

CITY OF FORT STOCKTON, TEXAS

MINUTES OF: REGULAR CITY COUNCIL MEETING
 DATE OF MEETING: DECEMBER 13, 2021
 TIME OF MEETING: 5:30 PM
 PLACE OF MEETING: FORT STOCKTON EVENT CENTER 2181 W. I-10 FORT STOCKTON, TX 79735

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

PRESENT: JAMES WARNOCK, PAM PALILEO, PAUL CASIAS, RUBEN FALCON, DARREN HODGES, 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 5:32 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.

PRESENTATIONS:

1. Chief of Police Robert Lujan with Fort Stockton Police Department----
 - Statistics for November 2021

Service Calls Dispatched:	1186	Investigations Initiated:	4
FSPD	720	83 rd District Attorney	5
FSFD	14	112 th District Attorney	0
PCEMS	146	County Attorney	10
PCSO	300	Juvenile Probation	0

Accidents Worked:	47
Accidents (PD)	21

Traffic Stops/Violations	273
Traffic Citations Issued	28
Traffic Stops (PD)	170

Misdemeanors	26
Felonies	10

Total Arrests:	27
Assault – Family Violence	5
Burglary	0
Criminal Mischief	3
Criminal Trespass:	15
Disorderly Conduct	0
Driving While Intoxicated	3
Evading Arrest	0
Illegal Aliens	0
Murder	0
Possession of a Controlled Substance	0
Possession of Marijuana	0
Public Intoxication	0
Resisting Arrest	0
Theft	4
Warrants	3

ORDINANCES:

- Discuss/Act upon Ordinance No. 21-133, Amending the City of Fort Stockton Personnel Policies & Procedures Manual, Adopted May 25, 2021, Chapter III - Leave & Other Benefits, Section 3.2 - Holidays; Containing a Savings Clause; and Providing for the Publication and Effective Date Thereof.(City Mgr./Dir. Fin.)

Assistant City Manager Jesse Gonzales explained this Ordinance clarifies Holiday Time Use. Employees on shift work or 7(k) exempt employees are not eligible for Holiday Non-Worked Pay.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Ruben Falcon, and carried unanimously to approve Ordinance No. 21-133, Amending the City of Fort Stockton Personnel Policies & Procedures Manual, Adopted May 25, 2021, Chapter III - Leave & Other Benefits, Section 3.2 - Holidays; 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.

CONSENT AGENDA:

- 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, 11/22/2021
- Regular Meeting Minutes of Housing Authority Board, 06/17/2021
- Regular Meeting Minutes of Convention and Visitor's Bureau, 10/19/2021

Accounts Payable Grand Total: \$797,659.38

Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and passed to approve the Consent Agenda, as presented. Council Member James Warnock, Council Member Pam Palileo, Council Member Ruben Falcon, Darren Hodges voted aye. Mayor Pro-Tem Abstained from the vote.

REGULAR BUSINESS:

4. Discuss/Act upon Awarding Proposal for Audio System in City of Fort Stockton CVB Event Center. **Bids Submitted:** *Just Macs LLC, dba Absolute AVL, SS Professional Sound Audio Service & Sale. (City Mgr./CVB Dir.)*

City Manager Rodriguez explained two bids were received for this proposal. Based on the information submitted the Review Committee recommended awarding the proposal to Just Macs LLC, dba Absolute AVL prioritizing the Theater Room for \$54,600.00.

Mayor Alexander clarified this project was re-solicited as the City requested a breakdown of the individual rooms.

Motion was made by Council Member Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to Award the Proposal for Audio System in the City of Fort Stockton CVB Event Center Theater Room for \$54,600.00 to Just Macs LLC, dba Absolute AVL. 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 Awarding of Proposal for Management of the Fort Stockton Convention Center Theater. **Bids Submitted:** *Lino Barragan, Collette Barragan and Tristian Barragan (City Mgr./CVB Dir.)*

City Manager Rodriguez recommended awarding the Proposal for Management of the Fort Stockton Convention Center Theater to the Barragan Family, allowing the Management Team along with the City Attorney to negotiate an agreement.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to Award the Proposal for Management of the Fort Stockton Convention Center Theater to Lino Barragan, Collette Barragan and Tristian Barragan and waiving any fees for 6 months. 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 of Proposals for RO Plant Chemicals. *Bid Submitted: Alpha Water Resources, Amaya Solutions, dba American Water Chemicals (City Mgr./P.W. Dir.)*

RO Plant Supervisor Robbie Dominguez recommended Awarding the Proposal for the RO Plant Chemicals to Amaya Solutions, dba American Water Chemicals as they submitted the lowest bid.

Motion was made by Council Member Darren Hodges, seconded by Council Member Pam Palileo, and carried unanimously to award Proposal for RO Plant Chemicals to Amaya Solutions, dba American Water Chemicals. 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 Final Pay Application No. 5 totaling \$67,799.58 for work performed by Fletco Construction, LP for the Construction of the New Landfill Shop Building located at 256 Moody Road, Fort Stockton, Texas 79735.(City Mgr./P.W. Dir.)

City Manager Rodriguez explained Fletco Construction would not be able to obtain the part needed to complete the Landfill Shop Building for 2-3 weeks; therefore, he requested this item be tabled.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to table Final Pay Application No. 5 totaling \$67,799.58 for work performed by Fletco Construction, LP for the Construction of the New Landfill Shop Building located at 256 Moody Road, Fort Stockton, Texas 79735. 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 a New "Venue Tax" Account with the Pecos County State Bank, effective December 13, 2021. (City Mgr./Dir. of Fin.)

Director of Finance Maria Rodriguez requested permission to open an Interest-Bearing Account with Pecos County State Bank for the New "Venue Tax" that became effective December 1, 2021. The Hotels will begin paying the New "Venue Tax" January 20, 2022.

Motion was made by Council Member James Warnock, seconded by Council Member Ruben Falcon, and carried unanimously to approve the New "Venue Tax" Account with Pecos County State Bank, effective December 13, 2021. 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 City Landfills Municipal Solid Waste (MSW) Operator Agreement between the City of Fort Stockton and Aaron Ramos for the continued use of his Texas Commission Environmental Quality (TCEQ) MSW "A" License for the City Landfills located at 3400 Stone Road and 256 Moody Road. **(City Mgr.)**

City Manager Rodriguez recommended Tabling this item.

Motion was made by Ruben Falcon, seconded by Pam Palileo, and carried unanimously to table City Landfills Municipal Solid Waste (MSW) Operator Agreement between the City of Fort Stockton and Aaron Ramos for the continued use of his Texas Commission Environmental Quality (TCEQ) MSW "A" License for the City Landfills located at 3400 Stone Road and 256 Moody Road.. James Warnock, Pam Palileo, Paul Casias, Ruben Falcon, Darren Hodges voted aye.

10. Discuss/Act upon Approval of \$100,000.00 payment to Pecos County for Asbestos Remediation of 205 North Spring Drive. **(City Mgr./EDC Dir.)**

EDC Executive Director Remie Ramos requested approval of \$100,000.00 payment to Pecos County for Asbestos Remediation of 205 North Spring Drive on behalf of the Fort Stockton Economic 4-A Corporation.

He explained after the Completion of the Asbestos Remediation, Pecos County would demolish the former hospital and pave a parking lot for the Fort located adjacent to the property.

Council Member Falcon inquired about the payment process.

EDC Executive Director Ramos further explained once Pecos County provides proof of the Expenditure and it is verified, the payment would be released to Pecos County.

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to approve \$100,000.00 payment to Pecos County for Asbestos Remediation of 205 North Spring Drive. 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 Appointment of City Representative to the Pecos County Community Action Board. (City Mgr.)

Mayor Pro-Tem Casias explained the Previously Appointed City Representative of the Pecos County Community Action Board resigned approximately 3 months prior. Therefore, the City needed to appoint a new representative.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Pam Palileo, and carried unanimously to Appoint Marina Cantu as the City Representative for the Pecos County Community Action Board. 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 Historical Landmark Commission By-Laws. (City Mgr.)

City Secretary Marina Cantu explained during the Annual Board Appointment a motion was made to have the same board members serve on both the Historical Landmark Commission and the Keep Historic Fort Stockton Beautiful Board. The current board members were spoken to and agreed to serve on both boards. The Historical Landmark Commission By-Laws specify that at least 2 members must serve on another historical society. Therefore, the Historical Landmark Commission By-Laws were amended increasing the board to eleven (11) members who would serve a 2-year term eligible for indefinite re-appointment.

Motion was made by Council Member James Warnock, seconded by Council Member Darren Hodges, and carried unanimously to approve Ordinance No. 21-134, An Ordinance Amending Chapter 13 Titled Historic Preservation*, Article II. Historic Landmarks, Division 2. Historic Landmark Commission, Section 13-31. Created; Composition; Appointment, Terms, Compensation of Members; Vacancies; Officers;

Ex-Officio Members and 13-32. Meetings; Quorum; Majority Vote; Minutes 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, Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

13. Discuss/Act upon Keep Historic Fort Stockton Beautiful Board By-Laws. (City Mgr.)

City Secretary Cantu explained the Keep Historic Fort Stockton Beautiful Board By-Laws were amended to increase the board to eleven (11) members that would serve a 2-year term eligible for indefinite re-appointment who would also serve on the Historical Landmark Commission.

Motion was made by Council Member James Warnock, seconded by Council Member Pam Palileo, and carried unanimously to approve Ordinance No. 21-135, An Ordinance Amending Chapter 12 Titled Garbage and Trash*, Article IV. Littering, Division 2. Keep Historic Fort Stockton Beautiful Board, Section 12-102. Members Appointed; Terms of Office and Section 12-104. Attendance at Meetings; Compensation; Agenda 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.

14. Discuss/Act upon Appointment, Re-appointment, Removal of Animal Control Advisory Board Members, as needed for fiscal year 2021-2022. (Mayor/City Mgr.)
City Secretary Cantu explained during the last Board Appointment the Number of Animal Control Advisory Board Members were increased; however, Amy Galvan was never re-appointed.

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Pam Palileo, and carried unanimously to Re-Appoint Amy Galvan to the Animal Control Advisory Board for fiscal year 2021-2022. 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 Appointment, Re-appointment, Removal of Convention and Visitor's Bureau (CVB) Board Members, as needed for fiscal year 2021-2022. (Mayor/City Mgr.)

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Darren Hodges, and carried unanimously to Re-Appoint Jordan Gonzales and Vic Bahkta to the Convention and Visitor's Bureau for fiscal year 2021-2022. 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 Darren Hodges, seconded by Council Member James Warnock, and carried unanimously to Appoint Sonya Vick, Juan Rodriguez, Sera Ramirez and Melina Lacy to the Convention and Visitor's Bureau Board for fiscal year 2021-2022. 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 Appointment, Re-appointment, Removal of Historical Landmark Commission Board Members, as needed for fiscal year 2021-2022. (Mayor/City Mgr.)

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to Appoint Brenda Delao to the Historical Landmark Commission for fiscal year 2021-2022. 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 James Warnock, and carried unanimously to Re-Appoint Ruben Gonzales, Ross Harper, Mike Stallard, Dulcia Warren, Ember Renteria and David Neyland to the Historical Landmark Commission for fiscal year 2021-2022. 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 Pam Palileo, and carried unanimously to Appoint Guadalupe Fierro, Harry Gandhi and Amy Terrazas to the Historical Landmark Commission for fiscal year 2021-2022. 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 Appointment, Re-appointment, Removal of Keep Historic Fort Stockton Beautiful (KHFSB) Board Members, as needed for fiscal year 2021-2022. (Mayor/City Mgr.)

Motion was made by Council Member Ruben Falcon, seconded by Council Member James Warnock, and carried unanimously to Re-Appoint Guadalupe Fierro, Harry Gandhi, Ruben Gonzales, Ross Harper, Mike Stallard, Amy Terrazas, Dulcia Warren and Appoint Brenda Delao, David Neyland, and Ember Renteria to Keep Historic Fort Stockton Beautiful Board for fiscal year 2021-2022. 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 Appointment, Re-appointment, Removal of Substandard Building Committee Board Members, as needed for fiscal year 2021-2022. (Mayor/City Mgr.)

Motion was made by Council Member Ruben Falcon, seconded by Council Member Pam Palileo, and carried unanimously to Re-Appoint Valentine Barrera, Randy Day, Guadalupe Fierro (Alt.), Clara Lichty and Appoint Paul Manosinh (Alt.) to the Substandard Building Committee for fiscal year 2021-2022. 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 explained BioCatters, LLC one of the Bidders for the Lease of Blue Ridge Farms requested the opportunity to present their bid prior to going into Executive Session.

Alex Gonzalez of BioCatters, LLC explained Texas did not have a renewable energy grid in 2006 so Pecos County lost the Samsung Solar Farms. Therefore, BioCatters, LLC was founded to explore renewable energy opportunities. He explained the process of Recycling Produced Water. The Produced Water is gathered and treated to be reused during the Hydraulic Fracturing Process. BioCatters has a Renewable Energy Team interested in establishing a Solar Farm in the Blue Ridge Farm Area that would produce 200 MW. The Solar Farm would provide power to the Data Center. The Renewable Energy Team would simultaneously submit an application that would allow them to install a substation. The substation would allow the Renewable Energy Team the opportunity to sell power from the grid at later date. The City would be able to partner with this Renewable Energy Team. Fort Stockton is in an optimal location as there is water, power and it is close to the location of the overhead lines. They could also continue to farm the area. Farming and Ranching are also possibilities. Hunting is a possibility; however, a Game Management program would need to be established. There are several CVB Enhancement opportunities that could be done. This lease would entail Full

Transparency. There would be a bi-annual review that would be in front of City Council and a full annual audit. City Council would know what is going in and coming out of the Blue Ridge Farms.

Schuyler Wight of Santa Rosa Spring Ranch, LP advised City Council the City would have the ability to sale Fresh Water while he would continue with his farming and grazing of the property. He advised everyone that the Farming equipment would be taken out if his team was not awarded the bid.

The third bidder was not present.

Mayor Alexander Recessed from the Regular Meeting to Convene into Executive Session at 6:28 p.m.

EXECUTIVE SESSION:

19. **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):**

- a. Deliberation regarding Real Property, more specifically the Lease of Blue Ridge Farms. **Bids Submitted:** *BioCatters, LLC, Christopher R. and Holley R. Watts, Schuyler Wight, dba Santo Rosa Spring Ranch, LP (City Mgr.)*

Mayor Alexander Closed the Executive Session to Reconvene into the Regular Meeting at 6:50 p.m.

REGULAR BUSINESS CONTINUED

20. Reconvene into Open Session Pursuant to Texas Government Code Section 551.102 & Take Action, if any, on Matters Deliberated in Executive Session:
 - 19a. Discuss/Act upon Lease of Blue Ridge Farms. **Bids Submitted:** *BioCatters, LLC, Christopher R. and Holley R. Watts, Schuyler Wight, dba Santo Rosa Spring Ranch, LP*

(City Mgr.)

Motion was made by Council Member Darren Hodges, seconded by Mayor Pro-Tem Paul Casias, and carried unanimously to Award the Bid for the Lease of Blue Ridge Farms to BioCatters, LLC. Council Member James Warnock, Council Member Pam Palileo, Mayor Pro-Tem Paul Casias, Council Member Ruben Falcon, Council Member Darren Hodges voted aye.

21. Questions from Media

The media had already departed from the meeting.

22. Adjourn

Motion was made by Mayor Pro-Tem Paul Casias, seconded by Council Member Pam Palileo, and carried unanimously to adjourn the Regular City Council Meeting at 6:51 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~~

PAUL CASIAS, MAYOR PRO-TEM

ATTEST:



Marina A. Cantu, City Secretary