Greer of Just Macs LLC, dba Absolute AVL and he has agreed to the terms. The agreement includes an upgrade made to one of the speakers, at no additional charge. This is a standard agreement; however, the payment schedule requires a payment be made prior to the commencement of the project for the purchase of the equipment. The initial payment will be 1/2 of the total amount. A 1/4 of the total payment will be paid when he begins the project and the other 1/4 of the total payment will be paid when he completes the project. Mr. Greer told City Attorney Boinpally the project would be completed 2 weeks after receiving the equipment.

**Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and carried unanimously to approve Agreement between Just Macs LLC, dba Absolute AVL and the City of Fort Stockton for Audio System in City of Fort Stockton Convention Center. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Darren Hodges voted aye.**

3. Discuss/Act upon Agreement between Lino Barragan, Collette Barragan and Tristian Barragan for Management of the Fort Stockton Convention Center. (City Mgr./CVB Dir.)

**City Attorney Boinpally** explained during the last City Council Meeting, Council Member Falcon requested the City waive any fees for 6 months; however, upon further review it was determined a Municipality is not legally able to do so. Therefore, a nominal fee of \$100.00 a month will be charged until September 30, 2022. The Barragan's would run the day-to-day operations of the Fort Stockton Convention Center Theater. The City would be responsible for the Projector and Sound Equipment. The agreement will commence February 1, 2022, in hopes that the Audio Project will be complete by then.

**Council Member Warnock** inquired if the Agreement would be with them individually or through an LLC.

**City Attorney Boinpally** responded the Agreement would be between the City and the Barragan's individually.

**Motion was made by Council Member James Warnock, seconded by Council Member Darren Hodges, and carried unanimously to approve Agreement between Lino Barragan, Collette Barragan and Tristian Barragan for Management of the Fort Stockton Convention Center Theater. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

4. Discuss/Act upon Agreement between Amaya Solutions, dba American Water Chemicals and the City of Fort Stockton for RO Plant Chemicals. (City Mgr./Int. P.W. Dir.)

**City Attorney Boinpally** explained this is a standard agreement similar to the Street Material Agreement. The R.O. Plant Supervisor will advise Amaya Solutions, dba American Water Chemicals when chemicals are needed, and the materials will be provided within 10 days. There

is a warranty on the product if it harms the membranes of the R.O. Plant, which is included in the Agreement.

**Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve Agreement between Amaya Solutions, dba American Water Chemicals and the City of Fort Stockton for RO Plant Chemicals. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

5. Discuss/Act upon 2022 Fort Stockton Police Department Provider Agreement between the City of Fort Stockton Police Department and the Pecos County EMS. (City Mgr./C.O.P.)

**City Manager Rodriguez** explained this agreement covers individuals needing medical treatment from the Pecos County EMS while in custody of the Fort Stockton Police Department.

**Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve 2022 Fort Stockton Police Department Provider Agreement between the City of Fort Stockton Police Department and the Pecos County EMS. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

6. Discuss/Act upon Engineer Agreement for Project Engineering and Consulting Services for Various Projects with West of the Pecos Consulting Engineers. (City Mgr.)

**City Manager Rodriguez** explained this is the second year requesting permission to enter into an agreement with West of the Pecos Consulting Engineers for Project Engineering and Consulting Services of Various Projects.

In addition to the previous services, they will now oversee areas of the Landfill, Water and Wastewater which require licensing that the City Engineer possesses.

The term of this agreement will expire at the end of 2022.

**Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Engineer Agreement for Project Engineering and Consulting Services for Various Projects with West of the Pecos Consulting Engineers.**

**Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

7. Discuss/Act upon Lease Agreement between BioCatters, LLC and the City of Fort Stockton for Blue Ridge Farms. (City Mgr./City Atty)

**City Attorney Boinpally** explained this is the agreement with BioCatters, LLC that was awarded during the previous City Council Meeting. It was learned during the last grazing lease that the term should end in the summer so the farmers would have ample time to plan for the next year. The term of this lease agreement will span 42 months, ending in June.

Under Section 3.3 concerning the Profit Sharing it explains the way the profits will be distributed if they bring in any revenue generating project, such as freshwater sales, recycled water sales, solar power, data center, farming, ranching, or hunting. City Council would approve any third-party agreements. Quarterly reports and payments will be submitted to the financial department. An annual audit will be conducted in August. Under Section 4.4, 4.5 and 4.6 it explains that any opportunity there is to enter into an agreement, it will first be brought before City Council for their approval.

**Council Member Falcon** inquired if the profit sharing with BioCatters, LLC would end with the life of this agreement.

**Alex Gonzalez of BioCatters, LLC** explained the profit sharing with BioCatters, LLC would extend past the life of this Agreement to coincide with the life of the third-party agreement.

**City Attorney Boinpally** explained under Section 3.5 any third-party agreements would be separate and apart from this lease.

**Alex Gonzalez of BioCatters, LLC** recommended in order to ease the transition the City should obtain an inventory of what will be removed

**Council Member Falcon** inquired what the protocol was pertaining to equipment buried in the ground. What could and could not be removed from the property?

**Alex Gonzalez of BioCatters, LLC** explained generally anything buried under the ground would remain on the property, while equipment above the ground could be removed. Anything underground should remain put.

**Council Member Hodges** recommended sending a cordial letter to current lessee, explaining what is expected during this transition so everyone is on the same page.

**Alex Gonzalez of BioCatters, LLC** suggested having the current lessee submit a letter advising the City when he has completed the process of removing his belongings from the property.

**City Attorney Boinpally** explained a letter was previously sent informing the current lessee that the City might enter into another lease within his extension period. It would be appropriate to send another letter advising the current lessee that the City has entered into another lease outlining the procedures for removing the remainder of his belongings. Request a letter from current lessee stating it is completed.

**Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Lease Agreement between BioCatters, LLC and the City of Fort Stockton for Blue Ridge Farms. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

8. Discuss/Act upon Lease Agreement between Xerox and the City of Fort Stockton for 2 New Copiers for City Hall and 1 New Copier for the City Hall Annex Building. (City Mgr./Dir. of Fin.)

**Director of Finance Maria Rodriguez** explained she was requesting permission to enter into another lease agreement for 2 New Copiers for City Hall and 1 New Copier for the City Hall Annex Building. It will be cheaper as the price will decrease from \$1,034.57 a month to \$656.59. One of the main reasons she requested permission to enter into another lease agreement is the City already fulfilled the 6-month contract with Xerox. Therefore, any maintenance or repairs would be at the expense of the City.

**Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve Lease Agreement between Xerox and the City of Fort Stockton for 2 New Copiers for City Hall and 1 New Copier for the City Hall Annex Building. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

9. Discuss/Act upon Pay Application No. 1 totaling \$73,883.52 for Work Performed by Colt I&E, LLC, which entailed Replacing 2,032 feet of Cast Iron Gas Line Project. (City

**Mgr./Int. P.W. Dir.)**

**City Manager Rodriguez** explained Colt I&E, LLC replaced 2,032 feet of Cast Iron Gas Line; therefore, he requested they be paid \$73,833.52.

**Motion was made by Council Member Pam Palileo, seconded by Council Member Ruben Falcon, and carried unanimously to approve Pay Application No. 1 totaling \$73,883.52 for Work Performed by Colt I&E, LLC, which entailed replacing 2,032 feet of Cast Iron Gas Line Project. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

10. Discuss/Act upon Solicitation of Bids for Valves and Filters for Two (2) Existing Water Treatment Plants owned and operated by City of Fort Stockton. **(City Mgr./Int. P.W. Dir.)**

**City Manager Rodriguez** explained this Request for Bids was for Valves and Filters for the Main RO Plant and the Alternate RO Plant located at the City Yard.

**Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Solicitation of Bids for Valves and Filters for Two (2) Existing Water Treatment Plants owned and operated by City of Fort Stockton. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

11. Discuss/Act upon Appointment of Historical Landmark Commission Board Member, as needed for fiscal year 2021-2022. **(Mayor)**

**City Secretary Cantu** advised City Council that Debbie Montez submitted a Board Application for the Historical Landmark Commission. Should she be appointed she would fill the remaining vacancy.

**Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to Appoint Debbie Montez as a Historical Landmark Commission Board Member for a 2 Year Term eligible for Indefinite Re-appointment. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

12. Discuss/Act upon Appointment of Keep Historic Fort Stockton Beautiful (KHFSB) Board Member, as needed for fiscal year 2021-2022. **(Mayor)**

City Secretary Cantu explained as previously requested by City Council, the same board members shall serve on the Historical Landmark Commission as well as the Keep Historic Fort Stockton Beautiful Board. Should Debbie Montez be appointed to the Keep Historic Fort Stockton Beautiful Board, she would fill the remaining vacancy.

**Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and carried unanimously to Appoint Debbie Montez as a Keep Historic Fort Stockton Beautiful (KHFSB) Board Member for a 2 Year Term eligible for Indefinite Re-appointment. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.**

Mayor Pro-Tem Casias recessed from the Regular Meeting to Convene into Executive Session at 6:03 p.m.

#### **EXECUTIVE SESSION:**

13. **City Council may Convene in Closed Session in Accordance with Texas Meetings Act, Texas Government Code, Concerning Attorney-Client Matters (Section 551.071); Deliberation regarding Real Property (Section 551.072); Deliberation regarding Prospective Gifts (Section 551.073); Personnel Matters (Section 551.074); Deliberation regarding Security Devices (Section 551.076) and/or Deliberation Regarding Economic Development Negotiations (Section 551.087):**
  - a. Consultation with City Attorney Boinpally regarding the Utility Invoice received from West Texas Gas for the month of February 2021.

Mayor Pro-Tem Casias closed Executive Session to Reconvene into the Regular Meeting at 6:17 p.m.

#### **REGULAR BUSINESS CONTINUED:**

14. Reconvene into Open Session Pursuant to Texas Government Code Section 551.102 & Take Action, if any, on Matters Deliberated in Executive Session:
  - 13a. Discuss/Act upon Consultation with City Attorney Boinpally regarding the Utility Invoice received from West Texas Gas for the month of February 2021.



Motion was made by Council Member Darren Hodges, seconded by Council Member Pam Palileo, and carried unanimously to approve the Settlement Agreement and Amendment with West Texas Gas. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

15. Questions from Media

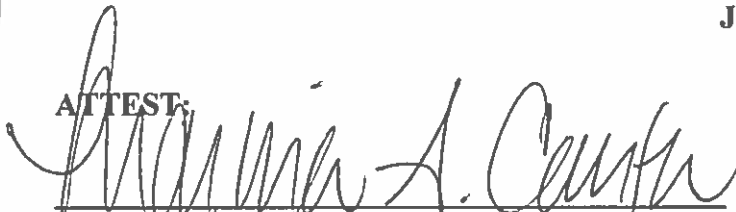
The media already departed from the meeting.

16. Adjourn

Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and carried unanimously to adjourn the Regular Meeting at 6:19 p.m. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

  
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Joe Chris Alexander, Mayor

ATTEST:

  
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Marina A. Cantu, City Secretary