

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
 DATE OF MEETING: JUNE 22, 2021
 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, PAM PALILEO, PAUL CASIAS, RUBEN FALCON,
 DARREN HODGES

CITY MANAGER: FRANK RODRIGUEZ III

CITY SECRETARY: MARINA A. CANTU

CITY ATTORNEY: PUJA BOINPALLY

Mayor Alexander called the Regular Meeting to order at 5:30 p.m. after declaring a quorum present.

Council Member Hodges gave the invocation.

Mayor Pro-Tem Casias 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 to convene into the Public Hearing at 5:34 p.m.

PUBLIC HEARINGS:

1. **PUBLIC HEARING:** Application request from Property Owner Albert Valadez of Valadez Business Ventures, LLC to consider a Variance of Chapter 4, Sec. 4-5 of the Fort Stockton Code of Ordinances to obtain a permit for the sale of mixed drinks, beer & wine for a business located less than 300 ft. away from a Daycare Center and Church, which does not meet the minimum distance requirement for the consideration of an alcohol permit. This being located on Lot Ten (10), Block Thirteen (13), OLD FORT ADDITION, Fort Stockton, Pecos County, Texas & more particularly described as 123 N. Main Street and being adjacent to Main Street and Second Street; this being in accordance with Section 17(3) of the Zoning Ordinance and Section 109.33 (E) of the Texas Alcoholic Beverage Code.(Mayor)

EDC Director Ramos explained that Albert Valadez was unable to attend the meeting as he was representing someone at a trial hearing in Alpine, Texas. He explained that Mr. Valadez was requesting a variance from the City of Fort Stockton for an Alcohol Permit. He further explained Mr. Valadez' establishment is located less than 300 feet away from 2 churches and 1 daycare center. Mr. Valadez was able to provide statements from Isai Rodriguez of the Torre

Fuerte Church located at 216 N. Main Street, Juanita Rivas of Breaking Chains Prayer Group located at 119 N. Main Street, and Elida Fabela of Tiny Tots Learning Center located at 221 N. Main Street. None of the property owners opposed Mr. Valadez request for a variance.

George Dominguez of Freddie's Cleaners voiced his opposition to this request. He was concerned about vandalism and parking.

There being no additional public comments, Mayor Alexander closed the Public Hearing at 5:39 p.m. to reconvene into the Regular Meeting.

REGULAR BUSINESS:

2. Discuss and Act upon Application request from Property Owner Albert Valadez of Valadez Business Ventures, LLC to consider a Variance of Chapter 4, Sec. 4-5 of the Fort Stockton Code of Ordinances to obtain a permit for the sale of mixed drinks, beer & wine for a business located less than 300 ft. away from a Daycare Center and Church, which does not meet the minimum distance requirement for the consideration of an alcohol permit. This being located on Lot Ten (10), Block Thirteen (13), OLD FORT ADDITION, Fort Stockton, Pecos County, Texas & more particularly described as 123 N. Main Street and being adjacent to Main Street and Second Street; this being in accordance with Section 17(3) of the Zoning Ordinance and Section 109.33 (E) of the Texas Alcoholic Beverage Code. **(City Mgr./Bldg. Offcl.)**

Interim Building Official Roy Mendoza explained in accordance with Section 109.33 (E) of the Texas Alcoholic Beverage Code the City can grant a variance for an alcohol permit to an establishment located less than 300 ft. away from a church or daycare.

Council Member Falcon explained the City is merely considering the request for the variance and Mr. Dominguez' concerns were separate issues.

Hearing this, George Dominguez of Freddie's Cleaners requested the Police Department conduct close patrol of the area.

Mayor Alexander assured Mr. Dominguez the Police Department would patrol the area on a more frequent basis.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Application request from Property Owner Albert Valadez of Valadez Business Ventures, LLC to consider a Variance of Chapter 4, Sec. 4-5 of the Fort Stockton Code of Ordinances to obtain a permit for the sale of mixed drinks, beer & wine for a business located less than 300 ft. away from a Daycare Center and Church, which does not meet the minimum distance requirement for the consideration of an alcohol permit. This being located on Lot Ten (10), Block Thirteen (13), OLD FORT ADDITION, Fort Stockton, Pecos County, Texas & more particularly described as 123 N. Main Street and being adjacent to Main Street and Second Street; this being in accordance with Section 109.33 (E) of the Texas Alcoholic Beverage Code. Council Member James Warnock, Council Member Pam Palileo,

Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

PRESENTATIONS:

3. **Regional Community Liaison of Central and West Texas Renee Kettler with Texas New Mexico Power Company---**
 - Explanation of the Tier System

Regional Community Liaison of Central and West Texas Renee Kettler introduced both herself and West Texas Area Manager Wayne Blaylock of Texas New Mexico Power Company (TNMP).

Mrs. Kettler is the Liaison between the City and the Texas New Mexico Power Company and ensures any issues between the two are handled amicably.

The purpose of the presentation is to discuss issues with some of streetlights located within the City. The issue arose when the City began their audit of the streetlights with Tri-Stem.

There are 5 metered circuits that are metered streetlights, which are not on the traditional billing system. This is a billing schedule within their Tariff. The 5 circuits are pre-deregulation, prior to 1999. TNMP has carried these meters throughout these years. The Tariff dated 2019 states that TNMP would replace those systems as soon as feasibly possible. However, COVID hit, delaying this replacement. The Tariff mandates that TNMP will take the circuits out and place these meters on the traditional billing system.

TNMP would like to give the city a couple of options in dealing with these metered streetlights and how it relates to the City's budget. They requested the city let them know what direction to go in by mid-September, allowing TNMP to prepare for the change by October. There are 170 streetlights on these metered circuits.

Option 1 would be that the city would take over these streetlights and the assets that go along with them. There would be some poles and strands of wire. More particularly all 170 streetlights with the brackets. The City would maintain those, service them and replace them as they go out. TNMP would continue to bill the city as they are now.

Metered streetlights are billed based on usage, the kilowatt hours that go through that meter. There is currently a Joint Use Agreement between the City of Fort Stockton and TNMP that allows the City to place previously approved items such as Christmas decorations and flags on their poles. Within this Joint Use Agreement the City of Fort Stockton agreed to maintain a liability policy to cover any issues that come along with

that. The City also agreed that anytime they are working near their lines they will have a high voltage electrician to work on their property.

Option 2 would be that TNMP would change over to the billing schedule outlined within the Tariff. However, there would be an additional cost to the City. TNMP is giving the city proper notice allowing ample time to prepare for this budgetary change.

Should the City decide to go with the first option the Area TNMP Director agreed that no changes would be made until the City's New Fiscal Year.

She clarified that option 2 would entail TNMP maintaining, servicing, and replacing the streetlights as needed. The TNMP fee per pole would give the city a \$15,000-\$16,000 annual difference on their electricity bill.

Regional Community Liaison Renee Kettler pulled a 12-month span of billing for the 170 metered streetlights for the 5 circuits. The City is currently paying \$7,000 a year for the usage of those metered circuits. On the new billing schedule the City would be paying \$24,000 a year, which is a difference of \$16,000. This will impact the City's budget which ever direction they choose to go.

West Texas Area Manager Wayne Blaylock added something the city might want to take into consideration if they choose to take over those assets, it can become costly to replace poles that are damaged by vehicle accidents, storms, etc.

Council Member Hodges requested figures of streetlights and bulbs replaced on an annual basis to help him make an informed decision.

Mayor Alexander inquired if the new billing system was based off usage or if it was a flat rate.

Regional Community Liaison Renee Kettler explained it is a flat rate. The Tariff outlines the price per light based on the type of light. The City of Fort Stockton has a combination of Mercury Vapor and High Pressure Sodium Lights. The charge depending if the light is on a wood pole, or an ornamental pole is also outlined within the Tariff. TNMP does not charge the city for the initial installation of lights unless there is an equipment upgrade such as a new transformer or a new pole. For the basic light itself TNMP does not charge the City. The city is only charged a monthly flat rate which covers the maintenance and all the repairs. The city is only paying for the usage.

Council Member Falcon inquired what responsibility would fall on TNMP with Option 1.

Regional Community Liaison Renee Kettler explained TNMP's responsibility would end at the meter. Past the meter would be the City's responsibility.

Council Member Falcon inquired if the City of Fort Stockton was being charged per pole.

Regional Community Liaison Renee Kettler explained the City of Fort Stockton is supposed to be billed per pole. There are 933 streetlights within the City of Fort Stockton. The city is being billed per pole for 763 streetlights. There are 170 streetlights that have been behind the meter since the deregulation happened, which have fallen under this separate billing schedule. In other words, the City of Fort Stockton currently has a combination of per pole billing and usage billing.

Council Member Falcon inquired if this \$16,000 difference is a set rate.

Regional Community Liaison Renee Kettler replied if the Tariff is updated, the fees would change accordingly. She explained the only time the city would see a major increase would be if they decided to go with LED streetlights, as they cost more.

Mayor Pro-Tem Paul Casias requested the city receive the figures before the city holds their budget meetings.

Mayor Alexander inquired if the city would be allowed to string Christmas Lights from pole to pole as they did in the past.

Regional Community Liaison Renee Kettler explained that they do not allow lights or decorations to be strung from pole to pole for liability issues. Should a truck drive through the area and it could possibly take down a number of lights with it. This is outlined in the Joint Use Agreement between the City of Fort Stockton and TNMP.

Council Member Hodges explained that the city would need to look at replacing the streetlights with electrical boxes located Downtown.

Regional Community Liaison Renee Kettler advised City Council should any other questions or concerns arise she could be contacted.

4. **Recreation Director Ruby Bernal---**

- Department Activity Report

Recreation Director Ruby Bernal advised City Council that the Recreation Department recently finished their District Tournament.

She explained they were not expecting to host another tournament; however, they received a phone call that Pecos was unable to host this tournament.

Nathan Day with the Parks Department was able to put up flags, fix the fields and whatever was needed.

CVB Director Crystal Lopez was able to provide porticos for the bleachers.

Landfill Supervisor Carlos Ibarra was able to put lights up.

Recreation Director Bernal advised City Council that Fort Stockton is the only town in our district that has a visible pitch count.

Results

- 10 U Age Group played in the championship game in Greenwood against Monahans. However, they lost.
- 11 U Age Group hosted in Fort Stockton, won their first game and lost the next two.
- The 12 U Majors hosted in Fort Stockton, were undefeated champions that will be advancing to play in the Section 1 Tournament which will begin July 2, 2021.
- The 50-70 Division was also undefeated. There were only two teams in that division which were Fort Stockton and Pecos. They will be playing in Lubbock starting Friday. Several players are part of the Young Guns.

This year the 12 U Age Group will be in the State Tournament in Waco.

This year will not be International. Today starts the summer league for baseball. Only one field is being utilized right now.

The Summer League has been successful.

The Softball division started practice on Monday.

Both Summer Leagues will be playing once a week with twice being the maximum times a week.

Rec Dept schedule and plan

July 19- August 20,2021 Fall sports registration

- Volleyball
- Soccer
- Football/flag, touch, tackle

August 2-12,2021 Fall program conditioning

- Tackle will draft this week.

August 23- September 3, 2021 draft and practices

- Draft soccer and flag football
- Draft volleyball
- Practices begin after draft.

September 18 begins games

- Volleyball at middle school
- Football at middle school or high school
- Soccer at Rooney Park (Access to Restrooms and Shade for spectators)

October 24 end of season games or tournaments

October 11- Nov 5 Basketball registration

- PK/K
- Boys 1st&2nd / Girls 1st&2nd
- Boys 3rd&4th/Girls 3rd&4th
- Boys 5th&6th/Girls 5th&6th

Nov 8-19 Draft for Basketball begin practices after draft.

Dec 4 begin basketball games.

Feb 5,2021 complete final games of basketball

Jan 17- Feb 11 Baseball/softball registration

The Reeves County Commissioners Court did not allow the Little League to utilize their fields. Five days before the tournament Pecos called Fort Stockton and we bailed them out by hosting this event.

Council Member Falcon thanked Pecos because this helped Fort Stockton's sales tax.

Recreation Director Bernal agreed there should be an increase in Fort Stockton's Sales Tax as reflected by the amount of people present at the tournament.

ORDINANCES:

5. Discuss/Act upon Ordinance No. 21-109, An Ordinance Amending Chapter 6 Titled "Buildings and Building Regulations", Article VIII. Single and Multi-Family Housing Code of the Code of Ordinances of the City of Fort Stockton; and Repealing all other Ordinances or portions thereof in conflict, A Severability Clause and providing for an Effective Date. (City Mgr./Bldg. Offcl.)

Interim Building Official Mendoza explained the 6 ft. fence did not suffice. An 8 ft. fence is needed for privacy purposes.

He explained the permit fee would remain the same; however, it would only be necessary for fences exceeding 8 ft. The permit would cost \$37.50 in addition to the \$20.00 administrative fee.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Darren Hodges, and carried unanimously to approve Ordinance No. 21-109, An Ordinance Amending Chapter 6 Titled Buildings and Building Regulations, Article VIII. Single and Multi-Family Housing Code of the Code of Ordinances of the City of Fort Stockton; and Repealing all other Ordinances or portions thereof in conflict, A Severability Clause and providing for an Effective Date. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges 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)

- Regular Meeting Minutes of Fort Stockton City Council, 06/08/2021
- Special Meeting Minutes of Fort Stockton Convention & Visitor's Bureau, 05/21/2021
- Special/Joint Meeting Minutes of Fort Stockton Convention & Visitor's Bureau and Historical Society, 06/02/2021
- Regular Meeting Minutes of Fort Stockton Housing Authority Board, 04/15/2021

Accounts Payable Grand Total: \$470,861.90

Council Member Falcon pointed out there are payments to West-Texas Roofing that he believes need to be removed from the Consent Agenda and approved once it is verified that the work has been completed.

Motion was made by Council Member James Warnock, seconded by Council Member Ruben Falcon, and carried unanimously to approve the Consent Agenda, with the removal of the payments to West-Texas Roofing leaving an Accounts Payable Total of \$387,265.15. 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 CONTINUED:

7. Discuss/Act upon Board Nominations for City Boards to be moved to the Fiscal Year rather than the Calendar Year. **(City Mgr.)**

Mayor Alexander explained he asked City Manager Rodriguez to investigate this as it would align with the budget.

Council Member Falcon explained in addition to this he believes the city would have a better response from volunteers as people generally have other things on their minds close to the holidays.

Motion was made by Council Member Pam Palileo, seconded by Council Member Ruben Falcon, and carried unanimously to approve Board Nominations for City Boards to be moved to the Fiscal Year rather than the Calendar Year. 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 on rewarding of Request for Qualification for City Multipurpose Sports Facility. **Bids submitted:** *F. T. James Construction Inc./Alvidrez Architecture Inc., MW Builders, Inc., PSRBB Architects/Banes Construction, Spartan Construction (City Mngr./ Rec. Dir.)*

City Manager Rodriguez explained that Mayor Pro-Tem Casias is concerned that all Entities may not contribute to this item.

He recommended City Council take No Action and forward this item to the Recreation Department.

Mayor Alexander explained this gave the City an estimate of what a facility would cost, and the cost of the design and build should be divided amongst the three entities.

NO ACTION TAKEN.

9. Discuss/Act upon the Purchase and Removal of Bowling Equipment Agreement between the City of Fort Stockton and the Bowling Parts, Inc./Tucker Bowling Equipment Co. **(City Mgr./CVB Dir.)**

City Attorney Boinpally explained this is the approval of the agreement between the company purchasing and removing the bowling equipment.

Council Member Hodges inquired when the equipment would be removed.

Mayor Alexander replied that the Bowling Equipment would begin being removed tomorrow, upon receipt of their payment.

Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve the Purchase and Removal of Bowling Equipment Agreement between the City of Fort Stockton and the Bowling Parts, Inc./Tucker Bowling Equipment Co. 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 Designating Main Street as a One-Way Street beginning from Dickinson Boulevard heading South towards Gonzalez Loop. **(City Mgr.)**

Council Member Falcon explained that this change will affect more than just Main Street. The only issue is the triangle off Nelson.

EDC Director Ramos has contacted the property owner and he is willing to work with the City.

He recommended authorizing City Manager Rodriguez the ability to discuss this idea with the necessary entities and individuals to make this idea come to fruition.

Mayor Pro-Tem Casias would like a town hall meeting to be held before taking action.

Mayor Alexander agreed with Mayor Pro-Tem Casias.

There are mixed opinions about Designating Main Street as a One-Way Street from Dickinson Boulevard heading South toward Gonzalez Loop.

Council Member Falcon voiced concern that a Town Hall meeting might not be the best option.

NO ACTION TAKEN

11. Questions from Media.

Bethany Gaylor of the Fort Stockton Pioneer inquired if the County has agreed to assist with the Multipurpose Sports Facility.

Mayor Alexander explained the County is aware of the Project, however, they have not officially agreed to contribute funding.

12. Adjourn.

Motion was made by Council Member Pam Palileo, seconded by Council Member Ruben Falcon, and carried unanimously to adjourn the Regular City Council Meeting at 6:38 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.



 Joe Chris Alexander, Mayor

ATTEST:



Marina A. Cantu, City Secretary