

CITY OF FORT STOCKTON, TEXAS
MINUTES OF: SPECIAL CITY COUNCIL MEETING
DATE OF MEETING: FEBRUARY 25, 2021
TIME OF MEETING: 5:30 A.M.
PLACE OF MEETING: CITY COUNCIL CHAMBER

VOTED NAY
VOTED AYE
SECONDED
MOVED

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:
PRESENT: DARREN HODGES, JAMES WARNOCK, RUBEN FALCON, 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 Special Meeting to order at 5:30 p.m. after declaring a quorum present.

Council Member Hodges 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 Special Meeting at 5:38 p.m. to convene into the Public Hearing.

FIRST ORDER OF BUSINESS:

- PUBLIC HEARING:** Application Request from Property Owner Cockrell Investment Partners, LP to consider Zoning Lots 1-10, Block 28, BEVERLY SQUARE ADDITION, which is adjacent to Hornbeck Boulevard, more particularly described as 2129 W. Hornbeck Blvd., 2149 W. Hornbeck Blvd., & 2173 W. Hornbeck Blvd., Fort Stockton, Pecos County, Texas to a One-Family Dwelling District 4 (SF-4), as requested by Property Owner Cockrell Investment Partners, LP, for the purpose of Employee Housing; this being in Accordance with Section 7(1) & 7(2) of the Zoning Ordinance.

There not being any public comments, Mayor Alexander closed the Public Hearing at 5:41 p.m. to reconvene into the Special Meeting.

SECOND ORDER OF BUSINESS:

- All matters listed are considered to be routine by the City Council

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

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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, 02/09/2021
- ✚ Regular Meeting Minutes of Economic Development 4-A Corporation, 01/21/2021
- ✚ Regular Meeting Minutes of Economic Development 4-B Corporation, 01/21/2021
- ✚ Regular Meeting Minutes of Housing Authority Board, 01/21/2021
- ✚ Regular Meeting Minutes of Fort Stockton Convention & Visitor’s Bureau, 01/19/2021
- ✚ Regular Meeting Minutes of Intergovernmental Recreation Board, 01/13/2021
- ✚ Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 01/06/2021
- ✚ Regular Meeting Minutes of Fort Stockton Planning & Zoning Commission, 11/18/2020

Accounts Payable Grand Total: \$255,597.34

Motion was made, seconded and carried to approve the Consent Agenda, as presented. Council Member Casias abstained from this motion.

THIRD ORDER OF BUSINESS:

3. Discuss/Act upon Ordinance No. 21-102, An Ordinance of the City of Fort Stockton Adopting an Amendment to the Personnel Classification, Compensation and Incentive Plan of the City of Fort Stockton, Texas; Wherein the Job Descriptions of the Fort Stockton Economic Development Corporation (EDC) Executive Director, Animal Control Officer and Building Official is Revised; Containing a Savings Clause; and Providing for the Publication and Effective Date Thereof.

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City Manager Frank Rodriguez III explained upon review it was discovered that Ordinance No. 08-110, adopted April 28, 2008 and Ordinance No. 13-117, adopted October 15, 2013 amended the Job Description for the Economic Development Corporation (EDC) Executive Director to read “under the general administrative direction of the City Manager.”

However, Ordinance No. 15-113, adopted September 28, 2015 removed that language.

Considering his daily interactions and involvement with the Economic Development Corporation, City Manager Rodriguez requested the Current Job Description for the Economic Development Corporation (EDC) Executive Director be amended to include “under the general administrative direction of the City Manager.

Mayor Pro-Tem Falcon inquired if any other job descriptions were identified that needed to be changed.

City Manager Rodriguez responded that there were other Job Descriptions that needed to be amended; however, none would be under the general administrative direction of the City Manager.

Mayor Pro-Tem Falcon voiced his concern that some positions are under the direction of their their own board; however, if they fall under the City’s Umbrella their Job Descriptions would need to reflect such.

City Manager Rodriguez explained that there was one position that was tricky because it consists of 3 entities, not just the City.

He requested that the Animal Control Officer Job Description be amended to read “submit a detailed report of any incident.”

The last amendment request was for the Building Official Job Description to include “Coordinates Programs and Safety Trainings for all Departments.”

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

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

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

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He explained when the Building Official goes out to the jobsites and identifies any safety concerns, he immediately addresses it with the Supervisor so it can be rectified.

Motion was made, seconded and carried unanimously to Approve Ordinance No. 21-102, An Ordinance of the City of Fort Stockton Adopting an Amendment to the Personnel Classification, Compensation and Incentive Plan of the City of Fort Stockton, Texas; Wherein the Job Descriptions of the Fort Stockton Economic Development Corporation (EDC) Executive Director, Animal Control Officer and Building Official is Revised; Containing a Savings Clause; and Providing for the Publication and Effective Date Thereof.

FOURTH ORDER OF BUSINESS:

4. Discuss/Act upon Ordinance No. 21-103, An Ordinance Repealing Chapter 22 of the Code of Ordinances of the City of Fort Stockton Titled Taxation*, Article IV. Sales Tax*, Division 1. Generally, Section 22-51. Additional Surcharges for Temporary Lodging/Accommodations, Ordinance No. 19-104, Dated April 9, 2019, is Hereby Repealed.

City Manager Rodriguez explained that this is the fee assessed for Temporary Lodging/Accommodations such as hotels, motels, RV Parks and Apartments that was previously suspended due to COVID back in March of 2020. He requested that this Ordinance be repealed, removing this fee.

Motion was made, seconded and carried unanimously to Approve Ordinance No. 21-103, An Ordinance Repealing Chapter 22 of the Code of Ordinances of the City of Fort Stockton Titled Taxation*, Article IV. Sales Tax*, Division 1. Generally, Section 22-51. Additional Surcharges for Temporary Lodging/Accommodations, Ordinance No. 19-104, Dated April 9, 2019, is Hereby Repealed.

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 VOTED AYE
 SECONDED
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FIFTH ORDER OF BUSINESS:

5. Discuss/Act upon Ordinance No. 21-104, An Ordinance Designating Rates for Water & Surcharge Fees for Hotel/Motel/RV Parks ICL in Chapter 24 of the Code of Ordinances of the City of Fort Stockton Titled Utilities*, Article III. Service Rates and Charges, Division 2. Service Rates, Section 24-51. Rates for Water, Wastewater, Gas Services and Tap Charges Within the Corporate Limits; & Repealing all Other Ordinances or Portions Thereof in Conflict, A Severability Clause and Providing for An Effective Date.

City Manager Rodriguez explained that this Ordinance would designate rates for Water & Surcharge Fees for Hotel/Motel/RV Parks ICL. The water rates would be based on the consumption, rather than the space or room.

It would essentially be a \$2.00 increase across the board.

Motion was made, seconded and carried unanimously to Approve Ordinance No. 21-104, An Ordinance Designating Rates for Water & Surcharge Fees for Hotel/Motel/RV Parks ICL in Chapter 24 of the Code of Ordinances of the City of Fort Stockton Titled Utilities*, Article III. Service Rates and Charges, Division 2. Service Rates, Section 24-51. Rates for Water, Wastewater, Gas Services and Tap Charges Within the Corporate Limits; & Repealing all Other Ordinances or Portions Thereof in Conflict, A Severability Clause and Providing for An Effective Date.

SIXTH ORDER OF BUSINESS:

6. Discuss/Act upon Ordinance No. 21-105, Amending an Ordinance Enacted June 1, 1982, by Zoning Lots 1-10, Block 28, BEVERLY SQUARE ADDITION, more particularly described as 2129 W. Hornbeck Blvd., 2149 W. Hornbeck Blvd., & 2173 W. Hornbeck Blvd., Fort Stockton, Pecos County, Texas, to a One-Family

HODGES
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X
 X
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 X
 X

VOTED NAY
 VOTED AYE
 SECONDED
 MOVED

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Dwelling District 4 (SF-4), for the purpose of Employee Housing; As Petitioned by Property Owner Cockrell Investment Partners, LP.

Interim Building Official Roy Mendoza explained that this request was previously reviewed by Planning & Zoning who recommended approval.

Mayor Alexander expressed his preference of Modular Homes rather than Mobile Homes for this area.

City Secretary Cantu explained the request was solely for the purpose of zoning the property. Prior to moving in a Modular Home or a Mobile Home the property owner would have to complete the Specific-Use Permit Process.

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 PALILEO
 CASIAS

X
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 X
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 X

Motion was made, seconded and carried to Approve Ordinance No. 21-105, Amending an Ordinance Enacted June 1, 1982, by Zoning Lots 1-10, Block 28, BEVERLY SQUARE ADDITION, more particularly described as 2129 W. Hornbeck Blvd., 2149 W. Hornbeck Blvd., & 2173 W. Hornbeck Blvd., Fort Stockton, Pecos County, Texas, to a One-Family Dwelling District 4 (SF-4), for the purpose of Employee Housing; As Petitioned by Property Owner Cockrell Investment Partners, LP.

SEVENTH ORDER OF BUSINESS:

7. City Manager Frank Rodriguez III---
 🗣️ City Manager's Report

City Manager Rodriguez commended staff that assisted during this winter weather event.

He noted that there were not any interrupted services during the winter storm. The gas generator that was purchased and installed at the Belding Well Field played a huge role in keeping the water flowing.

The main generator of the Nursing Home was inoperable, and the City Mechanics went out to assist in replacing a fuse. The generator from CVB was loaned to the Nursing Home to help keep the residents warm.

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EIGHTH ORDER OF BUSINESS:

8. 2ND Reading of Resolution No. 21-100R, A Resolution of the Fort Stockton Economic Development 4-A & 4-B Corporations Approving the Distribution of Funds to Springhirst LLC for Infrastructure and Rehabilitation of the Historic Property known as the Springhirst Hotel in an Amount not to Exceed \$1,100,000.00.

Economic Development Corporation (EDC) Executive Director Ramos read Resolution No. 21-100R aloud.

NINTH ORDER OF BUSINESS:

9. Discuss/Act upon Resolution No. 21-100R, A Resolution of the Fort Stockton Economic Development 4-A & 4-B Corporations Approving the Distribution of Funds to Springhirst LLC for Infrastructure and Rehabilitation of the Historic Property known as the Springhirst Hotel in an Amount not to Exceed \$1,100,000.00.

Hotel Owner Rachel Patel voiced concern that the Springhirst LLC was receiving \$1,100,000.00 for Infrastructure. She stated she only received \$25,000.00 for Infrastructure when she was building her hotel. She suggested utilizing the funds that would go to Springhirst LLC to assist our struggling local businesses.

Should Springhirst LLC choose to sale the property they would already make a profit of \$1,100,000.00

She stated that local hotel owners were not given the opportunity to be a part of this project.

She further voiced concern that this company drastically underestimated the cost to make this financial venture possible. If this company is already requesting funds, it is evident that they do not have the means to complete this project. Therefore, should they need additional funds in the future, they would return requesting more money, as the City would already be invested

MOVED
SECONDED
VOTED AYE
VOTED NAY

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in the project.

She suggested cutting our losses as the building itself is unstable, which could incur costly repairs.

Hotel Owner Vic Bhakta recalled asking for financial assistance and receiving none.

Hotel Owner Rachel Patel stated she herself requested financial assistance and has yet to receive any.

Hotel Owner Harry Gandhi asked how the money was going to be utilized and what guarantee was made that the project would be completed.

Economic Development Corporation (EDC) Executive Director Ramos responded to the hotel owner's concerns.

He explained that there have not been any previous funds dispensed to the Springhirst LLC, associated with this project. He clarified that the funds being considered are Economic Development Corporation Funds.

He further explained that under Article IV, Section 1 of the Performance Agreement, the combined funds of the 4-A EDC Corporation and 4-B EDC Corporation totaling one million, one hundred thousand (\$1,100,000.00) US Dollars ("Incentive") shall be expended only after the business has spent at minimum five million (\$5,000,000.00) US Dollars and provides verification to the Corporations of said expenditures.

In other words, they would have to provide documentation showing the expenditures of \$6,100,000.00 prior to receiving the \$1,100,000.00 reimbursement.

The electrical lines powering all of Main Street are currently running against the back of this building, which is a safety hazard. In speaking with Texas New Mexico Power, they would plan to reroute the electricity with a one block detour at a cost of almost \$200,000.00 to reroute transformers.

MOVED
SECONDED
VOTED AYE
VOTED NAY

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The \$350,000.00 from EDC 4-A would be for the rest of the utilities to include water, sewer and gas meters along with street improvements. The \$750,000.00 is the financing that was agreed to by EDC 4-B.

He responded that the grants EDC was able to invest back into our community was for local businesses; however, hotel/motels do not qualify for these grants.

He stated he was not opposed to assisting hotels if they knew of any grants or funds available for this type of assistance.

He explained that this project was unique as the City of Fort Stockton does not have a full-service hotel. The plan provided by Springhirst LLC. included a full-service restaurant, full-service bar, and concierge service.

This is on Old Style Boutique Hotel similar to the Gage Hotel, Paisano Hotel, St. George Hotel, Holland Hotel, Maverick Hotel, and Settles Hotel. These hotels come with a higher operating cost because of the amount of rooms they have verses the amenities they provide.

In addition, the City has spent years fixing historical properties.

- Fort- invested over \$1,000,000.00
- Grey Mule- invested over \$250,000.00
- Annie Riggs Museum-have assisted through the Historical Society
- Mr. Valadez- requested a reduced sale price so he could utilize his money towards improvements of the building.

Property Owner Patel questioned why Springhirst LLC should receive \$1,100,000.00 for Infrastructure when local hotel owners did not receive near that amount.

She stated she could understand giving the \$1,100,000.00 as a loan, but not as a forgivable loan. They should have to invest some type of risk to this project.

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MOVED
SECONDDED
VOTED AYE
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Economic Development Corporation (EDC) Executive Director Ramos responded that the alternative would be a \$300,000.00 plus bid to demolish the historical building. He assured everyone that these are not the only funds available to assist the community.

Mayor Pro-Tem Falcon inquired what the balances were for the Economic Development Corporations.

Economic Development Corporation (EDC) Executive Director Ramos responded that EDC 4-A had a balance of approximately \$2,100,000.00 and EDC 4-B had a balance between \$1,700,000.00 - \$1,800,000.00.

Mayor Pro-Tem Falcon reiterated the same concerns as the hotel owners. He inquired if only a portion of the loan could be made forgivable.

Mayor Alexander disagreed that local hotel owners were not given the opportunity to be a part of this project. He stated the City has been looking for someone to take on this project for the past 15 years.

He believes that this project would draw business to our community that would possibly payback the cost of the project.

Council Member Hodges reiterated that the infrastructure would cost \$300,000.00. He suggested giving them \$400,000.00 for the infrastructure with a low interest or no-interest loan for the remainder of the funding.

Economic Development Corporation (EDC) Executive Director Ramos explained that it could be done. However, it might terminate the project as the Springhirst LLC may not be able to secure the finances for this project or it could mean postponing the project as the business would have to come up with additional funds prior to proceeding.

Council Member Casias voiced his concern that the timing was wrong. Our local businesses are struggling. He would not feel comfortable giving the Springhirst LLC funds while our own community is hurting.

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MOVED			
SECONDED			
VOTED AYE			
VOTED NAY			

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Council Member Warnock inquired if this item could be revisited at a later date.

City Attorney Boinpally stated if anything changes within the Resolution the process would need to be started all over with the new terms.

NO ACTION TAKEN

Mayor Alexander recessed from the Special Meeting at 6:58 p.m. for a short break.

Mayor Alexander reconvened from the short break into the Special Meeting at 7:02 p.m.

TENTH ORDER OF BUSINESS:

10. Discuss/Act upon Declaration of Local Disaster for Public Safety Emergency.

Mayor Alexander explained that he issued the Declaration of Local Disaster for Public Safety Emergency on February 18, 2021 and the County would be doing the same tomorrow. He further explained that the County's Declaration would be submitted to the State in order to ensure that anyone needing assistance would be able to apply for such through the state or FEMA once the Declaration was in place.

Motion was made, seconded and carried unanimously to Ratify the Declaration of Local Disaster for Public Safety Emergency.

ELEVENTH ORDER OF BUSINESS:

11. Discuss/Act upon City of Fort Stockton – Pecos County 2021 Services Agreement – Coyanosa/Imperial Trash Collection.

Assistant City Manager Jesse Gonzales explained that customers with the 3-yard dumpsters would be charged the Commercial Rate. The Agreement

HODGES
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X

X

X
 X
 X
 X
 X

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

HODGES
WARNOCK
FALCON
PALILEO
CASIAS

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now reflects what our ordinances state. The County collects the rates from their residents and in turn pays the City.

Mayor Pro-Tem Falcon inquired if the County Commissioners were made aware of this change.

Assistant City Manager Gonzales stated he spoke to the County Commissioner, so he is aware of the change.

Motion was made, seconded and carried unanimously to Approve the City of Fort Stockton – Pecos County 2021 Services Agreement – Coyanosa/Imperial Trash Collection.

TWELFTH ORDER OF BUSINESS:

12. Discuss/Act upon Grazing and Agricultural Lease at Riley Farms between the City of Fort Stockton and Matthew Garvin.

City Attorney Puja Boinpally explained there is a difference between farming and grazing. She explained that Matthew Garvin would like to grow summer and winter grass for cattle and possibly goats to graze.

Matthew Garvin explained that this would be 3-5 years down the line as he would need to prep the land prior to growing the grass.

City Attorney Boinpally explained that there were 4 wells located on the property.

City Manager Rodriguez explained if the property was utilized for grazing a permit would not be required. However, if it was used for farming, he would need to apply for a permit.

Mayor Alexander inquired if the wells would be metered.

City Attorney Boinpally explained since Matthew Garvin would be fixing the wells, he would not be charged for the water consumption for the first year; however, the average consumption rate would be figured. Matthew

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Garvin would be charged the average use rate and would pay the City monthly for water use for the remainder of the term.

City Attorney Boinpally stated there is a section in the agreement that limits the about of cows and goats allowed to graze on the property.

Mayor Alexander stated he would leave the number of animals allowed up to the lessee.

Motion was made, seconded and carried unanimously to Approve the Grazing and Agricultural Lease at Riley Farms between the City of Fort Stockton and Matthew Garvin amending the Proposed Agreement to Omit Number 23, limiting the number of cows and goats allowed to graze on the property.

THIRTEEN ORDER OF BUSINESS:

13. Discuss/Act upon Temporarily Waiving Plumbing Permit Fees for Residents and Businesses.

City Manager Rodriguez explained Governor Abbott temporarily suspended the Plumbing Permit Fees to assist residents and businesses alike affected by the recent extreme winter weather.

He requested permission to temporarily waive Plumbing Permit Fees for residents and businesses.

Interim Building Official Mendoza stated the permits would be pulled; however, a fee would not be assessed.

Mayor Alexander inquired about those who had already pulled a permit prior to this date.

Interim Building Official Mendoza stated there were minimal permits pulled; therefore, they could refund those charges.

Mayor Alexander recommended making it retroactive to the storm.

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

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	MOVED	SECONDED	VOTED AYE	VOTED NAY
HODGES			X	
WARNOCK			XX	
FALCON	X		X	
PALILEO			X	
CASIAS			X	

HODGES
WARNOCK
FALCON
PALILEO
CASIAS

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Motion was made, seconded and carried to Authorize Temporarily Waiving Plumbing Permit Fees for Residents and Businesses from February 13, 2021 to April 1, 2021.

Mayor Alexander recessed from the Special Meeting to convene into Executive Session at 7:20 p.m.

FOURTEENTH ORDER OF BUSINESS:

14. 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: (a) Contemplated Litigation with Parkview MHP Real Estate LLC.

Mayor Alexander closed the Executive Session at 7:39 p.m. to reconvene into the Special Meeting.

FIFTEENTH ORDER OF BUSINESS:

15. Reconvene into Open Session Pursuant to Texas Government Code Section §551.102 & Take Action, if any, on Matters Deliberated in Executive Session:
(14a) Discuss/Act upon Contemplated Litigation with Parkview MHP Real Estate LLC.

NO ACTION TAKEN

SIXTEENTH ORDER OF BUSINESS:

16. Questions from the Media.

No Media present at the time.

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	MOVED	SECONDED	VOTED AYE	VOTED NAY
HODGES			X	
WARNOCK			X	
FALCON	X		X	
PALILEO			XX	
CASIAS			X	

HODGES
WARNOCK
FALCON
PALILEO
CASIAS

MAYOR: JOE CHRIS ALEXANDER
CITY MANAGER: FRANK RODRIGUEZ III
CITY SECRETARY: MARINA A. CANTU
CITY ATTORNEY: PUJA BOINPALLY

SEVENTEENTH ORDER OF BUSINESS:

16. Adjourn.

There being no further business, motion was made, seconded and carried unanimously to adjourn the Special Meeting @ 7:40 p.m.


~~Joe Chris Alexander, Mayor~~
Ruben Falcon, Mayor Pro-Tem

ATTEST:

Marina A. Cantu, City Secretary