

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
DATE OF MEETING: MARCH 14, 2022
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: JAMES WARNOCK, PAUL CASIAS, RUBEN FALCON, DARREN HODGES,
JOE CHRIS ALEXANDER

ABSENT: PAM PALILEO

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

Mayor Alexander called the Regular Meeting to Order at 5:31 p.m. after declaring a quorum present.

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.

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, 02/28/2022

- Regular Meeting Minutes of Fort Stockton Substandard Building Committee, 02/03/2022
- Regular Meeting Minutes of Fort Stockton Historical Landmark Commission, 02/02/2022
- Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 02/02/2022
- Regular Meeting Minutes of Intergovernmental Recreation Board, 01/19/2022
- Regular Meeting Minutes of Fort Stockton Cemetery Board, 10/03/2018

Accounts Payable Grand Total: \$360,936.54

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

PRESENTATIONS:

2. **Streets Supervisor Aaron Manzano---**
 - Annual Street Plan

Streets Supervisor Aaron Manzano explained the men in the Streets Department learned a lot last year. It was the first time they were able to utilize the equipment City Council approved to purchase. This equipment allowed them to repair more streets than before.

He explained that most of the streets repaired last year did not have enough base material, which was the reason for several potholes.

The crew utilizes the asphalt zipper to rip up the road they are working on. That is when they are able to determine whether or not there is enough base material in that location, and they are able to adjust accordingly.

Their plan is to strategically start in an area, work their way through and not skip around. The zipper will be moved to another area while the rest of the crew stays behind to pour caliche, blade and then go back with the rolling. Blading and rolling is time consuming and can not be rushed. The weather in our area is unpredictable; therefore, the Streets Department asked the citizens of Fort Stockton to be patient with them as they repair our streets.

Below are the streets the City of Fort Stockton plans on repairing for 2022:

LOCATION	AREA	AGGREGATE	CRS2 OIL
2nd Street from Nelson to Water Street	650 ft. x 38 ft.	128 tons	960 gallons
W. 14th St. from Rio to Gillis	1546 ft. x 41 ft.	328 tons	2,466 gallons
Young St. from Dickinson to 12th St.	662 ft. x 42 ft.	144 tons	1,112 gallons
Valentine St. from Dickinson to 12th St.	654 ft. x 42 ft.	142 tons	550 gallons
4th St. from Colpitts to Rio St.	632 ft. x 41 ft.	134 tons	1,032 gallons
4th St. from Colpitts to Gillis St.	2,200 ft. x 41 ft.	468 tons	3,608 gallons
3rd St. from Railroad to Oklahoma St.	915 ft. x 40 ft.	190 tons	1,464 gallons
Elm St. from Dickinson to 12th St.	320 ft. x 44 ft.	74 tons	563 gallons
Lynda St. from Hornbeck to alley	130 ft. x 45 ft.	30 tons	234 gallons
Valentine St. from 2nd St. to El Paso St.	2,800 ft. x 38 ft.	552 tons	4,256 gallons
Colpitts from Dickinson to 17th St	2,500 ft. x 80 ft.	1,038 tons	8,000 gallons
Division from Colpitts to Railroad Ave.	1,110 ft. x 41 ft.	238 tons	1,804 gallons
Division St. from Railroad Ave. to Nelson St.	2,350 ft. x 45 ft.	548 tons	4,820 gallons
Gillis St. from Division to El Paso St.	2,000 ft. x 38 ft.	394 tons	3,040 gallons
14th St. from Water to Railroad Ave.	1,200 ft. x 38ft.	236 tons	1,824 gallons
15th St. from Water to Railroad Ave.	1,525 ft. x 38 ft.	300 tons	2,318 gallons
Oak St. from Dickinson to 9th St.	324 ft. x 45 ft.	37 tons	1,410 gallons
W. Sherer St. from Hwy 385 to Young St.	3,600 ft. x 37 ft.	345 tons	13,320 gallons
Young St. from El Paso to 5th St.	5,217 ft. x 38 ft.	514 tons	19,825 gallons
3rd St. from Rooney to Valentine St.	3,080 ft. x 34 ft.	271 tons	10,472 gallons
Missouri St. from Dickinson to 4th St.	2030 ft. x 41 ft.	216 tons	8,323 gallons
6th St. from Rio to Front St.	5,037 ft. x 32 ft.	418 tons	16,118 gallons
7th St. from Rio to Young St.	5,685 ft. x 44 ft.	649 tons	25,014 gallons
8th St. from Rio to Railroad Ave.	7,007 ft. x 41ft.	745 tons	28,729 gallons
Sycamore from 5th St. to Dickinson	1,750 ft. x 51 ft.	231 tons	8,925 gallons
Redwood from Dickinson to 9th St.	364 ft. x 43 ft.	41 tons	1,565 gallons
Sycamore from Dickinson to Hwy 285	3,512 ft. x 57 ft.	519 tons	20,018 gallons
9th St. from Redwood to Sycamore	1,853 ft. x 36 ft.	173 tons	6,671 gallons
Pine from Dickinson to 9th St	325 ft. x 45 ft.	38 tons	1,463 gallons

Council Member Falcon inquired how long the Streets Department they planned to pave streets this season.

Interim Public Works Director Luis Guerra explained paving season begins in May and ends in September. However, he would like to continue paving streets as long as feasibly possible. They would like to begin paving a little after March, weather permitting.

3. **Rocky Rives of Smith & Rives, PC---**
- City of Fort Stockton's Final Audit for Fiscal Year Ending September 30, 2021.

Rocky Rives of Smith & Rives, PC is an independent auditor for the City of Fort Stockton. Mr. Rives gave a financial report that is unmodified, best opinion that can be received.

The financial highlight is the city's net position increased by \$2.6 Million. That is a \$1.3 Million increase in business-type activities and a \$1.28 Million increase in governmental activities.

The Net Position is the full accrual basis of accounting. All the assets are on the balance sheet, take the appreciation for them. The liabilities are also on the balance sheet and are reduced by the principle payments that there are. Expenditures include the interest expense for whatever notes are being paid.

The tables located on pages 7 & 8 are probably the best place to see a side-by-side comparison. Page 7 is the Balance Sheet Items and Page 8 is the Government Expense Items.

The Net Positions is increased by \$2.6 Million as a result of this year's operations. There was a difference from \$8 Million in 2020 to \$10 Million in 2021 in Governmental Activities and \$22.3 Million in 2020 to \$23.7 Million in Business-type Activities.

EXHIBIT A-1 is the Overview of the City's Operations, including component use. Total Assets for Governmental Activities is \$22 Million, Business-Type Activities is a little over \$34 Million. The middle of the chart is the liabilities and the bottom section is the equity section. Some of the remaining equity is restricted. The City has \$10.268 Million Governmental Activities of Net Position, of which \$4.7 Million is unrestricted. Everything else is restricted for specific uses.

It took the City of Fort Stockton a little less than \$12 Million in expenses to operate the Governmental Activities. It took the City a little more than \$6 Million to operate the Business-Type Activities.

The City of Fort Stockton had \$10.3 Million worth of Charges for Services. The rest of the revenues included Property Taxes for General Purposes, Property Taxes for Debt Service, Sales Taxes, Penalty and Interest on Taxes, Grants and Contributions, Miscellaneous, Transfers between funds, etc. for a total of \$10.268 Million Net Position.

The General Fund Balance is \$10.6 Million. The City estimated they would raise \$6.17 Million dollars worth of revenues in the General Fund, but the City actually raised \$6.34

Million dollars for a difference of \$178 thousand dollars. The City estimated they would spend \$10.8 Million dollars in General Fund Expenditures; however, the City spent \$9.9 Million dollars for a positive variance of \$965 thousand dollars.

There are two letters this year: Government Auditing Standards Letter (Yellow book Letter) which is based on internal control and compliance. This is the standard letter. The other is the Single Audit Letter. This letter is received if federal expenditures exceed \$750 thousand, and you are subject to what is called the Single Audit Act. This requires additional procedures to be applied. There were no findings.

He Explained the Expenditures of Federal Awards. In other years the Housing Assistance was never enough to exceed the \$750 thousand; however, this year the CARES Act pushed the expenditures to almost \$900 thousand dollars. This made the City of Fort Stockton subject to the Single Audit Act. There were 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. There is section for Summary of Accounting Estimates. There are some audit adjustments proposed by the auditors and agreed to by the City of Fort Stockton's Management. The last few pages is the Management's Representation Letter that stated that standard guidance was followed, and the information requested was provided.

There is a signed Letter of Transmittal that will be submitted to various agencies receiving the City of Fort Stockton's Report. Smith & Rives, PC will assist the City in making their HUD submission to the Housing and Urban Development. Due to being subject to the Single Audit Act reporting must be submitted to the Federal Audit Clearing House in Indianapolis. There is also an Insurance Letter that will go to TCEQ concerning the Landfill.

Council Member Hodges inquired if the City of Fort Stockton's Fund Balance was healthy.

Rocky Rives replied that the City's Fund Balance is healthy.

REGULAR BUSINESS:

4. Discuss/Act upon City of Fort Stockton's Final Audit for Fiscal Year Ending September 30, 2021, as presented by Rocky Rives of Smith & Rives, PC. **(City Mgr./Dir. of Fin.)**

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to approve City of Fort Stockton's Final Audit for Fiscal Year Ending September 30, 2021, as presented by Rocky Rives of Smith & Rives, PC. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

5. Discuss/Act upon Change Order No. 2 authorizing Colt I&E, LLC to proceed with the Excavation – Hydro-Vac connections, the joints of other crossings and Fuse all lines tie in points associated with project and clean location, for a total of \$69,160.00. (City Mgr./Gas Sup.)

City Manager Frank Rodriguez explained Change Order No. 2 is to authorize Colt I&E, LLC to proceed with replacing a section of Cast Iron Gas Line that was not included in the original bid.

Motion was made by Council Member Ruben Falcon, seconded by Mayor Pro-Tem Council Member Paul Casias, and carried unanimously to approve Change Order No. 2 authorizing Colt I&E, LLC to proceed with the Excavation - Hydro-Vac connections, the joints of other crossings and Fuse all lines tie in points associated with project and clean location, for a total of \$69,160.00. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

6. Discuss/Act upon Purchasing of Valves and Filters Agreement between Alpha Water Resources, LLC and the City of Fort Stockton. (City Mgr./Gas Sup.)

City Attorney Puja Boinpally explained this is the standard agreement for materials. The valves will be purchased all at once, while the filters will be purchased as needed. There was a change to the delivery time, as they are having difficulty shipping materials. The agreement has been amended to reflect that once Alpha Water Resources, LLC receives our request they will give us an estimated delivery date and make every effort to deliver our order by that date.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to approve the Purchasing of Valves and Filters Agreement between Alpha Water Resources, LLC and the City of Fort Stockton, as amended. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

7. Discuss/Act upon Auction Items with Rene Bates Auctioneers, Inc., an Online Auction Service. (City Mgr./CVB Dir.)

CVB Director Crystal Lopez explained they initially waited to see if any of this equipment would be needed for the theater. However, since the theater has been in operation, the equipment listed has not been needed or utilized. Therefore, she requested permission to place items for auction on the Rene Bates Auctioneers, Inc. website.

Council Member Falcon inquired why these items were not placed on the 4-H Auction.

CVB Director Lopez explained she was under the impression they were to utilize the Rene Bates website in order to make revenue to put back into the building.

Council Member James Warnock inquired what percentage of the earnings the City receives from the auction items, as 4-H receives 20% of the earnings.

CVB Director Crystal Lopez responded the City would receive almost all of the earnings from the auction.

Mayor Alexander inquired where the items were being stored.

CVB Director Crystal Lopez responded some of the items were being stored at the Convention Center as well as the overflow storage warehouse located behind the Chamber of Commerce.

Council Member Hodges recommended tabling this item, until 4-H could be contacted.

Motion was made by Council Member Darren Hodges, seconded by Council Member Ruben Falcon, and carried unanimously to table the Request to Auction Items with Rene Bates Auctioneers, Inc., an Online Auction Service, until 4-H is contacted. Council Member Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

8. Discuss/Act upon Resignation of Convention & Visitor's Bureau Board Member Jordan Gonzales. (City Mgr./CVB Dir.)

CVB Director Crystal Lopez explained CVB Board Member Jordan Gonzales requested to resign from the Convention & Visitor's Bureau on Friday.

City Manager Frank Rodriguez explained it was a scheduling conflict.

CVB Director Crystal Lopez elaborated that the meetings were moved to Wednesday; however, Board Member Gonzales was still having trouble making the meeting; therefore, he requested to resign.

Motion was made by Council Member Ruben Falcon, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to Accept the Resignation of Convention & Visitor's Bureau Board Member Jordan Gonzales. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

9. Discuss/Act upon Resignation of Convention & Visitor's Bureau Board Member Heather Noah. (City Mgr./CVB Dir.)

CVB Director Crystal Lopez explained Ms. Heather Noah had the same scheduling conflict and requested to resign from the Convention & Visitor's Bureau.

Motion was made by Council Member Ruben Falcon, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to Accept the Resignation of Convention & Visitor's Bureau Board Member Heather Noah. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

10. Discuss/Act upon Convention & Visitor's Bureau Board By-laws. (City Mgr./CVB Dir.)

City Manager Frank Rodriguez requested permission for the following changes:

- Change everywhere it reads Convention & Visitor's Bureau to the Tourism Advisory Board.
- The two resignations would reduce the board from eleven (11) to nine (9) members.
- The request would also change the Board Chairman to Executive Director.
- The reduction in board members would also change the required number of board members present to constitute a quorum to five (5).
- Strike through the area under section a. of page 4 that reads "the agenda along with items posting the agenda, and any board member may place an item on the agenda set the agenda for the Board meetings."
- Strike through a portion under Section 2 of Article V.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Darren Hodges, and carried unanimously to approve Changing the Convention & Visitor's Bureau Board By-laws to Tourism Advisory Board By-laws. Council Members James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

11. Discuss/Act upon City Spring Clean-Up Week from April 4th - April 14th in conjunction with the Pecos County 2-Week Spring Clean-Up for April 18th - April 29th. (City Mgr./Int. P.W. Dir.)

City Manager Frank Rodriguez explained the City would conduct their Spring Clean-Up from April 4th - April 14th and the County would conduct theirs from April 18th - April 29th. Interim Public Works Director Luis Guerra coordinated with Pecos County and they agreed to assist the City with their Clean-Up.

Acceptable Items:

- Furniture, Mattresses, Large Plastic Toys
- Appliances, Water Heaters & Scrap Metal (Refrigerators, Freezers, & Air Conditioners will only be picked up if the Freon has been removed by a licensed technician with sticker attached)
- Yard Waste to include leaves, grass clippings, and other small clippings in paper waste bags.

Excludes

- Construction Materials

Motion was made by Council Member Darren Hodges, seconded by Council Member Ruben Falcon, and carried unanimously to approve the City Spring Clean-Up Week from April 4th - April 14th in conjunction with the Pecos County 2-Week Spring Clean-Up for April 18th - April 29th, amending pants to paint. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

Mayor Alexander recessed from the Regular Session to convene into Executive Session at 6:13 p.m.

EXECUTIVE SESSION:

12. 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):
 Ref: (a) Annual Evaluation & Renewal of Contract for City Manager Frank Rodriguez III.
 (b) Annual Evaluation for City Secretary Marina A. Cantu

Mayor Alexander closed Executive Session to reconvene into the Regular City Council Meeting at 7:06 p.m.

REGULAR BUSINESS CONTINUED:

13. Reconvene into Open Session Pursuant to Texas Government Code Section 551.102 & Take Action, if any, on Matters Deliberated in Executive Session:
 (12a) Discuss/Act upon Annual Evaluation & Renewal of Contract for City Manager Frank Rodriguez III.
 (12b) Discuss/Act upon Annual Evaluation of City Secretary Marina A. Cantu.

Motion was made by Council Member Darren Hodges, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to approve the Excellent Annual Evaluation & Renewal of Contract for City Manager Frank Rodriguez III. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to approve an Excellent Annual Evaluation for City Secretary Marina A. Cantu. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

14. Questions from Media

There were no questions from the Media as they had already departed the meeting.

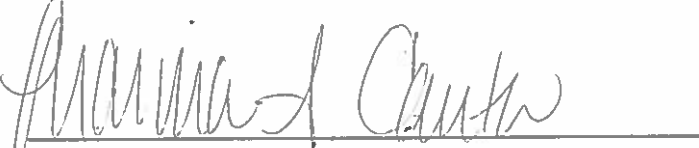
15. Adjourn

Motion was made by Council Member James Warnock, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to adjourn the Regular City Council Meeting at 7:08 p.m. Council Member James Warnock, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.



Joe Chris Alexander, Mayor

ATTEST:



Marina A. Cantu, City Secretary