

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
DATE OF MEETING: AUGUST 24, 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, JOE CHRIS ALEXANDER, PAM PALILEO, PAUL CASIAS, RUBEN FALCON, DARREN HODGES

CITY MANAGER: FRANK RODRIGUEZ III
CITY SECRETARY: MARINA 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.

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."

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, 08/10/2021
- Special Meeting Minutes of Fort Stockton City Council, 08/19/2021
- Special Meeting Minutes of Fort Stockton Economic Development 4-A Corporation, 07/26/2021
- Special Meeting Minutes of Fort Stockton Economic Development 4-B Corporation, 07/22/2021

- Special Meeting Minutes of Fort Stockton Convention and Visitor's Bureau, 07/20/2021
- Regular Meeting Minutes of Fort Stockton Housing Authority, 07/15/2021
- Regular Meeting Minutes of Intergovernmental Recreation Board, 05/26/2021
- Regular Meeting Minutes of Intergovernmental Recreation Board, 06/22/2021
- Regular Meeting Minutes of Fort Stockton Downtown Association, 06/15/2021

Accounts Payable Grand Total: \$1,301,260.46

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to approve 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.

RESOLUTION:

2. Discuss/Act upon Resolution No. 21-107R, Establishing Economic Development Guidelines and Criteria for Granting Incentives for Companies Looking to Invest in the City of Fort Stockton as Pursuant to Chapter 380 of the Texas Local Government Code. **(City Mgr./EDC Dir.)**

EDC Executive Director Ramos read the Resolution Establishing Economic Development Guidelines and Criteria for Granting Incentives for Companies Looking to Invest in the City of Fort Stockton as Pursuant to Chapter 380 of the Texas Local Government Code aloud.

The Strategic Objective is to:

1. Attract new businesses to town that provide health insurance coverage to our citizens.
2. The City of Fort Stockton supports the retention and expansion of existing businesses within the City.
3. The City of Fort Stockton supports large private, commercial, recreational, and tourism ventures that attract a Regional or National client base.
4. The City of Fort Stockton supports the revitalization of identified redevelopment areas and enterprise zones.
5. The City of Fort Stockton supports the attraction and retention of companies that have strong Regional and National markets for their products or services.

6. The City of Fort Stockton economic development efforts should be consistent with the City's growth and development plans for The City of Fort Stockton.
7. The City of Fort Stockton supports increased health care coverage as a strategic objective.

The criteria applicant must meet is:

1. Will substantially enhance the economic health of The City of Fort Stockton.
2. Will result in a net increase or retention of jobs in the City or add to the tax base or will otherwise improve or enhance the economic welfare of the residents or businesses of the City; or
3. Demonstrates the potential to generate revenues to the City which outweigh costs associated with incentives

In addition, the following criteria must be satisfied. The project MUST:

1. Show a clear demonstration of public purpose and economic benefit through advancement of the City's economic goals which include expanding the tax base, creating quality jobs, increasing private capital investment in the community.
2. Include solid evidence provided by the business that demonstrates the business's financial stability and capacity to complete the project.
3. Be in compliance with all local, state, and federal laws.
4. The business, in order to receive any such incentives from The City of Fort Stockton, will make available credible information, including but not limited to capital investment and employment projections, and provide The City of Fort Stockton a fiscal impact analysis. The recipient will also make available an update of this data available annually after business operations have begun. The decision to provide any economic development incentives will be considered on a project-by-project basis, in accordance with the criteria set forth in this policy and at the discretion of The City of Fort Stockton City Council.

The Qualification Criteria is:

1. The Project agrees to locate within the city limits of The City of Fort Stockton.
2. The Project will produce a minimum of 50 new jobs based in The City of Fort Stockton.
3. The Project's investment must meet or exceed \$25,000,000 in Capital Improvements.
4. The Project must maintain ownership of all property for which a grant is received through the duration of the granting period.
5. The Project must make all efforts to hire local contractors and purchase items for construction from vendors within The City of Fort Stockton.
6. The Project will not knowingly employ undocumented workers.
7. Projects qualifying under this Category will be eligible for a maximum 80% Grant. Final Percentage of all grants will be at the sole discretion of the City Council.

Economic Development Incentive:

1. Companies meeting the qualification standards above who wish to pursue incentives will need to pay a \$1,000 non-refundable application fee in order to formally request incentives.
2. An economic impact analysis will be provided to The City of Fort Stockton on every project considered for incentives.
3. The delivery mechanism of choice for incentives will be the Chapter 380 agreement; however, the City reserves the right to use any other source available in the award of incentives.
4. As a matter of general policy, tax abatements and Chapter 380 agreements entered into as a result of this policy will not be used simultaneously unless the revenue stream from which the Chapter 380 agreement is paid is derived from sources other than property tax.

5. Chapter 312 Agreements for Tax Abatement and Chapter 380 Agreements will not be stacked.
6. Agreements will be conditioned on the completion of specific improvements to real property and/or job numbers and salary levels being The Agreements shall contain recapture clauses outlined in the tax abatement guidelines in the event that such conditions are not met.
7. Chapter 380 contractual terms shall include any necessary provisions from the tax abatement guidelines and policies approved by The City of Fort Stockton City Council.
8. The City of Fort Stockton City Council reserves the right to add/remove requirements and stipulations to Chapter 380 incentive agreements.

Approving these guidelines would allow Fort Stockton to remain competitive within this market.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member James Warnock, and carried unanimously to approve Resolution No. 21-107R, Establishing Economic Development Guidelines and Criteria for Granting Incentives for Companies Looking to Invest in the City of Fort Stockton as Pursuant to Chapter 380 of the Texas Local Government Code. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

3. Discuss/Act upon Resolution No. 21-108R, Appointing and Setting the Rate of Pay for Election Officials, Setting the Amount of Election Clerks and Designating the Early Voting Ballot Board for the November 2, 2021 City Special Election. **(Mayor/City Sec.)**

City Secretary Cantu advised City Council this Resolution is to designate the Election Judges.

The Election Judges are as follows:

PRECINCT 1

Tammy Huckaby, Election Judge
Rosie Chavarria, Alternate Judge

PRECINCT 2

Linda Blanco, Election Judge
Rebecca Dyess, Alternate Judge

PRECINCT 7

Ken Hatfield, Election Judge
Adel Ramirez, Alternate Judge

PRECINCT 10

Amparo Almendarez, Election Judge
Gina Benevides, Alternate Judge

EARLY VOTING BALLOT BOARD JUDGE

Tammy Huckaby

The judges & clerks shall be paid at a rate of \$12.00 per hour.

There shall be a minimum of three (3) election officials per location, which includes the Election Judge Alternate Judge.

Motion was made by Council Member James Warnock, seconded by Council Member Ruben Falcon, and carried unanimously to approve Resolution No. 21-108R, Appointing and Setting the Rate of Pay for Election Officials, Setting the Amount of Election Clerks and Designating the Early Voting Ballot Board for the November 2, 2021 City Special Election. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

ORDINANCES:

4. Discuss/Act upon Ordinance 21-113, An Ordinance Amending the Zoning Ordinance of the City of Fort Stockton (9) Carports to Special Front Yard Regulations in Appendix B Titled Zoning*, Section 8. Area Regulations, Subsection 4. Front Yard; and Repealing all other Ordinances or Portions Thereof in Conflict, a Severability Clause and Providing for an Effective Date. (City Mgr./Bldg. Offcl.)

City Manager Rodriguez explained the current Ordinance requires that all carports be reviewed by the Planning and Zoning Commission prior to being reviewed by City Council for final approval. Citizens have voiced concern that there have been instances that the length of the approval process has caused contractors to take on other projects, placing their carports on a waiting list. Therefore, City Manager Rodriguez is requesting that City Council allow the Building Official to approve or disapprove this type of request. Should a denial occur, the plan will be reviewed by the Board of Adjustment.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Ordinance No. 21-113, An Ordinance

Amending the Zoning Ordinance of the City of Fort Stockton (9) Carports to Special Front Yard Regulations in Appendix B Titled Zoning*, Section 8, Area Regulations, Subsection 4. Front Yard; 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.

5. Discuss/Act upon Ordinance No. 21-114, An Ordinance Amending Chapter 11 of the Code of Ordinance of the City of Fort Stockton Titled Food and Food Establishments*, Article III. Mobile Food Vendors; and Repealing all other Ordinances or portions thereof in conflict, a Severability Clause and Providing for an Effective Date. (City Mgr./Bldg. Offcl.)

City Manager Rodriguez explained the current Ordinance reflect an initial fee of \$350 and \$350 every quarter.

A recent review of the cost analysis of restaurants vs. mobile vendors yielded the following:

- Average utilities for a small restaurant are \$800 a month while a larger restaurant is \$1,400. It is difficult to gather a good comparison for someone utilizing a trailer as they do not utilize city utilities and they don't set up on city property. They usually set up on someone's property, and the fee is dependent on the property owner.
- Pecos mobile vendor permits are \$300 per month on leased land and \$200 per month on owned land, plus a \$10,000 Surety Bond.
- Monahans doesn't have a fee.
- Midland charges \$100 per year plus a fire permit of \$125 plus a health permit of \$175, totaling \$400 a year.
- Odessa charges \$150 a year plus a health permit and fire permit totaling \$475 a year. There is no consistency in comparison. Fort Stockton is currently charging \$1,400 a year. Pecos is \$3,000 a year.

The City currently has 10 registered mobile vendors.

Council Member Palileo expressed concern. She explained that there is a difference between an actual restaurant and a mobile vendor. There is no way to compare the two.

Council Member Falcon explained that he has been approached by other restaurant owners to address this issue.

Council Member Hodges stated he thought it was a good idea to level the playing field.

Council Member Palileo explained that mobile vendors have other costs associated with their trailers. They have to pay for the operations of their generator unless they pay the property owner to supply the electricity to their trailer.

Council Member Hodges explained that mobile vendors do not pay the city for utilities.

Mayor Pro-Tem Casias clarified that although the mobile vendor is not paying for city utilities, the property owner is.

Mayor Alexander voiced that the trash accumulation is also another issue of concern.

Council Member Hodges explained the concern is that mobile vendors are making their money in Fort Stockton but circulating their earnings elsewhere.

City Manager Rodriguez explained that there are currently 10 local mobile vendors and 1 mobile vendor from Odessa.

Motion was made by Council Member Darren Hodges, seconded by Council Member Ruben Falcon, and failed to approve Ordinance No. 21-114, An Ordinance Amending Chapter 11 of the Code of Ordinance of the City of Fort Stockton Titled Food and Food Establishments*, Article III. Mobile Food Vendors; and Repealing all other Ordinances or portions thereof in conflict, a Severability Clause and Providing for an Effective Date, which would entail a \$300 monthly mobile permit fee plus an \$50 per additional vehicle. Council Member Ruben Falcon, Council Member Darren Hodges voted aye and Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias voted nay.

REGULAR BUSINESS:

6. Discuss/Act upon Letter of Engagement with Smith & Rives, PC, for Fiscal Year Ended September 30, 2021. (City Mgr./Dir. of Fin.)

Director of Finance Rodriguez explained last year Smith & Rives, PC, was awarded the Audit Bid and this is a Letter of Engagement extending the previous award.

Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and carried unanimously to approve the Letter of Engagement with Smith & Rives, PC, for Fiscal Year Ended September 30, 2021. 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 Re-Solicitation of Sealed Bids for Purchasing of Materials, more specifically Crushed Limestone #1 & #2 for Street Construction and Repairs. (City Mgr./P.W. Dir.)

City Manager Rodriguez explained this is the item to Re-Solicit Bids for Crushed Limestone #1 and #2.

Motion was made by Council Member James Warnock, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to approve the Re-Solicitation of Sealed Bids for Purchasing of Materials, more specifically Crushed Limestone #1 & #2 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.

8. Discuss/Act upon Awarding Bid for New Insulated Heated 6,500 Gallon Emulsion Storage Tank. (City Mgr./P.W. Dir.)

City Manager Rodriguez advised City Council there was only one bid submitted. He explained the Procurement Policy allows a Municipality to reject the bid and re-solicit if only one bid was submitted. Therefore, he recommended rejecting the bid and re-soliciting it.

Motion was made by Council Member James Warnock, seconded by Council Member Darren Hodges, and carried unanimously to Reject Bid. 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 Street Material Agreement between the City of Fort Stockton and P Squared Emulsion Plants LLC for CSS-1H and CRS-2 Emulsions. (City Mgr./P.W. Dir.)

City Attorney Boinpally explained this was the final agreement with P Squared Emulsion Plants LLC for CSS-1H and CRS-2 Emulsions.

Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and carried unanimously to approve Street Material Agreement between the City of Fort Stockton and P Squared Emulsion Plants LLC for CSS-1H and CRS-2 Emulsions. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

Mayor Alexander recessed from the Regular Meeting to Convene into Executive Session at 6:11 p.m.

EXECUTIVE SESSION:

10. **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); and/or Deliberation regarding Security Devices (Section 551.076):**
 - a. Consultation with City Attorney Puja Boinpally regarding the Petition filed by Candace Mehan vs. City of Fort Stockton, Texas Ryan Skelton Individually, Ryan Skelton in his Official Capacity as Chief of Police of the Fort Stockton Police Department and Frank Rodriguez III, Individually, Frank Rodriguez III, in his official capacity as City Manager for the City of Fort Stockton, Texas

Mayor Alexander closed the Executive Session to Reconvene into the Regular Meeting at 6:22 p.m.

REGULAR BUSINESS CONTINUED:

11. Reconvene into Open Session Pursuant to Texas Government Code Section 551.102 & Take Action, if any, on Matters Deliberated in Executive Session:
 - 10a. Consultation with City Attorney Puja Boinpally regarding the Petition filed by Candace Mehan vs. City of Fort Stockton, Texas Ryan Skelton Individually, Ryan Skelton in his Official Capacity as Chief of Police of the Fort Stockton Police Department and Frank Rodriguez III, Individually, Frank Rodriguez III, in his official capacity as City Manager for the City of Fort Stockton, Texas

NO ACTION TAKEN


12. Questions from Media.

Fort Stockton Pioneer Editor Nathan Heuer asked for clarification on who voted against Item No. 5.

Mayor Alexander confirmed that Council Member Palileo, Mayor Pro-Tem Casias and Council Member Warnock all voted against Item No. 5.

13. 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 6:25 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