

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
DATE OF MEETING: FEBRUARY 26, 2024
TIME OF MEETING: 5:30 PM
PLACE OF MEETING: 121 WEST SECOND STREET FORT STOCKTON, TX 79735

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

PRESENT: DARREN HODGES, JAMES WARNOCK, PAUL CASIAS, RUBEN J BERNAL, RUBEN FALCON, PAUL JEROME CHAVEZ

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

Mayor Paul Casias called the Regular Meeting to Order at 5:30 p.m. after declaring a quorum present.

Mayor Paul 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 Darren Hodges gave the Invocation.

Council Member Ruben J. Bernal led the Pledge of Allegiance to the United States of America Flag & the Pledge of Allegiance to the Texas Flag.

1. Public Testimony.

There was not any Public Testimony.

Mayor Paul Casias Recessed from the Regular Meeting to convene into the following Public Hearing at 5:33 p.m.

PUBLIC HEARINGS:

2. Application Request from Property Owners Noel Ornelas Melendez and Erika Escontrias Rivera to Consider the following:
 - ABANDONMENT/CLOSURE of approximately 0.303 acres of land consisting of two (2) alleys located in Block 137, ORIENT ADDITION
 - RE-PLAT the block to Establish Lot 1A Approximately 1.127 Acres of land being All of Lots 4, 5, 6 and all of a 20 ft. North-South Alley, and Being Part of Lots 1, 2, 3, 7, 8, 9, 10 and part of a 20 ft. East-West Alley, Block 137 of the ORIENT ADDITION as shown by plat of same recorded in Volume 2, Page 134 of the Plat Records of the City of Fort Stockton, Pecos County, Texas; More Particularly described as being adjacent to Eighth Street, Park Street, Interstate Highway No. 10 (Dickinson Blvd) and U.S. Hwy No. 285 (Alamo Street); in Accordance with Appendix A, Article VI. Plat Requirements, (C) Replatting of the Fort Stockton Code of Ordinances & Providing for an Effective Date Provision. (City Sec./Bldg. Offl.)

City Secretary Marina Cantu explained this property is being replatted for the purpose of building a Dollar General Store.

The Public Works Department Heads were contacted concerning utilities running through the property. They will be moved to the edge of the property as recommended by the Public Works Department Heads.

An appraisal was completed on the existing alleys and the alleys were purchased for the appraisal amount.

The Planning & Zoning Commission reviewed the request to abandon and close the alleys and replat the block to establish one lot. The Planning & Zoning Commission recommended approving the request.

Property Owners located within 200 feet of the request were notified and the notice of the request was published in the newspaper as required by law. There have not been any objections to this request.

City Manager Frank Rodriguez III explained he spoke with the Water Department who advised him this request was beneficial to the city. They can add a tap at the location.

Mayor Paul Casias Closed the Public Hearing to Reconvene into the Regular Meeting at 5:35 p.m.

ORDINANCES:

3. Discuss/Act upon Ordinance No. 24-103, An Ordinance of the City Council of Fort Stockton, Pecos County, Texas, Approving Application Request from Property Owners Noel Ornelas Melendez and Erika Escontrias Rivera to Consider the Abandonment/Closure of Approximately 0.303 Acres of Land Consisting of Two (2) Alleys Located in Block 137, ORIENT ADDITION and the Re-Plat of the Block to Establish Lot 1A Approximately 1.127 Acres of Land Being All of Lots 4, 5, 6 and all of a 20 ft. North-South Alley, and being part of Lots 1, 2, 3, 7, 8, 9, 10 and Part of a 20 ft. East-West Alley, Block 137 of the ORIENT ADDITION as shown by plat of same recorded in Volume 2, Page 134 of the Plat Records of the City of Fort Stockton, Pecos County, Texas; More Particularly described as being adjacent to Eighth Street, Park Street, Interstate Highway No. 10 (Dickinson Blvd) and U.S. Hwy No. 285 (Alamo Street); in Accordance with Appendix A, Article VI. Plat Requirements, (C) Replatting, of the Fort Stockton Code of Ordinances & Providing for an Effective Date Provision. **(City Sec./Bldg. Offl.)**

City Secretary Marina Cantu explained this Ordinance was to approve the request to abandon and close the alleys in Block 137, ORIENT ADDITION and replat the property to form one lot at the request of the property owners.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Ruben J Bernal, and carried unanimously to approve Ordinance No. 24-103, An Ordinance of the City Council of Fort Stockton, Pecos County, Texas, Approving Application Request from Property Owners Noel Ornelas Melendez and Erika Escontrias Rivera to Consider the Abandonment/Closure of Approximately 0.303 Acres of Land Consisting of Two (2) Alleys Located in Block 137, ORIENT ADDITION and the Re-Plat of the Block to Establish Lot 1A Approximately 1.127 Acres of Land Being All of Lots 4, 5, 6 and all of a 20 ft. North-South Alley, and being part of Lots 1, 2, 3, 7, 8, 9, 10 and Part of a 20 ft. East-West Alley, Block 137 of the ORIENT ADDITION as shown by plat of same recorded in Volume 2, Page 134 of the Plat Records of the City of Fort Stockton, Pecos County, Texas; More Particularly described as being adjacent to Eighth Street, Park Street, Interstate Highway No. 10 (Dickinson Blvd) and U.S. Hwy No. 285 (Alamo Street); in Accordance with Appendix A, Article VI. Plat Requirements, (C) Replatting, of the Fort Stockton Code of Ordinances & Providing for an Effective Date Provision. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member

Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

PRESENTATIONS:

4. Rocky Rives of Smith & Rives, PC----

- City of Fort Stockton's Final Audit for Fiscal Year Ending September 20, 2023.

Rocky Rives of Smith & Rives, PC clarified the audit is for Fiscal Year Ending September 30, 2023.

Rocky Rives of Smith & Rives, PC is an independent auditor for the City of Fort Stockton.

Mr. Rives gave a financial report that is the unmodified, best opinion that can be rendered.

The financial highlight is the city's net position increased by \$3.106 Million. Most of that is your Governmental Activities.

The tables located on pages 7 & 8 are probably the best place to see a side-by-side comparison. Page 7 there is a column for Governmental Activities and another column for Business-type Activities. Governmental Activities increased from \$12.36 Million to \$15.33 Million. Most of the increase is in Governmental Activities.

Retained Earnings would be if we went into a business and had equity.

Fund Balance is the equity of the governmental fund.

Net Position is the net equity in a governmental wide statement full of accrual.

pg. 11-12 A-1

Net Position is just a shade over \$2 Million dollars, most of which is business type activities.

Pg. 13 B-1

Expenses for Approximately \$22 Million to run the government for one year.

Charging for services is \$11.5 Million, operating grants \$820,000, Property Taxes, Sales Taxes, Interest Income.

Pg. 14

Governmental Increase is \$2.974 Million.

Municipalities of this size generally make its income in its utilities systems and transfer funds to its governmental funds.

There is a \$4 Million transfer from one to the other.

Pg. 19 Final Budget vs. Actual Budget

Revenues

Estimated \$7.4 Million vs. Received \$8.5 Million

Expenditures

\$12.39 Million vs. \$11.6 Million

Fund Balance is \$12.308 Million

Pg. 81 Independent Auditor's Report

Government Auditing Standards Letter (Yellow book Letter) which is based on internal control and compliance. This is the standard letter. If you receive any federal revenue this letter is required. NO FINDINGS

Pg. 84 NO FINDINGS

The Management Report consists of all the required communications between the Independent Auditor and the City of Fort Stockton. It includes the standard forms of communications.

On page 5, There are some audit adjustments proposed by the auditors and agreed to by the City of Fort Stockton's Management, which have been included in the audit report.

The last few pages are the Management's Representation Letter that stated that standard guidance was followed, and the information requested was provided.

He advised everyone that this is a peer review year, where someone would audit Smith & Rives, PC on the professional standards they keep at conducting these types of engagement. When they conduct a peer review, they request the Letter of Engagement as well as the Management's Representation Letter, which are signed and kept on file.

There is a Letter of Transmittal that will need to be signed once a motion is made to either approve or disapprove the Annual Financial and Compliance Report for the City of Fort Stockton.

REGULAR BUSINESS:

5. Discuss/Act upon City of Fort Stockton's Final Audit for Fiscal Year Ending September 30, 2023, as presented by Rocky Rives of Smith & Rives, PC. **(City Mgr./Dir. of Fin.)**

Motion was made by Council Member Darren Hodges, seconded by Mayor Pro-Tem James Warnock, and carried unanimously to approve City of Fort Stockton's Final Audit for Fiscal Year Ending September 30, 2023, as presented by Rocky Rives of Smith & Rives, PC. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

CONSENT AGENDA:

6. 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)

- Special Meeting Minutes of Fort Stockton City Council, 02/15/2024
- Regular Meeting Minutes of Intergovernmental Recreation Board, 01/17/2024
- Special Meeting Minutes of Intergovernmental Recreation Board, 02/08/2024
- Special Meeting Minutes of Fort Stockton Economic Development 4-A Corporation, 01/25/2024
- Special Meeting Minutes of Fort Stockton Economic Development 4-B Corporation, 01/25/2024
- Regular Meeting Minutes of Fort Stockton Tourism Advisory Board, 01/10/2024
- Special Meeting Minutes of Fort Stockton Tourism Advisory Board, 01/16/2024
- Regular Meeting Minutes of Fort Stockton Cemetery Board, 01/07/2024

- Regular Meeting Minutes of Planning & Zoning Commission, 01/03/2024
- Special Meeting Minutes of Fort Stockton Housing Authority Board, 12/20/2023

Accounts Payable Grand Total: \$320,836.72

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

PRESENTATIONS CONTINUED:

7. **Chief of Police Ernesto Velasquez with Fort Stockton Police Department----**
 - Statistics Report for January 2024

January Calls for Service

Total Calls for Service: 1,382
FSPD Calls: 840
FSFD Calls: 14
City: 9
County: 5
PCEMS Calls: 174
PCSO Calls: 347

January Traffic Statistics

Traffic Stops: 441
City: 292
Other Agency: 149
Traffic Citations Issued: 43
Motor Vehicle Accidents: 40
City: 21
Other Agency: 19

January Cases Filed for Prosecution

Juvenile Probation: 0
County Attorney: 51
83rd District Attorney: 22

112th District Attorney: 0

January Arrest Statistics:

Total Arrests: 18
Charges:
Arson: 0
Assault: 3
Burglary: 0
Criminal Mischief: 1
Criminal Trespass: 3
Disorderly Conduct: 0
Duty on Striking: 0
Driving While Intoxicated: 0
Driving While License Invalid: 1
Evading Arrest: 0
Failure to ID: 0
Family Violence: 0
Murder: 0
Outstanding Warrant: 10
Possession of Controlled Substance: 6
Possession of Marijuana: 2
Public Intoxication: 3
Racing: 0
Resisting Arrest: 1
Sexual Assault: 0
Smuggling of Persons: 0
Terroristic Threat: 0
Theft: 0
Undocumented Migrants: 0
Unlawful Carry: 1
Injury to Child/Elderly: 0
Reckless Driving: 0
Deadly Conduct: 0
Forgery: 0

REGULAR BUSINESS CONTINUED:

8. Discuss/Act upon the Fort Stockton Police Department 2022-2023 Racial Profile Report.
(C.O.P.)

Chief of Police Ernesto Velasquez explained the Racial Profile Report is an Annual Report required by the Chief Administrator of the Department for their City to file with the Texas

Commission of Law Enforcement (TCOLE) and their Governing Body. This covers racial profiling stops. We have policies against stopping vehicles for race, color, religion, etc. These policies are required to be in place. Complaint procedures are also required to be put in place as well. Stats are required to be kept documenting every vehicle stopped and whether a warning, a citation, or an arrest was made. They also have to document whether race, color, religion, etc. were used to determine whether a stop should be made or how to conduct the stop. This annual report is submitted to TCOLE as well as the governing body. This report is due the 1st of March. It was submitted to TCOLE on February 14.

Motion was made by Mayor Pro-Tem James Warnock, seconded by Council Member Paul Jerome Chavez, and carried unanimously to approve Fort Stockton Police Department 2022-2023 Racial Profile Report. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

9. Discuss/Act upon Agriculture Lease for Approximately 360 Acres of Land between the City of Fort Stockton and Matt Garvin. **(City Atty.)**

City Attorney Puja Boinpally explained this is the 5-year lease with the option for a 5-year lease renewal. Mr. Garvin will pay a \$10,000.00 annual lease plus 10% of gross crop sales.

He will maintain the irrigation systems and water pump.

If he decides he wants to build an additional pivot he would be responsible for financing that. In addition, it would stay on the property, and it would become property of the city.

There is a termination date of one hundred twenty days written notice of either party.

This lease is only for agriculture purposes, no cattle.

She explained Mr. Garvin initially requested a 10-year contract, so she felt a five-year agreement with the option to extend for an additional five years was a good compromise.

Motion was made by Council Member Ruben Falcon, seconded by Mayor Pro-Tem James Warnock, and carried unanimously to approve Agriculture Lease for Approximately 360 Acres of Land between the City of Fort Stockton and Matt Garvin. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul

Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

10. Discuss/Act upon 2024 Interlocal Services Agreement for Labor and Equipment between the City of Fort Stockton and Pecos County Water District. **(City Atty.)**

City Manager Frank Rodriguez III explained this agreement was with the Water District. He explained they have assisted the city with several water projects on the outskirts of the city limits, where county residents have access to our water.

After speaking with General Manager Billy Gonzales, it was determined that we would like to enter into an agreement especially for anything dealing with the canal.

Motion was made by Council Member Darren Hodges, seconded by Council Member Paul Jerome Chavez, and carried unanimously to approve the 2024 Interlocal Services Agreement for Labor and Equipment between the City of Fort Stockton and Pecos County Water District. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

11. Discuss/Act upon One-Year Renewal Option for Water Treatment Chemicals and Filters Agreement between the City of Fort Stockton and Alpha Water Resources LLC. **(City Mgr./Dir. of Fin.)**

Assistant City Manager Jesse Gonzales Jr. explained this is a one-year extension that is allowed in accordance with the existing agreement with Alpha Water Resources LLC. for Water Treatment Chemicals and Filters.

Motion was made by Council Member Ruben J Bernal, seconded by Council Member Darren Hodges, and carried unanimously to approve One-Year Renewal Option for Water Treatment Chemicals and Filters Agreement between the City of Fort Stockton and Alpha Water Resources LLC. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

12. Discuss/Act upon Solicitation of Bids for Pest Control Services for City Buildings. **(City Mgr.)**

City Manager Frank Rodriguez III explained this was the annual solicitation for bids for Pest Control Services for City Buildings. He explained the New Landfill Weigh Station Building and the New Landfill Mechanic Shop have been added to the list.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Ruben J Bernal, and carried unanimously to Authorize the Solicitation of Bids for Pest Control Services for City Buildings. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.

13. Questions from Media.

There were no questions from the media.

14. Adjourn.

Motion was made by Council Member Ruben J Bernal, seconded by Mayor Pro-Tem James Warnock, and carried unanimously to adjourn the Regular City Council Meeting at 6:07 p.m. Council Member Darren Hodges, Mayor Pro-Tem James Warnock, Mayor Paul Casias, Council Member Ruben J Bernal, Council Member Ruben Falcon, Council Member Paul Jerome Chavez voted aye.



Paul Casias

Paul Casias, Mayor

ATTEST:

Marina A. Cantu

Marina A. Cantu, City Secretary