

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
DATE OF MEETING: OCTOBER 12, 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.

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.

Mayor Alexander recessed from the Regular Meeting to convene into the Public Hearing at 5:33 p.m.

PUBLIC HEARINGS:

1. Request to Consider Rezoning Lots 9-12, Block 255, ORIENT ADDITION, which is adjacent to Main Street, More Particularly described as 1403 N. Main Street, Fort Stockton, Pecos County, Texas, from Commercial District (C) to a One-Family Dwelling District 2 (SF-2), as requested by Property Owners Uber & Maria Granado, to reflect its Current Use; in Accordance with Section 7(1) & 7(2) of the Zoning Ordinance. **(Mayor)**

City Secretary Marina Cantu explained that the City of Fort Stockton has recently been apprised of a few locations within the City limits that have experienced difficulties in obtaining insurance, hiring appraisers, and selling due to their property not being zoned for their current use.

This particular request is to re-zone the property to a One-Family Dwelling District 2 (SF-2) to reflect its current use. This is an existing home that has been on this property for several years and is designated as a homestead at the Appraisal District.

Adjacent Property Owner Paul Gollher explained that he did not foresee any issues with this request to re-zone so long as it did not interfere with his property. He voiced that he understood that the property could be re-zoned as commercial at a later date should the use of the property change.

Interim Building Official Roy Mendoza concurred with Mr. Gollher's statement.

Mayor Alexander closed the Public Hearing to Reconvene into the Regular Meeting at 5:35 p.m.

PROCLAMATION:

2. Endorsing October 18-22, 2021 as "Chamber of Commerce Week." (**Mayor**)

Mayor Alexander read the Proclamation endorsing October 18-22, 2021 as "Chamber of Commerce Week" aloud.

He then presented the Proclamation to Chamber of Commerce Executive Vice President Arna McCorkle and the Chamber of Commerce Ambassadors.

PRESENTATIONS:

3. **Chief of Police Robert Lujan with Fort Stockton Police Department----**
 - Statistics for September 2021

<i>Service Calls Dispatched:</i>	<i>1166</i>	<i>Investigations Initiated:</i>	
<i>FSPD</i>	<i>734</i>	<i>83rd District Attorney</i>	<i>8</i>
<i>FSFD</i>	<i>10</i>	<i>112th District Attorney</i>	<i>4</i>
<i>PCEMS</i>	<i>148</i>	<i>County Attorney</i>	<i>18</i>
<i>PCSO</i>	<i>232</i>	<i>Juvenile Probation</i>	<i>0</i>

Accidents Worked:	
<i>Accidents (PD)</i>	20

Traffic Stops/Violations	202
Traffic Citations Issued	158
Traffic Stops (PD)	182

Misdemeanors	16
Felonies	12

Total Arrests:	5
<i>Assault – Family Violence</i>	5
<i>Burglary</i>	6
<i>Criminal Mischief</i>	2
<i>Criminal Trespass:</i>	11
<i>Disorderly Conduct</i>	4
<i>Driving While Intoxicated</i>	2
<i>Evading Arrest</i>	0
<i>Illegal Aliens</i>	0
<i>Murder</i>	1
<i>Possession of a Controlled Substance</i>	
<i>Possession of Marijuana</i>	
<i>Public Intoxication</i>	
<i>Resisting Arrest</i>	
<i>Theft</i>	5
<i>Warrants</i>	2

ANIMAL CONTROL

- The Fort Stockton Police Department currently has an Animal Control Officer (ACO) vacancy.
- Animal Control Officer Dennis Gross is currently handling the Animal Shelter on his own.
- There are currently 3 dogs and 1 cat in the Animal Shelter.
- The Animal Shelter has a capacity of 20.

PATROL

- There is currently 1 vacancy in the Patrol Department

DISPATCH

- There are currently 3 Dispatch Vacancies
- Luckily, there are 2 that are currently going through the background check.

EXTRA CURRICULARS

- The Police Department has been coaching a soccer team
- They have been involved in Cancer Awareness
- Provided security for parades
- Participating in the Living History on Friday.
Will participate in the Big Bend Open Road Race 2.0 Parade this Friday.

Mayor Pro-Tem Casias inquired if the misdemeanor numbers included the tagging.

Chief of Police Lujan stated they did not include the tagging cases.

4. **Director Aaron Ramos and Assistant Director Luis Guerra of the Fort Stockton Public Works Department----**
 - Street Department Update

Assistant Public Works Director Luis Guerra provided a short presentation of how the Streets are repaired.

He showed footage of the Zipper, which tears the road up and provides the City with the ability to utilize the existing material as a base.

The Zipper tears up between 6-8 inches.

Mayor Alexander inquired if the Streets Department had found any caliche when repairing the last 11 miles.

Assistant Public Works Director Luis Guerra responded that there was little to none found. He stated that Nelson was the only street he knew of that utilized caliche as the base.

Mayor Alexander explained that caliche was not utilized in the base; therefore, the City has experienced issues with reoccurring potholes in the streets.

Assistant Public Works Director Guerra explained in the footage that the individual in front is holding a remote control that controls the Zipper.

Council Member Hodges commended the Streets Department in the work performed on Marshall Street.

He acknowledged the Streets Department and commended them for the work performed.

City Manager Rodriguez inquired how the rainy weather affected the street repairs.

Assistant Public Works Director Guerra stated the rainy weather delayed their progress by at least a week. He added that COVID also played a role in delaying their progress.

Mayor Pro-Tem Casias inquired how much longer the Streets Department would be able to repair streets for this season.

Assistant Public Works Director Guerra responded to his knowledge Fort Stockton was the only ones still paving, as the usual paving season ends in September.

He explained if the ground stays above 60 degrees, they would continue to pave.

He thanked City Council for their foresight in purchasing the necessary equipment to be able to pave the City streets.

Mayor Pro-Tem Casias commended the Streets Department for a job well done.

Council Member Falcon inquired how the City plans on what Streets they repair.

Assistant Public Works Director Luis Guerra explained a Street Plan is derived a year in advance. Each year the Water, Sewer and Gas Departments are consulted to see what utilities lay beneath the streets that are to be repaired.

Mayor Pro-Tem Casias emphasized the importance in sticking to the Street Plan.

CONSENT AGENDA:

- 5. 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, 09/28/2021
- Special Meeting Minutes of Fort Stockton City Council, 10/05/2021
- Regular Meeting Minutes of Fort Stockton Planning & Zoning Commission, 09/15/2021
- Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 09/01/2021
- Special Meeting Minutes of Keep Historic Fort Stockton Beautiful Board, 09/27/2021

Accounts Payable 2020-2021 Fiscal Total: \$138,151.54

Accounts Payable 2021-2022 Fiscal Total: \$427,333.85

Accounts Payable Grand Total: \$565,485.39

Motion was made by Council Member James Warnock, seconded by Council Member Ruben Falcon, 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:

6. Discuss/Act upon Resolution No. 21-109R, A Resolution Authorizing the City of Fort Stockton to File Grant Application #4371801 with the Office of the Governor for the Operation Lone Star Grant Program (OLS) for FY2022. (City Mgr./C.O.P.)

Chief of Police Robert Lujan explained this item is requesting permission to apply for the Lone Star Grant Program.

He advised City Council that resolution is a requirement for the application process.

City Manager Rodriguez explained that Governor Abbott had announced that there is 100 million available through Operation Lone Star.

He added that this would be a great opportunity to try to utilize funding through this program.

Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve Resolution No. 21-109R, A Resolution Authorizing the City of Fort Stockton to File Grant Application #4371801 with the Office of the Governor for the Operation Lone Star Grant Program (OLS) for FY2022. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

ORDINANCES:

7. Discuss/Act upon Ordinance No. 21-126, An Ordinance Amending the Zoning Chapter of the Municipal Code of the City of Fort Stockton, Texas, Allowing for the Placement of a Manufactured-Mobile Home by Specific-Use Permit in a One-Family Dwelling District 4 (SF-4); Located on Lot Five (5), Block Nineteen (19), EAST PARK ADDITION, Fort Stockton, Pecos County, Texas, & More Particularly described as being Adjacent to Schlegel Street; this being in Accordance with Section 7(1), 7(2) & 7(16) of the Zoning Ordinance & Providing for an Effective Date Provision. (City Mgr./Int. Bldg. Offcl.)

Interim Building Official Mendoza advised City Council that he has driven by the location, taken photos and concluded that this location is suitable for a mobile home.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Ordinance No. 21-126, An Ordinance Amending the Zoning Chapter of the Municipal Code of the City of Fort Stockton, Texas, Allowing for the Placement of a Manufactured-Mobile Home by Specific-Use Permit in a One-Family Dwelling District 4 (SF-4); Located on Lot Five (5), Block Nineteen (19), EAST PARK ADDITION, Fort Stockton, Pecos County, Texas, & More Particularly described as being Adjacent to Schlegel Street; this being in Accordance with Section 7(1), 7(2) & 7(16) of the Zoning Ordinance & Providing for an Effective Date Provision. 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 Ordinance No. 21-127, An Ordinance Amending the City of Fort Stockton, Texas; Changing the Job Duties of the Director of Recreation; Incorporating the Revised Job Description; Containing a Savings Clause; and Providing for the Publication and Effective Date Thereof. **(City Mgr./H.R. Coord.)**

City Manager Rodriguez explained that this item was previously approved by the Intergovernmental Recreation Board. This item adjusts the language pertaining to the Job Description of the Intergovernmental Recreation Director. The Intergovernmental Recreation Director was previously given a stipend to fulfill her additional duties; however, the Intergovernmental Recreation Board asked that the amount of the stipend be included in her salary. Therefore, the additional duties were added to the Job Description to justify the change in pay grade.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Pam Palileo, and carried unanimously to approve Ordinance No. 21-127, An Ordinance Amending the City of Fort Stockton, Texas; Changing the Job Duties of the Director of Recreation; Incorporating the Revised Job Description; Containing a Savings Clause; and Providing for the Publication and Effective Date Thereof. 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 Ordinance No. 21-128, An Ordinance of the City Council of Fort Stockton, Pecos County, Texas, Amending an Ordinance Enacted June 1, 1982, by Rezoning Lots 9-12, Block 255, ORIENT ADDITION, from a Commercial (C) District to a One-Family Dwelling District 2 (SF-2), as Petitioned by Property Owners Uber & Maria Granado, to reflect its Current Use. **(City Mgr./Int. Bldg. Offel.)**

Mayor Alexander explained that there is another property that lost out on a sale due to not being zoned correctly. He stated that there will possibly be many more properties to follow suit.

Council Member Falcon inquired about the property located below that is also a homestead in a Commercial District.

City Secretary Cantu explained that in speaking with Ms. Granado she had stated that property owner was considering re-zoning their property as well to reflect its current use.

She further explained that there is another home on the other side of the block that is zoned as residential; therefore, the request is not considered spot zoning.

Council Member Falcon inquired if the Property Owner is paying a Commercial Rate for Utilities or if they are paying a Residential Rate.

City Secretary Cantu explained the property owner was able to prove that their property is a homestead via documents provided by the Appraisal District. Therefore, they are paying a Residential Rate. Furthermore, in speaking with the Appraisal District it was explained that a property zoned as Commercial or Retail and documented as a homestead is taxed as a residential property.

Mayor Alexander inquired if the City could identify multiple properties and re-zone them to reflect their current use or would it have to be done at the property owners request.

City Secretary Cantu stated historically, the properties have been re-zoned at the property owners request. However, she would contact the Texas Municipal League to see what proactive measures could be taken.

Motion was made by Council Member Ruben Falcon, seconded by Council Member James Warnock, and carried unanimously to approve Ordinance No. 21-128, An Ordinance of the City Council of Fort Stockton, Pecos County, Texas, Amending an Ordinance Enacted June 1, 1982, by Rezoning Lots 9-12, Block 255, ORIENT ADDITION, from a Commercial (C) District to a One-Family Dwelling District 2 (SF-2), as Petitioned by Property Owners Uber & Maria Granado, to reflect its Current Use. 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:

10. Discuss/Act upon Amendment No. 1 to the Support Contract Renewal Agreement, Effective November 1, 2021 and the Order Document #2 dated November 1, 2021. **(City Mgr./Dir. of Housing)**

Housing Authority Director Paula Ureste explained every year the price of the Happy Software goes up. Therefore, this agreement would lock in the same rate for 5 years.

City Manager Rodriguez explained this pertained to the the Software utilized for HUD Housing.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve Amendment No. 1 to the Support Contract Renewal Agreement, Effective November 1, 2021 and the Order Document #2 dated November 1, 2021 with MRI Software LLC for Happy Software to be utilized by the Housing Authority Department. 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 Lease Agreement for a 816-11 Landfill Compactor from Caterpillar with BuyBoard Government Purchasing Cooperative for 60-Monthly Payments of \$8,662.07, Contract No. 597-19. **(City Mgr./P.W. Dir.)**

City Manager Rodriguez explained this is the Landfill Compactor Agreement that City Council previously decided on.

Motion was made by Council Member Pam Palileo, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to approve Lease Agreement for a 816-11 Landfill Compactor from Caterpillar with BuyBoard Government Purchasing Cooperative for 60-Monthly Payments of \$8,662.07, Contract No. 597-19. 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 Construction Product Marketing and the City of Fort Stockton for Repairs of Paddlewheel Aerator Unit at City Wastewater Plant Oxidation Ditch. **(City Mgr./P.W. Dir.)**

City Attorney Puja Boinpally explained there was some language she would like to be changed prior to City Council Approving this Agreement.

Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to table the Agreement between Construction Product Marketing and the City of Fort Stockton for Repairs of Paddlewheel Aerator Unit at City Wastewater Plant Oxidation Ditch until the language is changes as suggested by City Attorney Puja Boinpally. 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 Awarding Bid for Purchasing Materials, more specifically Crushed Limestone #1 & #2 for Street Construction and Repairs. **Bids Submitted:** *Aberock Materials, LLC, Arcosa Aggregates, DG Trucking & Material, Green Dream International LLC. (City Mgr./P.W. Dir.)*

City Manager Rodriguez explained that Aberock Materials, LLC and DG Trucking & Material are both being considered as they bid the same amount for the Crushed Limestone.

Assistant Public Works Director Guerra stated he has not had any issues with either company and would prefer not to give a recommendation.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Darren Hodges, and carried unanimously to award the Bid for Purchasing Materials, more Specifically Crushed Limestone #1 & #2 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.

14. Discuss/Act upon Pay Application No. 2 for \$53,257.25 for Work Performed by Fletco Construction, LP through September 30, 2021, regarding the Fort Stockton Landfill Building. **(City Mgr./P.W. Dir.)**

City Manager Rodriguez explained that this phase of the project has been inspected and approved by the City Engineer Raul Rodriguez.

Therefore, he is requesting permission to approve Pay Application No. 2 in the amount of \$53,257.25.

Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve Pay Application No. 2 for \$53,257.25 for Work Performed by Fletco Construction, LP through September 30, 2021, regarding the Fort Stockton Landfill Building. 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 a Review for Parking Solutions for the Downtown Main Street Area located within a one block radius between 4th Street and 5th Street. **(Mayor)**

City Manager Rodriguez explained that there is only striped parking in this area. After careful review, there are two parking spots that are located directly in front of the business. The other business owners in this area have stated they do not have an issue with this request.

Council Member Hodges explained due to the nature of Mr. Lozano's business, he frequently has a trailer attached to his truck, which would stick out impeding the view of traffic. It makes sense to accommodate this request.

City Manager Rodriguez clarified that the solution would be to allow for parallel parking up to two spots in front of Mr. Lozano's business.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to approve Parallel Parking in up to two spots in front of Mr. Lozano's business, Tom's Roofing. 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 Appointing Additional Members to the Fort Stockton Animal Control Advisory Board. **(City Mgr.)**

City Manager Rodriguez explained there was one applicant Heather Pass that has requested to be appointed to the Animal Control Advisory Board.

City Attorney Boinpally explained that the Local Government Code does not specify a specific number of members for the Animal Control Advisory Board. Therefore, City Council would be able to appoint an additional member.

Council Member Casias inquired if there would be a conflict in scheduling if Heather Pass was appointed to both CVB and the Animal Control Advisory Board.

Mayor Alexander responded there shouldn't be a conflict in scheduling.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Pam Palileo, and carried unanimously to Appoint Heather Pass as an Additional Member of the Fort Stockton Animal Control Advisory Board. 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 Street Material Agreement between DG Trucking, LC and the City of Fort Stockton for Aggregates #3, #4 & #5 for Street Construction and Repairs. (City Mgr./P.W. Dir.)

City Attorney Puja Boinpally explained this Agreement was based on the Awarding of the Street Materials for Aggregates #3, #4 & #5 to DG Trucking & Material.

Motion was made by Council Member Pam Palileo, seconded by Council Member James Warnock, and carried unanimously to approve the Street Material Agreement between DG Trucking, LC and the City of Fort Stockton for Aggregates #3, #4 & #5 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.

18. Questions from Media

Megan Wehring of the Fort Stockton Pioneer asked where the parallel parking would be located.

Mayor Alexander clarified that the parallel parking would be located in front of Tom's Roofing.

Megan Wehring of the Fort Stockton Pioneer inquired if the parking would be designated for Mr. Lozano.

Mayor Alexander replied that the parking would be available; however, it would not be designated for Mr. Lozano as it is public parking.

19. 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 6:26 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