

CITY OF FORT STOCKTON, TEXAS  
MINUTES OF: **REGULAR CITY COUNCIL MEETING**  
DATE OF MEETING: **MAY 23, 2016**  
TIME OF MEETING: **6:30 P.M.**  
PLACE OF MEETING: **CITY COUNCIL CHAMBER**

VOTED MAY  
VOTED AYE  
SECONDED  
MOVED

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:  
**RUBEN FALCON, BILLY JACKSON, ERIC DOMINGUEZ, FRANK RODRIGUEZ & DINO RAMIREZ**

MAYOR: **JOE CHRIS ALEXANDER**  
CITY MANAGER: **RAUL B. RODRIGUEZ**  
CITY SECRETARY: **DELMA A. GONZALEZ**  
CITY ATTORNEY: **FRANK LACY**  
MINUTES OF LAST MEETING:

**Mayor Alexander** called the Regular Meeting to order at 6:30 p.m. after declaring a quorum present.

**Council Member Jackson** gave the Invocation.

**Council Member Dominguez** led the Pledge of Allegiance.

**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."**

**PROCLAMATION: Endorsing the Month of May 2016 as "Motorcycle Safety & Awareness Month."**

**Mayor Alexander** read the proclamation endorsing May 2016 as "**Motorcycle Safety & Awareness Month**" and presented it to Texas Confederation of Clubs and Independents (COC&I) Members: Brenda Tarango, Abel Tarango, Ruben Gonzalez, David Neilon, Billy Shuttleworth, and Danny "Ductape" Morris.

**SERVICE /RETIREMENT AWARD: Commending Records Clerk Susan Barnett McGuire for her 33 Years of Dedicated & Distinguished Service with the City of Fort Stockton.**

**Mayor Alexander** commented that this was the second successive meeting wherein City personnel were being honored for their retirement. It was a joyful but sad occasion because the City was losing very dedicated individuals.

On behalf of the City, he presented Susan Barnett McGuire with a beautiful plaque for her 33 years of dedicated and distinguished service with the City of Fort Stockton.

**Chief of Police Fuentes** expressed that Susan commenced her career with the City at a young age and advanced from Dispatcher to the Records Manager. She was passionate and dedicated to her work and it would be difficult to replace her. He commended her service to the City.

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MINUTES OF LAST MEETING:

**FIRST ORDER OF BUSINESS:**

- 1. Attorney Bobby Maldonado with Maldonado Diaz, PLLC ---  
❖ Potential Housing for Fort Stockton, Texas**

Due to severe weather, Attorney Maldonado was not in attendance. This agenda item is rescheduled for the June 13<sup>th</sup> Regular City Council Meeting.

**SECOND ORDER OF BUSINESS:**

- 2. President Carlos Uresti, Jr. with Pecos Townhome Development, LLC ---  
Potential Development with CVB Hotel/Motel Occupancy Tax Funds**

Due to severe weather, President Uresti was not in attendance. This agenda item is rescheduled for the June 13<sup>th</sup> Regular City Council Meeting.

**THIRD ORDER OF BUSINESS:**

- 3. Public Testimony on Agenda Items Only.**

Public Testimony Forms were not received from those in attendance.

**FOURTH ORDER OF BUSINESS:**

**Consent Agenda:**

**Minutes:**

- **Regular Meeting Minutes of Fort Stockton City Council, 05/09/2016**
- **Special Meeting Minutes of Fort Stockton City Council, 05/12/2016**
- **Regular Meeting Minutes of Intergovernmental Recreation Board, 04/20/2016**
- **Regular Meeting Minutes of Convention & Visitor's Bureau, 03/08/2016**
- **Regular Meeting Minutes of Fort Stockton 4-A Economic Development Corporation, 01/21/2016**
- **Regular Meeting Minutes of Fort Stockton 4-B Economic Development Corporation, 01/21/2016**
- **Special Meeting Minutes of Fort Stockton 4-A Economic Development Corporation, 02/09/2016**
- **Special Meeting Minutes of Fort Stockton 4-A Economic Development Corporation, 02/25/2016**

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	MOVED	SECONDED	VOTED AYE	VOTED NAY
FALCON			X	
JACKSON		X	X	
DOMINGUEZ			X	
RODRIGUEZ	X		X	
RAMIREZ			X	
FALCON		X	X	
JACKSON			X	
DOMINGUEZ			X	
RODRIGUEZ	X		X	
RAMIREZ			X	
FALCON			X	
JACKSON	X		X	
DOMINGUEZ			X	
RODRIGUEZ		X	X	
RAMIREZ			X	

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 MINUTES OF LAST MEETING:

- **Special Meeting Minutes of Fort Stockton 4-A Economic Development Corporation, 03/01/2016**
- **Special Meeting Minutes of Fort Stockton 4-B Economic Development Corporation, 03/01/2016**
- **Regular Meeting Minutes of Fort Stockton 4-B Economic Development Corporation, 03/10/2016**

Accounts Payable Total: **\$ 614,096.34**  
 Account Recap Report Total: **\$8,531,045.49**

Motion was made, seconded and carried unanimously to approve the Consent Agenda, as presented.

**FIFTH ORDER OF BUSINESS:**

**5. Discuss/Act upon Appointment of a Mayor Pro-Tem for 2016-2017.**

Motion was made, seconded and carried unanimously to nominate/appoint Council Member Billy Jackson as Mayor Pro-Tem for 2016-2017.

**SIXTH ORDER OF BUSINESS:**

**6. Discuss/Act upon Letter of Intent from Republic Water Company of Texas, LLC regarding Water Resources, Technology, Finances and Infrastructure Development.**

City Manager Rodriguez stated that the final Letter of Intent (LOI) for Water Development from Republic Water Company of Texas, LLC was dated September 16, 2015. This item was presented during the September 28<sup>th</sup> & October 13<sup>th</sup> Regular City Council Meetings wherein "no action" was taken. To confirm a definitive motion, it was being presented once again to reinforce the City's intent regarding the project.

Motion was made, seconded and carried unanimously to decline the Letter of Intent from Republic Water Company of Texas, LLC regarding Water Resources, Technology, Finances and Infrastructure Development.

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VOTED NAY  
 VOTED AYE  
 SECONDED  
 MOVED

MAYOR: **JOE CHRIS ALEXANDER**  
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**SEVENTH ORDER OF BUSINESS:**

**7. Discuss/Act upon Fort Stockton 4-A Economic Development Corporation's Proposed 30-Day Certificate of Deposit.**

**Interim Director of Finance Rodriguez** conveyed that PCSB President/CEO Hansard was contacted to determine the interest rate for a 30-day Certificate of Deposit. His response was .25% which was below the .35% that the City was currently earning on its regular checking account.

**Motion was made, seconded and carried to maintain the funds, as is, at Pecos County State Bank.**

<b>FALCON</b>	X	X
<b>JACKSON</b>		X
<b>DOMINGUEZ (ABSTAINED)</b>		X
<b>RODRIGUEZ</b>	X	X
<b>RAMIREZ</b>		X

**EIGHTH ORDER OF BUSINESS:**

**8. Summary regarding Republic Water Company of Texas, LLC vs. Jerry McGuairt et al and MPGCD (Case No. P-11956-112-CV).**

**City Attorney Lacy** reported that on May 10, 2016, Republic Water Company of Texas LLC filed suit locally in the State District Court against the Directors of the MPGCD (Water District) in their official capacities and against the Water District. This lawsuit did not necessarily seek damages but a writ of mandamus which was basically an order from the court "to do something." Essentially, it was a takings claim similar to what some referred to as condemnation or eminent domain. Republic's argument was that they possessed a contract to purchase water but could not complete that venture because the Water District failed to act on or abated their application.

In summarizing the lawsuit, Republic was claiming that in failing to act on its application that the Water District had deprived Republic of certain property rights. Similar to City Council tabling a zoning variance, etc. wherein a property owner is entitled to a hearing but City Council refuses to abide with the process. What was simply being sought from the District Court was an order for the Water District to act on Republic's application.

A related case which actually seeks damages, etc. was filed by Republic in the Texas Federal Court in Pecos, Texas. The rules regarding procedures, discovery, etc. differed and could explain why Republic elected to file that lawsuit in Federal Court as opposed to the local State District Court/112<sup>th</sup> District Court with Judge Gomez.

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This was on the City's agenda due to the tremendous attention received with the water supply plus City taxpayers would incur some potential liability if the Water District were to receive a judgement against it. To satisfy judgements against taxing entities, typically the tax rate was increased to satisfy the judgement.

Typically a lawsuit indicated a value but Republic was not seeking that the court award damages although their indicated potential loss was \$250 million for the lawsuit filed in the State District Court (local). Instead, they believed that they were entitled to an action.

Mayor Alexander recessed from the Regular Meeting @ 6:50 p.m. to convene into the:

**NINTH ORDER OF BUSINESS:**

**9. EXECUTIVE SESSION(S):** City Council may Convene in Closed Session in Accordance with the Texas Open Meetings Act, Texas Government Code, Concerning Attorney-Client Matters (§551.071); Deliberation regarding Real Property (§551.072); Deliberation regarding Prospective Gifts (§551.073); Personnel Matters (§551.074); and/or Deliberation regarding Security Devices (§551.076):

*Ref:* (a) Consultation with City Water Attorney Harral regarding Potential Litigation from Republic Water Company of Texas, LLC vs. the City of Fort Stockton related to MPGCD's Abatement in Reviewing Republic's Application.

(b) Consultation with City Water Attorney Harral regarding Potential Legal Issues with TCEQ Rules Associated with the City of Fort Stockton's Additional Water Source.

Mayor Alexander closed the Executive Session(s) @ 7:27 p.m.

**TENTH ORDER OF BUSINESS:**

**10. Reconvene into Open Session Pursuant to Texas Government Code Section §551.102 & Take Action, if any, on Matters Deliberated in Executive Session:**

**(9a) Discuss/Act upon Potential Litigation from Republic Water Company of Texas, LLC vs. the City of Fort Stockton related to MPGCD's Abatement in Reviewing Republic's Application.**

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**No action taken.**

**(9b) Discuss/Act upon Potential Legal Issues with TCEQ Rules Associated with the City of Fort Stockton's Additional Water Source.**

**Mayor Alexander** declared that as required by TCEQ Rules, the City of Fort Stockton self-reported its unpermitted wells. As of Wednesday, May 18, 2016, the City's Alternate Water Source Plant was no longer in operation due to absence of permitted wells for this plant.

**ELEVENTH ORDER OF BUSINESS:**

**11. Questions from the Media on Agenda Items.**

There being no further business, the Special Meeting was adjourned @ 7:30 p.m.

  
**Joe Chris Alexander, Mayor**

ATTEST:  
  
**Delma A. Gonzalez, City Secretary**