

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
DATE OF MEETING: AUGUST 10, 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, PAUL CASIAS, RUBEN FALCON, DARREN HODGES

PRESENT VIA TELEPHONE: PAM PALILEO

CITY MANAGER: FRANK RODRIGUEZ III

CITY SECRETARY: MARINA CANTU

CITY ATTORNEY: PUJA BOINPALLY

Mayor Alexander called the Regular Meeting to order at 5:32 p.m. after declaring a quorum present.

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.

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 5:36 p.m.

PUBLIC HEARING:

1. Request from Judge Joe Shuster on Behalf of Pecos County to Consider the re-plat of Lots 6 & 8, Block 5, ST. GALL ADDITION, According to the Conveyance Document Recorded in Volume 64, Pg. 485, Pecos County Deed Records, Pecos County, Texas & in Accordance with Texas Local Government Code §212.014 for the Purpose of Redevelopment. **(City Mgr./City Sec.)**

EDC Executive Director Remie Ramos presented a map of the property as it originally was. He later displayed the proposed re-plat that would allow Pecos County to retain the portion of the property belonging to the Rooney Park, the City would have the Right-of-Way of Spring Drive and the other two parcels would be utilized for redevelopment.

City Secretary Cantu explained the re-plat would reflect the property as it currently exists.

Council Member Hodges inquired if there was a residential property that encroached onto the property in question.

EDC Executive Director Ramos responded that there is a residential fence that extends 20 ft. onto the property and spans 40 ft. He elaborated that the fence was constructed without a survey being done. He explained that the potential developer was willing to negotiate a lease with the current residential owner to remain on the property so long as she owns her home.

There being no additional comments from the public, Mayor Alexander closed the Public Hearing to Reconvene into the Regular Meeting at 5:40 p.m.

PRESENTATIONS:

2 Chief of Police Robert Lujan with Fort Stockton Police Department----

- Statistics for July 2021

Service Calls Dispatched:	1068
FSPD	602
FSFD	13
PCEMS	172
PCSO	272

Investigations Initiated:	38
83 rd District Attorney	7
112 th District Attorney	6
County Attorney	24
Juvenile Probation	1

Accidents Worked:	45
Accidents (PD)	24

Total Arrests:	29
Assault – Family Violence	3
Burglary	2
Criminal Mischief	2
Criminal Trespass:	6
Disorderly Conduct	1
Driving While Intoxicated	3
Evading Arrest	
Illegal Aliens	
Murder	
Possession of a Controlled Substance	5
Possession of Marijuana	
Public Intoxication	2
Resisting Arrest	1
Theft	
Warrants	4

Traffic Stops/Violations	220
Traffic Citations Issued	18
Traffic Stops (PD)	122

Misdemeanors	21
Felonies	4

Mayor Pro-Tem Casias inquired if the Criminal Mischief case was related to the graffiti.

Chief of Police Robert Lujan advised City Council the Police Department has identified the juveniles responsible for the graffiti around town. The juvenile authorities have been contacted and are assisting with this matter.

Chief of Police Lujan updated City Council on the status of K-9 Officer Fauce. He is under the command of Officer Javier Soto and is doing excellent. He started the K-9 Certification Training at Hill Country Dog Center 4 weeks ago and will complete it on Friday.

This Certification Program will allow K-9 Officer Fauce to alert on MDMA, which includes Ecstasy, Marajuana, Cocaine, and Methamphetamine.

His handler Javier Soto will be assigned as a School Resource Officer (SRO).

The Animal Control Officers had 61 Calls for the month of July.

The Dispatch had 3 Emergency Protective Orders, confirmed 9 warrants and registered 3 Sex Offenders

The Police Department just hired Jewel Talavera as a Dispatcher.

The Police Department is down 4 Officer Positions and will be interviewing three applicants who just graduated from the Local Police Academy.

ORDINANCES:

3. Discuss/Act upon Ordinance No. 21-112, an Ordinance of the City of Fort Stockton, Pecos County, Texas, Approving the re-plat of Lots 6 & 8, Block 5, ST. GALL ADDITION, According to the Conveyance Document Recorded in Volume 64, Pg. 485, Pecos County Deed Records, Pecos County, Texas & in Accordance with Texas Local Government Code §212.014 for the Purpose of Redevelopment; as Requested by Judge Joe Shuster on Behalf of Pecos County. **(City Mgr./City Sec.)**

Motion was made by Council Member Ruben Falcon, seconded by Council Member James Warnock, and carried unanimously to approve Ordinance No. 21-112, an Ordinance of the City of Fort Stockton, Pecos County, Texas, Approving the re-plat of Lots 6 & 8, Block 5, ST. GALL ADDITION, According to the Conveyance Document Recorded in Volume 64, Pg. 485, Pecos County Deed Records, Pecos County, Texas & in Accordance with Texas Local Government Code § 212.014 for the Purpose of Redevelopment, as Requested by Judge Joe Shuster on Behalf of Pecos County. 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:

4. 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, 07/27/2021
- Special Meeting Minutes of Fort Stockton City Council, 08/03/2021
- Special Meeting Minutes of Fort Stockton City Council, 08/04/2021
- Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 05/05/2021
- Regular Meeting Minutes of Fort Stockton Convention and Visitor's Bureau, 03/16/2021

Accounts Payable Grand Total: \$239,753.60

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member James Warnock, and carried unanimously to approve the 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:

5. Discuss/Act upon Rescinding the July 13, 2021 Motion Regarding the awarding of the Bid for Crushed Aggregates #3, #4, #4 Modified #5 for Street Construction and Repairs to Green Dream International LLC. **(City Mgr./P.W. Dir.)**

City Attorney Puja Boinpally explained during the negotiations of their contract Green Dream International LLC advised her that they would only be able to provide the Crushed Aggregate #5. Therefore, the original motion needed to be rescinded.

Motion was made by Council Member Ruben Falcon, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to rescind the July 13, 2021 Motion Regarding the awarding of the Bid for Crushed Aggregates #3, #4, #4 Modified, #5 for Street Construction and Repairs to Green Dream International LLC. 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 Awarding Bid for the Purchase of Crushed Aggregate #3, #4, #4 Modified, #5 for Street Construction and Repairs. **Bids Submitted:** *Capitol Aggregates Inc, Green Dream Internatinal LLC, Professional Road Maintenance LLC (City Mgr./P.W. Dir.)*

Public Works Director Ramos advised City Council after consulting with pertinent staff he would like to recommend awarding the bid for Crushed Aggregate #5 for \$26.78 per ton to Green Dream International LLC and Crushed Aggregate #3 for \$32.25 per ton, #4 for \$34.47 per ton, and #4 Modified for \$34.47 per ton to Professional Road Maintenance LLC.

Motion was made by Council Member Ruben Falcon, seconded by Council Member James Warnock, and carried unanimously to award Bid for the Purchase of Crushed Aggregate #5 for Street Construction and Repairs to Green Dream International LLC. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Darren Hodges, and carried unanimously to award Bid for the Purchase of Crushed Aggregate #3, #4, & #4 Modified for Street Construction Repairs to Professional Road Maintenance LLC. 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 Rescinding the July 27, 2021 Motion Regarding the awarding of the Bid for Aggregates #3, #4, #5 for Street Construction and Repairs to Green Dream International LLC. (City Mgr./P.W. Dir.)

City Attorney Boinpally explained after July 13, 2021 when DG Trucking and Material was originally awarded the bid for Aggregates #3, #4, & #5 it was discovered that they would not be able to provide the material requested. Therefore, the motion was rescinded and the bid was awarded to another company. After the motion was rescinded, DG Trucking and Material came back with the requested material, which will work for the street construction and repairs.

She explained if DG Trucking & Material were able to provide the requested material at the bid price the other motion needed to be rescinded as DG Trucking & Material was the lowest bid for Aggregates #3, #4 & #5.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Darren Hodges, and carried unanimously to rescind the July 27, 2021 Motion Regarding the awarding of the Bid for Aggregates #3, #4, #5 for Street Construction and Repairs to Green Dream International LLC. 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 Awarding Bid for the Purchase of Aggregate #3, #4, #5 for Street Construction and Repairs. (City Mgr./P.W. Dir.)

Public Works Director Ramos advised City Council after consulting with pertinent staff he would like to recommend awarding the Bid for Aggregate #3 for 17.00 per ton, Aggregate #4 for \$22.00 per ton and Aggregate #5 for \$17.00 per ton. He explained although they do not mine the requested aggregates they are willing to provide and deliver them from another location.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to award the Bid for the Purchase of Aggregate #3, #4, & #5 for Street Construction and Repairs to DG Trucking & Material. 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 Agreement between Aberock Materials, LLC and the City of Fort Stockton for the Purchase of Crushed Limestone #1, #2 for Street Construction and Repairs. **(City Mgr./P.W. Dir.)**

City Attorney Puja Boinpally explained she negotiated the contract with Aberock Materials, LLC.

Pete Galvan advised City Council that DG Trucking and Materials received a letter from the City stating they were awarded the bid for Crushed Limestone #1 and #2.

City Secretary Cantu recalled that this motion was rescinded as Aberock Materials LLC had the lowest bid.

City Attorney Boinpally and Assistant City Manager Gonzales confirmed the motion was rescinded as Aberock Materials LLC was the lowest bid. The original motion combined the bid for Limestone #1 & Limestone #2 along with Aggregate #3, Aggregate #4, & Aggregate #5, awarding them to DG Trucking & Materials. The original motion was rescinded and awarded separately.

Council Member Hodges inquired what the difference in price was.

Public Works Director Ramos responded there was a \$0.05 price difference.

Council Member Hodges asked City Manager Rodriguez for his recommendation.

City Manager Rodriguez recommended re-soliciting the bid.

Pete Galvan stated a lot of money was spent with the belief that DG Trucking & Materials were awarded this bid.

City Manager Rodriguez explained that there was no commitment as a contract was not executed and he asked to view the invoices for expenditures made on account of this bid.

Item Died for Lack of a Motion

10. Discuss/Act upon Agreement between Fletco Construction and the City of Fort Stockton for the Landfill Shop Building. **(City Mgr./P.W. Dir.)**

City Attorney Boinpally explained this was the Final Agreement negotiated with Fletco Construction for the Landfill Shop Building.

Motion was made by Council Member James Warnock, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to approve Agreement between Fletco Construction and the City of Fort Stockton for the Landfill Shop Building. 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 Agreement between SECO Pump and the City of Fort Stockton for the Belding Water Well #1 Repair Services. **(City Mgr./P.W. Dir.)**

City Attorney Boinpally explained this was the Final Agreement with SECO Pump for the Belding Water Well #1 Repair Services.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member James Warnock, and carried unanimously to approve Agreement between SECO Pump and the City of Fort Stockton for the Belding Water Well #1 Repair Services. 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 Agreement between P2 Emulsions and the City of Fort Stockton for the Purchase of CSS-1H Emulsion and CRS-2 Emulsion for Street Construction and Repairs. **(City Mgr./P.W. Dir.)**

City Attorney Boinpally advised City Council that P2 Emulsions requested some minor changes; therefore, she requested the item be tabled until a later date.

Motion was made by Council Member Ruben Falcon, seconded by Council Member James Warnock, and carried unanimously to table Agreement between P2 Emulsions and the City of Fort Stockton for the Purchase of CSS-1H Emulsion and CRS-2 Emulsion for Street Construction and Repairs. Council Member James Warnock, Council Member Pam

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

13. Discuss/Act upon the Proposed Tax Rate for the 2021-2022 Fiscal-Year Budget & Announce the Public Hearing Date. **(Mayor/Dir. of Fin.)**

Director of Finance Rodriguez explained the proposed tax rate would remain the same as last year's tax rate of \$0.4365 per \$100 valuation of property.

This tax rate would fall between the no new rate and the rate which requires an election. She stated only one Public Hearing was needed; therefore, the First Public Hearing and the Adoption of the Proposed Tax Rate would be August 31, 2021.

Motion was made by Council Member James Warnock, seconded by Council Member Ruben Falcon, and carried unanimously to Proceed with the process to consider the proposed tax rate of \$0.4365 and schedule the First Public Hearing for August 31, 2021. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

14. Discuss/Act upon Revision to the 2021-2022 Fiscal Year Budget Preparation Calendar. **(City Mgr.)**

Director of Finance Rodriguez requested permission to remove the Second Public Hearing for the Budget and Tax Rate scheduled for September 7, 2021 and the Adoption of the Ordinance approving the Budget and Setting the Tax Rate & Tax Levy on September 14, 2021.

This change would entail holding the Public Hearing for the Budget & Tax Rate as well as Adopting the Ordinance approving the Budget and Setting the Tax Rate & Tax Levy on August 31, 2021.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to Revise the 2021-2022 Fiscal Year Budget Preparation Calendar removing the 2nd Publication Date and changing the Date Adopting the Ordinance Approving the Budget & Setting the Tax Rate & Tax Levy to August 31, 2021. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

15. Discuss/Act upon Sales of 8 Video Masking Systems (projector screens) with Rene Bates Auctioneers, Inc., an Online Auction Service. **(City Mgr./CVB Dir.)**

CVB Director Lopez requested permission to sale 8 Video Masking Systems with Rene Bates for \$100 each.

Motion was made by Council Member Ruben Falcon, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to approve Sale of 8 Video Masking Systems (projector screens) with Rene Bates Auctioneers, Inc., an Online Auction Service. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

16. Discuss/Act upon City of Fort Stockton Order of Special Election for November 2, 2021; with Early Voting from October 18, 2021 through October 29, 2021. **(Mayor/City Sec.)**

City Secretary Cantu explained the Order is for a Special Election to vote on a Hotel Occupancy Tax that will be utilized for a Venue Project, more specifically the Event Center.

This Tax will affect the people staying at the local hotels, it will not be collected from our residents, unless they stay at the hotels.

Election Day will be November 2, 2021 and Early Voting will be from October 18, 2021 through October 29, 2021.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to approve City of Fort Stockton Order of Special Election for November 2, 2021; with Early Voting from October 18, 2021 through October 29, 2021. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

17. Discuss/Act upon Notice of Special Election for November 2, 2021 City of Fort Stockton Special Election to Authorize the City of Fort Stockton to provide for the planning, acquisition, establishment, development, construction, renovation, and financing of new and existing convention center facilities and any related infrastructure at the location of the existing Event Center within the city limits (the "venue project") and the related maintenance and operation thereof in accordance with applicable law, and to impose a new hotel occupancy tax on the occupancy of a room in a hotel located within the City at a rate not to exceed two percent (2%) of the price paid for such a room for the purpose of financing the venue project. If approved, the maximum hotel occupancy tax rate imposed from all sources in the City of Fort Stockton would be fifteen percent (15%) of the price paid for a room in a hotel. **(Mayor/City Sec.)**

Mayor Alexander explained this was the suggestion made by local hotel owners to assist in funding the maintenance and operation of the Event Center.

City Secretary Cantu advised City Council that the Main Early Voting location would be the County Courthouse, Election Room.

Election Day the polling places would be as follows:

Precinct #1- Senior Citizen's Center

Precinct #2- County Courthouse, Election Room

Precinct #7-Rural Community Hall

Precinct #10- Fort Stockton Public Library, South Entrance

The two Extended Voting Days would be October 19, 2021 and October 25, 2021 from 7:00 a.m. - 7:00 p.m.

Council Member Falcon emphasized that this Hotel Occupancy Tax would effect visitors.

Motion was made by Council Member Ruben Falcon, seconded by Council Member James Warnock, and carried unanimously to approve Notice of Special Election for November 2, 2021 City of Fort Stockton Special Election to Authorize the City of Fort Stockton to provide for the planning, acquisition, establishment, development, construction, renovation, and financing of new and existing convention center facilities and any related infrastructure at the location of the existing Event Center within the city limits (the "venue project") and the related maintenance and operation thereof in accordance with applicable law, and to impose a new hotel occupancy tax on the occupancy of a room in a hotel located within the City at a rate not to exceed two percent (2%) of the price paid for such a room for the purpose of financing the venue project. If approved, the maximum hotel occupancy tax rate imposed from all sources in the City of Fort Stockton would be fifteen percent (15%) of the price paid for a room in a hotel. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

18. Discuss/Act upon Election Services Contract between the City of Fort Stockton and the Pecos County Clerk to hold a Joint Election During Early Voting by Personal Appearance Beginning October 18, 2021 through October 29, 2021 & Election Day November 2, 2021. **(City Mayor/City Sec.)**

City Secretary Cantu explained the cost of the election would be shared between the City of Fort Stockton and Pecos County.

Pecos County will be holding a Special Election for the Constitutional Amendments.

City Attorney Boinpally explained this is the same agreement as utilized before; however, they decreased the voting equipment rental fee.


Motion was made by Council Member James Warnock, seconded by Council Member Darren Hodges, and carried unanimously to approve Election Services Contract between the City of Fort Stockton and the Pecos County Clerk to hold a Joint Election During Early Voting by Personal Appearance Beginning October 18, 2021 through October 29, 2021 & Election Day November 2, 2021. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

19. Questions from Media.

There were no questions from the media.

20. Adjourn.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member James Warnock, and carried unanimously to adjourn the Regular Meeting at 6:22 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