

The Town Council of the Town of Pecos City met in Regular City Council Meeting in the City Council Chambers on August 8, 2019 at 5:30 P.M. with the following present:

David Flores	Mayor
Gerald Tellez	Mayor Pro-tem
Oscar Ornelas	Councilman
Arthur Orona	Councilman
Conrado Saldana	Councilman
Veronica Baca	Councilwoman
Seth Sorensen	City Manager
Rod Ponton	City Attorney
Howdy Lisenbee	Assistant City Manager
Syra Nichols	City Secretary
Melanie Purcell	Finance Director
Jesus Gomez	IT Director
Lisa Tarango	Chief of Police
Kristen Irely	Human Resource Director
Holly Jarocki	Parks and Recs. Director

Item A. Mayor David Flores called the August 8, 2019 meeting to order at 5:35 pm.

Item B. Invocation by Councilman Ornelas

Item C. Pledge of Allegiance by Councilman Saldana

Item D. Public Comments

Joe Tollett, Pecos Resident, complimented the turf installation at the Splash Park and applauded Holly Jarocki, Parks and Recreations Director, and her staff for a job well done.

Item E. Consent Agenda

On motion by Councilmember Baca and seconded by Councilmember Orona, the Council voted unanimously to approve the Minutes of the August 5, 2019 Regular City Council Meeting, Minutes of the August 5, 2019 Budget Workshop, Police Department Call Report, and Expenditure Report, with noted changes to the minutes of the August 5, 2019 Budget Workshop.

F. Non-Consent

- 1. DISCUSS/CONSIDER(presented after item #12)-** Syra Nichols, City Secretary, presented the Council with a request of filing for a survey plat submitted by the Pecos 4B Economic Development Corporation for a survey plat of Lots 1 through 12, Block 59 and Lots 1 through 12, Block 87, being the re-plat of Blocks 59 and 87, Original Town. On motion by Councilmember Ornelas and seconded by Councilmember Saldana, the Council voted unanimously to approve the filing request for the survey plat as presented

2. **DISCUSS/CONSIDER-** Howdy Lisenbee, Assistant City Manager, presented the Council with a Zoning Change request made by Robert and Delia Nunez from C-1 (Local Retail Commercial District) to C-2 (General Retail District) on property commonly known as Wild West Liquor, 1445 S. Cedar St., legally described as Lot 12, Block 4 of the Fred H. Miller Subdivision of Block Cee(C), College Addition of Town of Pecos City, Reeves County. Mr. Lisenbee informed the Council that the zone change request was brought to the Planning and Zoning Board and Council due to alcohol sale restrictions in a C-1 zone, which would cause the Wild West Liquor store to lose its grandfathered status if additions were made to the building. Mr. Lisenbee went on to state that along with the zone change recommendation, the Board of Adjustments approved a variance if needed for parking and set back restrictions. On motion by Councilmember Orona and seconded by Councilmember Ornelas, the Council voted unanimously to approve the zone change, as presented.
3. **DISCUSS/CONSIDER-** Howdy Lisenbee, Assistant City Manager, presented the Council with a 90-Day Update on the dilapidated structure located at 602 N. Cedar, which has yet to see much progress due to the lack of contractors available to work on the property. On motion by Councilmember Orona and seconded by Councilmember Saldana, the Council voted unanimously to approve a 90 day extension, with 30 day updates from the staff and property owners.
4. **DISCUSS/CONSIDER-** Howdy Lisenbee, Assistant City Manager, presented the Council with a 60-Day update on the dilapidated structures located at 901 and 911 Locust Street, Mr. Lisenbee stated that progress had not been made and the property is still under a pending sale status. No action taken, pending further information.
5. **DISCUSS/CONSIDER RESOLUTION 19-08-08R-** David Flores, Mayor stated that the Council would not consider any action on item number 5, regarding the approval of:
  - a. **RESOLUTION 19-08-08(a)R** Purchase of Skid steer
  - b. **RESOLUTION 19-08-08(b)R** Purchase of Mobile Radio Repeater
  - c. **RESOLUTION 19-08-08(c)R** Purchase of Dump Truck

No action taken, pending further information.

6. **DISCUSS/CONSIDER RESOLUTION 19-08-09R-** Seth Sorensen, City Manager, asked that the Council consider entering into a contract with MBS Development Services, LLC for engineering services for water and sewer design along CR 118 in connection with the construction of the new baseball complex, which is associated with the FY2019 budget amendment regarding HOT Funds. On motion by Councilmember Orona and seconded by Councilmember Saldana, the Council voted unanimously to approve Resolution 19-08-09R, with a total cost not to exceed \$304,215.00 without prior City Council approval.
7. **DISCUSS/CONSIDER RESOLUTION 19-08-10R-** Seth Sorensen, City Manager, presented the Council with Resolution 19-08-10R, a resolution appointing members to the Municipal Management District (MMD) Board. On motion by Councilmember Tellez and seconded by Councilmember Orona, the Council voted unanimously to approve Resolution 19-08-10R, as presented.

- 8. **DISCUSS/CONSIDER**– Seth Sorensen, City Manager, asked that the Council consider in helping in the naming of the City’s new Dog Park. On motion by Councilmember Orona and seconded by Councilmember Baca, the Council voted unanimously to approve the name with the majority vote in the community survey as the Maxey Bark Park.
- 9. **DISCUSS/CONSIDER ORDINANCE 19-08-01**– Howdy Lisenbee, Assistant City Manager, presented the Council with the 2<sup>nd</sup> reading of Ordinance 19-08-01, an ordinance to address various development requirements associated with parking requirements; traffic/trip generation studies, entrances requirements and accommodations for sanitation. On motion by Councilmember Ornelas and seconded by Councilmember Orona, the Council voted unanimously to approve the 2nd reading of Ordinance 19-08-01, as presented.
- 10. **DISCUSS/CONSIDER**– Melanie Purcell, Finance Director, presented the Council with the Fiscal Year 2019-2020 Budget. No action taken, as presented.
- 11. **DISCUSS/CONSIDER RESOLUTION 19-08-11R**– Melanie Purcell, Finance Director, presented the Council with Resolution 19-08-11R, a resolution providing for the Maximum Property Tax Rate for Fiscal Year 2019-2020, setting public hearing dates on the matter, and authorizing publication thereof. On motion by Councilmember Orona and seconded by Councilmember Tellez, the Council voted unanimously to approve Resolution 19-08-11R, to set propose setting the property tax rate at .60 cents per \$100 for the Fiscal Year 2019-2020, as presented.

Conrad Saldana	For: <input checked="" type="checkbox"/>	Against: <input type="checkbox"/>	Present/not voting: <input type="checkbox"/>	Absent: <input type="checkbox"/>
Veronica Baca	For: <input checked="" type="checkbox"/>	Against: <input type="checkbox"/>	Present/not voting: <input type="checkbox"/>	Absent: <input type="checkbox"/>
Gerald Tellez	For: <input checked="" type="checkbox"/>	Against: <input type="checkbox"/>	Present/not voting: <input type="checkbox"/>	Absent: <input type="checkbox"/>
David Florez	For: <input type="checkbox"/>	Against: <input type="checkbox"/>	Present/not voting: <input checked="" type="checkbox"/>	Absent: <input type="checkbox"/>
Art Orona	For: <input checked="" type="checkbox"/>	Against: <input type="checkbox"/>	Present/not voting: <input type="checkbox"/>	Absent: <input type="checkbox"/>
Oscar Ornelas	For: <input checked="" type="checkbox"/>	Against: <input type="checkbox"/>	Present/not voting: <input type="checkbox"/>	Absent: <input type="checkbox"/>

- 12. **DISCUSS/CONSIDER(presented 1st on the agenda, before item #1)**– Arthur Orona, Councilmember, introduced Shelly O’Hara, First Flight Air Ambulance Owner, to present the Council with potential changes to the First Flight ambulance contract. Mrs. O’Hara walked the Council through changes made to the existing First Flight Contract, which is an extension of what was agreed upon on in 2011. The changes made to the contract were of correcting the physical address, defining that the contract is between First Flight and Town of Pecos City, there was also an amendment to the staffing fee from \$285,000 to \$404,700.00, which was what was payed to staff in 2018. Mrs. O’Hara went on to state that under the “Dissolution or Termination” clause it was added that First Flight would continue as the service provider unless and until the ESD is able to provide the emergency services, as provided by First Flight. Also, stating that the City may assign the agreement to the ESD and the ESD must expressly assume the terms and conditions of the agreement, the service provider will consent to such assignment and assumption. When asked how the administration felt about the contract Seth Sorensen, City Manager, stated that the changes did address items that had been previously discussed and has the clause allowing the City of Pecos to assign the contract to the ESD, should they agree to continue on with the contract. Mr. Sorensen went on to state that he did not feel that there was a clear statement of termination, should there be a cause/need for termination of the contract. Mr. Sorensen added that there is a correction period clause and if there is deemed any violation of the

contract it calls for a period of correction and if the correction is not made the contract may be terminated, but other than that there is no exit clause in the contract. Rod, Ponton, City Attorney, added that both parties would need to agree to terminate the contract, but other than those two clauses the contract cannot be terminated. Bill Siegel, First Flight Attorney, stated that the contract may be terminated due to violation per cause and that is why the 120 day termination of the contract clause was eliminated, and noted that the city would appreciate knowing that First Flight cannot terminate the contract without cause. Mr. Sorensen responded that the stated comments were his concern and would like to include language stating that the contract may be terminated even without cause. Mr. Sorensen also recommended that the contract not be made transferrable and if the ESD board chooses to begin with a new contract that it be on their own terms and decision of being unable to terminate the contract without cause. On motion by Councilmember Orona and seconded by Councilmember Ornelas, with Councilmember Tellez voting against, the Council voted 4:1 to approve the Ambulance Contract with O'Hara Flying Service II, LP, as presented with noted changes.

*On Break: 8:00 PM*

*Back from Break: 8:15 PM*

*Entered Executive Session: 8:15 PM*

**Executive Session under Tex. Gov't Code § 551.071, 551.072 551.074**

1. Consultation with Attorney
2. Personnel Matters
  - a. City Attorney Contract
  - b. Interview Temporary Municipal Judges
  - c. Code Enforcement Department
  - d. ESD Board
3. Real Estate Negotiations

*Exited Executive Session: 9:15 PM*

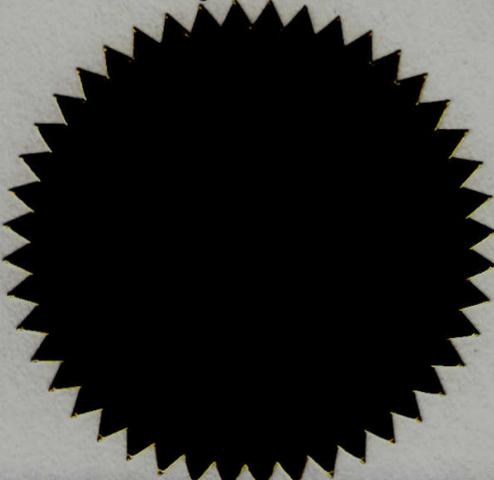
**Open Executive Session under Tex. Gov't Code § 551.071, 551.072 551.074**

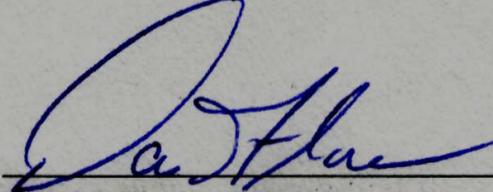
**13. DISCUSS/CONSIDER** Seth Sorensen, City Manager, asked that the Council approve the purchase of four lots along the I-20 Frontage Rd. In the amount of \$360,000.00. On motion by Councilmember Orona and seconded by Councilmember Tellez, the Council voted unanimously to approve the purchase of 4 lots as presented.

G. Discuss Items for Next City Council Agenda – City Council

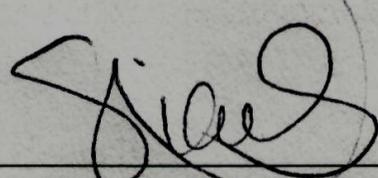
1. F St. Dumpsters
2. 4 Way Stop Signs and repainting of traffic lines at the intersection of Plum and Lincoln St.

H. Adjournment: 9:18 PM



  
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David Flores, Mayor

Attest:

  
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Syra Nichols, City Secretary