

MINUTES OF: REGULAR CITY COUNCIL MEETING

DATE OF MEETING: SEPTEMBER 11 2018

TIME OF MEETING: 5:30 P.M.

PLACE OF MEETING: CITY HALL COUNCIL CHAMBER

MOVED  
SECONDED  
VOTED AYE  
VOTED NAY

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:

RUBEN FALCON, JAMES WARNOCK, mike URETA, JR.,  
PAM PALILEO, & DINO RAMIREZ

MAYOR: JOE CHRIS ALEXANDER  
CITY MANAGER: FRANK RODRIGUEZ III  
CITY SECRETARY: DELMA A. GONZALEZ  
CITY ATTORNEY: JESSE GONZALES, JR.

Mayor Alexander called the Regular Meeting to order at 5:30 p.m. after declaring a quorum present.

Mayor Pro-Tem Ureta gave the Invocation.

Council Member Warnock led the Pledge of Allegiance & Pledge 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."

**FIRST ORDER OF BUSINESS:**

- 1. **RECOGNITION:** Commend City of Fort Stockton Gas Department Personnel for Attaining a 100% Performance Rating in the TML Intergovernmental Risk Pool's Gas Utility Survey Program.

City Manager Rodriguez reported that TMLIRP assisted the City in addressing potential risks associated with the gas distribution system as well as other risk management issues.

He read the letter from Loss Prevention Assistant Manager Chris Remmert commending Gas Department Personnel for their "100" performance rating on the City's 2018 Gas Utility Survey. The certificate and safety award pins recognized their accomplishment and their dedication to gas system safety excellence.

Mayor Alexander presented the plaque to the Department which read "Gas Utility System 100% Performance Rating Award presented to City of Fort Stockton 2018 in Appreciation of the City's 100% Performance Rating in the TMLIRP's Gas Utility Survey Program. We appreciate Your Outstanding Dedication, Hard Work, and Teamwork."

**SECOND ORDER OF BUSINESS:**

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

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Public comments regarding agenda items were not received by those in attendance.

**THIRD ORDER OF BUSINESS:**

**3. CONSENT AGENDA:**

**Minutes:**

- Regular Meeting Minutes of Fort Stockton City Council, 08/28/2018
- Special Meeting Minutes of Fort Stockton City Council, 08/30/18
- Special Meeting Minutes of Fort Stockton City Council, 09/06/18
- Regular Meeting Minutes of Convention & Visitor's Bureau, 06/19/2018
- Regular Meeting Minutes of Convention & Visitor's Bureau, 07/17/2018
- Special Meeting Minutes of Convention & Visitor's Bureau, 07/23/2018
- Regular Meeting Minutes of Building Standard Committee, 07/12/2018
- Regular Meeting Minutes of Building Standard Committee, 08/02/2018
- Regular Meeting Minutes of Keep Historic Fort Stockton Beautiful, 08/01/2018
- Regular Meeting Minutes of Fort Stockton 4A Economic Development Corp., 07/17/2018
- Special Meeting Minutes of Fort Stockton 4A Economic Development Corp., 08/02/2018
- Special Meeting Minutes of Fort Stockton 4A Economic Development Corp., 08/13/2018
- Regular Meeting Minutes of Fort Stockton 4B Economic Development Corp., 07/17/2018

Accounts Payable Total: \$ 632,144.92  
Accounts Recap Total: \$19,782,102.39

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

**FOURTH ORDER OF BUSINESS:**

- 4. Senior Civil Engineer Steve Synovitz, P.E. & Technician Engineer Jerry Parra with Hanson Professional Services Inc. –
  - ↳ Construction Progress /Status Report of 30-Inch Water Transmission Line

FALCON  
WARNOCK  
URETA  
PALILEO  
RAMIREZ

X X X X X  
X X X X X

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Senior Civil Engineer Steve Synovitz, P.E. with Hanson Professional Services Inc. recapped that the 30-Inch Water Transmission Line Project was 8.5 miles. It started at the Belding Pump Station along the Old Alpine Highway and extended approximately 2.5 miles before it veered off into University Lands and thenceforth towards the City's Water Treatment Plant.

He reported regarding part of the cost for one of the amendments to the contract. Right-of-Way Services possessed a machine that consisted of large teeth that rotated and mulched/polarized all of the vegetation into the ground. These organics would re-seed the easement which was a requirement by University Lands.

**To Date Summary:**

- **Pipe Installation through 9/11/18** was 24,880' of 45,500' = 54.7% of the Total Pipe;
- **Cost Progression through 8/31/18** included Pay Application No. 4 for \$1,242,208.67 of the \$3,266,133.00 Contract = 38.0% of the Contract Price; &
- **Schedule Progression through 9/11/18** was 141 Days of the 405 Day Contract = 35% of Contract Time. Approximately 500'-700' of pipe was being placed daily and 20' long sections were being completed in 15 minutes. All of the piping could be completed in two (2) months which would be followed with pressed blocks, valves, appurtenances, etc.

**Looking Ahead:**

- **1,000 Feet Remained Along County ROW.** – The reason for this was due to a fault line that occurred 6-7 years ago. Special expansion contraction devices were ordered but delayed at the factory. The contractor skipped this task but will return at a later date to place it. Materials are due in October.
- **300 Feet Remained at County Highway Crossing** – This is where the Old Alpine Highway turns into the State Highway. Before proceeding with this open cut, the contractor wants to ensure that a full crew is available because traffic control, etc. will be required.
- **13,700 Feet Remained Across University Lands** – This clearing operation is currently taking place.
- **5,800 Feet Remained Along State Hwy. - Amended TX DOT Permit** – They were currently on the northwest side of the highway but there was a fibre optic line and existing utility & power lines. Instead, the amended TX DOT Permit was approved for the other side of the highway. This will be completed after University Lands.

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- **Pay Application No. 4 (August 2018) was in Review by Hanson** – This Pay Application for work performed in August totaled \$701,810.29. It was received on 09/10/18 and being reviewed.

**Change Orders (8) & Summary:**

1. **Delete Protective Covering for Stored PVC; Add Pipe Cleaning & String-Out** – This is a Net Credit of \$63,283.19 to the City. These funds were added to the “Unanticipated Changes Cash Allowance” line.
2. **Delete Owner’s Project Team Field Office** – This was not necessary. A \$0 change.
3. **Modified Water Requirements for Seeding** – A \$0 change.
4. **Alignment Shift on County R.O.W.** – This is a Net Credit of \$4,080 to the City. Funds were added to “Unanticipated Changes Cash Allowance” line. Easement was moved from 55’ to 45’ due to phone lines being in the way.
5. **Revised Silt Containment Fence Plans** – Originally had sill fencing on both sides of the entire alignment. The plan was revised to contain sill fences for every 500’ only. A Net Credit of \$129,664.00 was added to the “Unanticipated Changes Cash Allowance” line.
6. **Construction Staking** – Nelson-Lewis’ contractor preferred that Hanson’s surveyors complete this undertaking because they were the individuals that prepared the legal descriptions and surveying for the land/easement. Therefore, the City hired Hanson to complete the construction staking and Nelson-Lewis deducted \$27,000.00 from their contract which created a \$27,000 Net Credit.
7. **Alignment Change Along State Highway** – This relocation affected the other side of the highway. To cross at the Belding Pump Station, an extra fitting, thrust line, & extra piping were added which increased the contract by \$2500.00.

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- 8. Alignment Change Across University Lands** – With this 8' to 73' alignment revision, added were extra fittings, pipe, jarring around an oil tank that required 4 bends, etc.

Additional mulching not originally included in the contract was needed at University Lands and the wider easement acreage increased the original contract amount by \$108,125.00. The price for the mulching operation was currently being negotiated. The contractor reviewed the amount but wanted to ensure that he could compensate his outfit.

**Contract Impacts:**

**Unanticipated Utility Conflicts:** \$75,000.00 Cash Allowance built into the contract.

**Unanticipated Changes:** \$197,027.19 Cash Allowance

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**Total Cash Allowances:** \$272,027.19 (Unused)

**Contract Deductions:** \$27,000.00 – (Construction Staking paid to Hanson instead of Nelson-Lewis)

**Contract Additions:** \$110,625.00

**FIFTH ORDER OF BUSINESS:**

- 5. Machine Sales Representative John Bahlman with Warren-Cat**  
    **↕ Statistics for a Caterpillar: D8 Tractor Dozer & D6 Tractor Dozer**

**Warren-Cat Machine Sales Representative Bahlman** understood that landfill personnel wanted to upgrade their bulldozer. Currently being used was a Komatsu D65 which was comparable to a Caterpillar D6T. He provided Estimated Dozing Production Per Hour Charts for a D6T and D8T based upon the dozing distance for each dozer.

In considering a D8, it was a substantial investment compared to a D6 but its production capability needed to be considered because the machine would be required to operate less hours per day which could increase the life expectancy of the machine and meet the City's production needs.

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**Council Member Ramirez** inquired regarding the fuel consumption for both.

**Sales Rep Bahlman** responded that a figure would be skewed because all depended on the load. In a landfill, a dozer was not necessarily being overloaded because the trash was typically low density volume that was being pushed. Worst case scenario, the D6 consumed 5.5 – 7.3 gallons per hour compared to 9 – 11.5 gallons per hour for a D8. A D6 weighed roughly 48,000 lbs. compared to a D8 at 95,000 lbs. A D6 ran a 24” wide track while a D8 was 26”.

From a compaction standpoint, the more a machine can compact the longer the life of a landfill and the larger the revenue. The compaction per square inch along the track of the D6 machine is 8.4# while a D8 provides 13# which equates to 60% more compaction per square inch for a D8.

**Council Member Falcon** asked what type of warranty was offered with a new dozer.

**Sales Rep Bahlman** replied that there were multiple warranties that could be considered plus there was a cost associated with a warranty. First and foremost, the annual hour usage needed to be considered. Warranties were for 3, 4, or 5 years plus hour limitation. If running 1500 hours yearly, a 5-year warranty would be 5 years/7,500 hours. For 3,000 hours yearly, they would ensure that the warranty coverage was as close as possible to the term coverage. They did not want the City to pay a high dollar warranty and not utilize all the hours on it.

**Council Member Falcon** asked if the warranty would cover a mechanic traveling to Fort Stockton or would a “loaner” be provided while the dozer was being repaired?

**Sales Rep Bahlman** replied that a warranty did not provide a “loaner” unless a catastrophic type failure and early hour failure. In that situation, they consulted with their main office for some type of “loaner” machine.

Both of the dozers were equipped with landfill guarding and the trash from a landfill contained wires, debris, etc. that could get into the final drive and seals could be ruptured causing an oil leak that could burn the final drive. This would be considered an unwarranted failure, due to improper usage and operator error. Caterpillar was not opposed to leasing to landfills but they did not maintain any machines on a rental fleet or in-stock because these specific models were equipped with a guarding device that was a special application.

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They were planning to deliver a D8 to the Town of Pecos. The City of Monahans, Odessa, and Midland were using these and they had yet to encounter issues with contamination, etc.; as long as the operator completed daily inspections, issues should not occur.

**Council Member Falcon** expressed that he conferred with some heavy equipment operators and they indicated that the machine could "sink" in place.

**Sales Rep Bahlman** replied that the City had a landfill compactor that provided good compaction and the soil and trash could be "cushioned" but as far as the operator or machine being in danger of overturning or being stuck in the ground was unheard of by them.

**Council Member Warnock** inquired regarding the versatility of both machines, how did they handle with constant reversing?

**Sales Rep Bahlman** answered that he could not foresee any issues with reversing. Some of the large frack ponds that were being built in the oil field were using a D8 daily because they could transport material faster with a constant forward and backward operation. The transmission of a D6 or D8 could not be affected because when a dozer moved in reverse it labored less than when frontward because it was not underload.

**Mayor Alexander** asked if a D8 was beneficial for clearing or digging the groundwork for a new landfill. Was it capable of handling those maneuvers or was it better suited for a landfill situation?

**Sales Rep Bahlman** stated that the main difference between a D8 compared to what was used with general dirt work was that a D8 included additional guarding to protect trash for compaction and guarding on final drives to protect with wires, etc. The blade capacities on a D6 or D8 were larger than a standard dirt dozer because they consisted of a trash rack/rake above the standard blade. The solid surface on the blade was the same as a standard dozer for a dirt application but due to the trash rack/rake would handle more material. Also, a D6 and D8 were equipped with a rear ripper that could be lowered to rip and loosen material in the new landfill. Either would improve production.

**Council Member Falcon** remarked that he was considering this purchase from a finance perspective and long-term expense. Landfill dozers were constantly used and never rested. In conferring with the Finance Department, they were being used for approximately 2,100 hours yearly which was based off of a monthly

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diesel fuel expense of \$1,100. The six individuals that he talked to were oilfield related and not one of them recommended the D8 for the landfill. Plus, it was practically double the price of a D6. Also, if ever needed, did they service these on site?

**Sales Rep Bahlman** replied "Yes." They currently had 18 field technicians. In regards to his comments regarding the D8; it was a larger machine with larger components and as a "general rule of thumb" could withstand more abuse or wear. As long as a D8 was greased, daily maintenance, etc. they were designed to last longer than a D6.

**Mayor Alexander** inquired if they kept a good stock of repair parts because in the past the City had encountered issues with parts being delayed due to the lag time in getting them here because the Komatsu was from Japan.

**Sales Rep Bahlman** answered that they did but could not provide a guarantee that every part would always be available. They had distribution centers throughout North America and overseas. They filled 96% of part orders within 24 hour periods and 98% within 48 hour periods but some took 4-5 days to receive. For larger and major components, it took 1-2 weeks. They would attempt their hardest to speedily deliver parts to Fort Stockton with shuttle trucks. If a part was ordered before 3:00 p.m. and it was in Oklahoma City; it could be in Odessa the following morning by 11:00 – 12:00 noon.

**Mayor Pro-Tem Ureta** asked what the average response time was for Fort Stockton being that it was 85 miles away from Odessa and a trade-in program.

**Sales Rep Bahlman** replied roughly 2 weeks because they were extremely busy this time of year.

Caterpillar did provide a buy-back option on a D6 and D8 but would need to know the term and hour limitation from the City. It was essentially a pre-stated trade-in amount.

The other option was through Cat Financial or a Governmental Finance Lease with a balloon payment at the end. If the buyout was \$150,000, the City would be required to pay the acquisition cost which was the buyout difference over the selected term of the lease. At the end of the term, the City would have the option to buy off the pre-stated balloon amount and return it to Cat Financial. The amount offered for a buy-back required that the life of the undercarriage, etc. be at 50%.



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Council Member Falcon emphasized "\$800,000 vs. \$400,000. There were other departments that needed equipment that also needed to be considered.

**SIXTH ORDER OF BUSINESS:**

**6. Discuss/Act upon Ordinance 18-131, Approving and Adopting the City of Fort Stockton, Texas, Budget for the Fiscal Year 2018-2019; Making Appropriations for the City for Said Fiscal Year as reflected in Said Budget; and Making Certain Findings and Containing Certain Provisions relating to the Subject.**

Director of Finance Rodriguez reported that the proposed budget remained the same since the 2<sup>nd</sup> Public Hearing other than \$2-\$3 "rounding-up" some figures.

Motion was made, seconded and carried unanimously to approve Ordinance 18-131, Approving and Adopting the City of Fort Stockton, Texas, Budget for the Fiscal Year 2018-2019; Making Appropriations for the City for Said Fiscal Year as reflected in Said Budget; and Making Certain Findings and Containing Certain Provisions relating to the Subject.

**SEVENTH ORDER OF BUSINESS:**

**7. Discuss/Act upon Ordinance 18-132, Levying Taxes for the Use and Support of the Municipal Government of the City of Fort Stockton, Pecos County, Texas; Providing for the Interest and Sinking Fund & Apportioning Each Levy for a Specific Purpose for Fiscal Year 2018-2019 & Providing for Approval of Ordinance.**

Director of Finance Rodriguez conveyed that the proposed tax rate was \$0.4533 with \$0.2282 for Maintenance & Operations (M&O) and \$0.2251 for Interest & Sinking (I&S) for debt obligations. Last year's tax rate was \$0.4735.

Motion was made, seconded and carried unanimously to approve Ordinance 18-132, Levying Taxes for the Use and Support of the Municipal Government of the City of Fort Stockton, Pecos County, Texas; Providing for the Interest and Sinking Fund & Apportioning Each Levy for a Specific Purpose for Fiscal Year 2018-2019 & Providing for Approval of Ordinance.

VOTED NAY  
 VOTED AYE  
 SECONDED  
 MOVED

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 RAMIREZ

X  
 X  
 X  
 X  
 X  
 X

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 RAMIREZ

X  
 X  
 X  
 X  
 X

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**EIGHTH ORDER OF BUSINESS:**

**8. Discuss/Act Upon the Purchase of a Warren Cat – Caterpillar D8 Tractor Dozer or D6 from BuyBoard.**

**City Manager Rodriguez** remarked that a tractor dozer would be an investment for the City’s landfill after receiving input from Public Works Supervisor Ramos and Assistant Public Works Supervisor Lopez during the August 28<sup>th</sup> meeting. Supervisor Ramos previously obtained his landfill certification and had information on the dozer that would benefit the landfill operation.

**Public Works Supervisor Ramos** responded that he had a Municipal Solid Waste Landfill License. He understood that similar sized landfills utilized a D8 dozer and as Sales Rep Bahlman stated, “The heavier the equipment the more compaction and less stress on a machine.” That was the reason he and Assistant Public Works Supervisor Lopez were recommending a D8.

**Mayor Alexander** inquired what the approximate timeframe would be for delivery of either machine.

**Sales Rep Bahlman** replied that a D8 could be delivered in January and a D6 in February.

**City Manager Rodriguez** emphasized that although this special equipment assisted with the landfill operation and generated revenue for the City, he wanted to ensure that due diligence occurred with regard to upcoming projects i.e. Police Department Building, SCADA System upgrades to the R.O. Plant, Alternate Treatment Plant, & the Prison.

A D8 dozer cost \$744,000.00 compared to a D6 which was \$300,000 less. A difficult question: “Is it an investment that the City is going to obtain to maximize on based on benefit on what we need?” The D6 was less expensive and could achieve the same objectives when it came to receiving landfill trash.

He wanted to ensure that the City was honoring and doing what it was obligated to do with taxpayer money and making the best decisions when purchasing equipment for City operations.

**Council Member Falcon** asked if a D8 would generate more revenue for the City than a D6. There was an approximate \$300,000.00 price difference between a D6 and D8.

MOVED  
SECONDED  
VOTED AYE  
VOTED NAY

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**City Manager Rodriguez** replied "No, but will be able to push more and do more in less time versus a D6. There would probably be more downtime with a D8 than a D6. As far as more production and more money, no."

**Sales Rep Bahlman** responded in regards to Council Member Falcon's inquiry whether a D8 would generate more money for the City. He asked, "What kind of value could you put on the space at the landfill? If there is more compaction, then you can put more trash in there which is a benefit and making the City more money based off the pounds per square inch. The D8 has 60% more pounds per square inch and with compaction, there is a value associated which will generate more revenue."

**Council Member Falcon** countered that the City already had a compactor that ran every day and in tandem with the dozer.

**Mayor Alexander** conveyed that if the City had opted to purchase a dozer 5 years earlier, it would have been a D8 due to the lack of space at the landfill. Optimistically, TCEQ will have a solution for the City before the end of 2019 to where there will be plenty of space for the next 50 years.

**Council Member Falcon** was aware that personnel favored the D8 but he preferred that funds be available for an additional backhoe, pickups, etc.

*Motion was made by Council Member Falcon, seconded by Mayor Pro-Tem Ureta to purchase the D6.*

**Mayor Alexander** asked for additional comments.

**Mayor Pro-Tem Ureta** expressed that in selecting a D6, they could let it prove or disprove itself. He asked that the motion be amended to include the trade-in option with an upfront value in the event that the D6 failed to meet the landfill's demands during the early hours and could opt instead to purchase a dozer that was needed.

**Mayor Alexander** asserted that although the City could do more with a D8, the D6 had demonstrated that it worked for the landfill. He concurred with Council Member Falcon regarding the additional needs from various departments. "The additional \$300,000.00 would help tremendously in completing other projects in the budget. He asked City Manager Rodriguez to provide options regarding the extension of a warranty, etc.

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FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 RAMIREZ

MOVED	SECONDED	VOTED AYE	VOTED NAY
X		X	X
	X	X	X
		X	X
		X	X
			X

**Motion was made, seconded and carried to Initiate the Process to Purchase a Warren Cat – Caterpillar D6 Tractor Dozer from BuyBoard and Authorize City Manager Rodriguez to Review Finance Options and Return to City Council with Three (3) Alternatives for Consideration.**

**NINTH ORDER OF BUSINESS:**

**9. Discuss/Act Upon 20’ Wide Utility Easement Out of Lot 1, Block 22, Stockton Heights Addition; as Conveyed by Property Owner Robert P. Sadler.**

**EDC Director Ramos** reported that Property Owners Robert & Carolyn Sadler, Beth Holstein, & Monty Harkins agreed to grant this easement to the City. This 20” x 110” utility easement was in reference to the V.A. Clinic on Sycamore Street and would be adjacent toward to the rear of the new facility’s property. The utilities would be in an unimproved street that could easily be accessed for new developments to the north and west of this project.

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 RAMIREZ

MOVED	SECONDED	VOTED AYE	VOTED NAY
X		X	X
	X	X	X
		X	X
		X	X

**Motion was made, seconded and carried unanimously to approve 20’ Wide Utility Easement Out of Lot 1, Block 22, Stockton Heights Addition; as Conveyed by Property Owners Robert P. Sadler, Carolyn Sadler, Beth Holstein, & Monty Harkins.**

**TENTH ORDER OF BUSINESS:**

**10. Discuss/Act upon requests from Hanson Professional Services regarding the 30-Inch Water Transmission Line :**

- Change Order No. 7 totaling \$2,500.00 for Alignment Shift Along State Highway 2037; &
- Change Order No. 8 totaling \$108,125.00 for Alignment Shift Across University Lands

FALCON  
 WARNOCK  
 URETA  
 PALILEO  
 RAMIREZ

MOVED	SECONDED	VOTED AYE	VOTED NAY
X		X	X
	X	X	X
		X	X
		X	X

**Motion was made, seconded and carried unanimously to approve requests from Hanson Professional Services regarding the 30-Inch Water Transmission Line: Change Order No. 7 totaling \$2,500.00 for Alignment Shift Along State Highway 2037; & Change Order No. 8 totaling \$108,125.00 for Alignment Shift Across University Lands**



CITY OF FORT STOCKTON, TEXAS  
MINUTES OF: REGULAR CITY COUNCIL MEETING  
DATE OF MEETING: SEPTEMBER 11 2018  
TIME OF MEETING: 5:30 P.M.  
PLACE OF MEETING: CITY HALL COUNCIL CHAMBER

ROLL CALL WAS ANSWERED BY COUNCIL MEMBERS:  
RUBEN FALCON, JAMES WARNOCK, mike URETA, JR.,  
PAM PALILEO, & DINO RAMIREZ


VOTED NAY  
VOTED AYE  
SECONDED  
MOVED

MAYOR: JOE CHRIS ALEXANDER  
CITY MANAGER: FRANK RODRIGUEZ III  
CITY SECRETARY: DELMA A. GONZALEZ  
CITY ATTORNEY: JESSE GONZALES, JR.

**FOURTEENTH ORDER OF BUSINESS:**

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

There being no further business, the Regular City Council Meeting was adjourned @ 7:15 p.m.

  
Joe Chris Alexander, Mayor

ATTEST:  
  
Delma A. Gonzalez, City Secretary