

City of Alpine
Regular City Council Meeting
Tuesday, October 7th, 2014
5:30 P.M.
Minutes

1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the meeting to order. Dr. Dan Logan said the invocation and Mayor Rangra led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra, Councilmembers Bermudez, Salas, Fitzgerald, Gonzales and Stephens were present. The meeting notice had been posted on October 3rd, 2014 at 3:30 P.M.
3. Presentations, recognitions and proclamations – None

4. Reports –

City Mayor's Report - Mayor Rangra said we were approved funding from the Texas Department of Agriculture to build two restrooms at Centennial Park. He said the City Manager has more information.

City Manager Report – City Manager Zimmer said concerning the streets all of the base is in for Sul Ross and Apple Street. He said we hope to finish that project in 10 days.

He said concerning the Parks we finished putting in the trees at Pueblo Nuevo last week.

He said as the Mayor stated, we received \$168,000 to complete two bathrooms at Centennial Park. He said we have a two year time frame to implement this. He said we will get the RFP out in the next two weeks. He said the Big Bend Friends of the park group will have a fund raiser at Plaine this weekend from 6 to 9 P.M.

He said for an ITT update, there will be a form for citizens to use to report code violations.

Concerning Code Enforcement, there were 43 violations and 36 Investigations.

He said concerning Law Enforcement there were 4 arrests, 14 assaults, 405 service calls, 100 911 calls and 20 citations issued.

He said tonight at Kokernot Lodge there will be a meeting concerning the County clean up.

He said concerning the Bulky trash pickup, he said citizens will take their bulky materials to the curb this week and TDS will pick them up on Monday, October 13th. He said TDS will have a map of the locations this week. He said on the first Saturday of each month, beginning in November, people can take their bulky items to the 15 acres @ the recycling location and this should help illegal dumping.

He said there are many October events for the city.

He said concerning the asset sale, the plots will be bid out. He said public notice will be in the next week or so. He said we will also generate a list of

the physical equipment.

He said concerning the financial update the budget variances will be at the October 21st meeting.

City Manager Zimmer said from now on the City Secretary will be devoting her time to updating the ordinances. He said he will be reducing her time with the boards and from now on they will take their own minutes, with the exception of the Council and the Planning and Zoning Commission. He said she will also be working on the Personnel Policy and there should be a draft in November.

Councilor Bermudez asked about the lights for Centennial Park. The City Manager said he is taking a survey for all the houses in the area to see if the citizens want the lights at the park.

Councilor Salas asked if the trash pickup maps would be available on line as well. The City Manager said he would have Glenn post that on line.

Councilor Gonzales asked if the City Manager could give the Council some information on the financials in regards to the DA or FBI or any of that. He said the City Manager had mentioned that he might give the Council a report within two or three weeks and it has been a little bit longer than that.

The City Manager said he would prefer not to address any ongoing investigations in open forum. He said he would prefer to do it in executive session. He said he would be glad to do that. He asked the City Attorney for any comments on that. Mick McKamie said that was an item that could be put on a future agenda to be addressed as a specific item. He said he would recommend that it remain in executive session. He said during an ongoing investigation we should leave it in executive session. Councilor Gonzales said he thought they were through with the investigation and was that not true. Mick said if the investigations are over we can have a public discussion on most of the issues. He said he recommends that we post both, public and private in executive session. He said anything ongoing needs to be discussed in executive session. Councilor Gonzales said he thought it was closed. The City Manager said we discussed that in executive session and he thinks on the guidance of the attorney we should leave that in executive session.

City Staff Updates –

Judge Trook Report – Judge Eve Trook, Municipal Judge, said the jurisdiction of the Municipal Court is ordinances and Class C Misdemeanors. She said over the last 4 months there have been 133 new cases filed. She said 52 of these citations were taken care of without the court. She said none of these are jail offenses. She said 13 of the cases were dismissed due to compliance and 20 cases were dismissed after deferred adjudication. She said they plead guilty and have 90 days and if they have no re-offense the guilty plea is dismissed and there is no record. She said there have been 275 cases that were dismissed. She said there is a backlog of cases filed and there are a great number of reasons. She said there were 7 bench

trials. She said 333 cases during that period of time had dispositions. She talked about the Omnibase system for tickets. She said they are reviving all the old cases prior to 2012 and they have about 5/6 completed. She said the court is a place for justice. She said there are ways to help the defendants feel that they have their day in court.

5. Citizens Comments (on agenda items) – (limited to 3 minutes) –

Bob Litton – said 10,11, 12, 13 and 14 items do not have enough of a description for public citizens to understand them.

6. Public Hearings –

A. Public Hearing to hear citizens views and comments concerning a rezoning request (R-1 to C-O) by agent Jean Pearce. Owner Shirley Ann Pearce. This property is now zoned residential, however the location has been a clinic for Pearce Clinic since 1989. Prior to that the location belonged to Dr. Bennock. Owner wishes to rezone this property from an R-1 to C-O. Property identification/street address is 708 E. Brown, Alpine, Texas. Legal description is Hancock D Addition, Block 2, Lots 3, 4 and N/12' of 2. (E. Zimmer, CM). – City Manager Zimmer said the re-zoning is not required at this time and that is why there is no action item on the agenda. Carl Fleming said Mrs. Pearce is in an awkward predicament. He said if the clinic has not been an office for a certain amount of time, they can only use 25% of the office space for a home occupation. He said it was not used for a while as a clinic. He said this could be a hardship to the City of Alpine to lose it, if we lose it as a clinic. Mrs. Pearce thanked everyone for their help on this.

B. Public Hearing to hear citizens views and comments concerning a 23' building setback variance for a carport to protect vehicles from hail, weather, etc. Property identification/street address is 1011 W. Avenue F, Alpine, Texas. Legal description is Sub E Addition, Block Sub E, Lot 3. 5 Morrows Real Estate is owner. Hugh Morrissey is Agent. (E. Zimmer, CM) – There was no citizen comment and it was discussed that this item would be voted on in item 9.

7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) – (Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

A. Approve Accounts Payable. (E. Zimmer, CM)

B. Approve Council Minutes of August 5th, and September 16th, 2014. (A. Rangra, Mayor)

Motion was made by Councilor Bermudez by Resolution 2014-10-01 to approve the consent agenda in its entirety. Motion was seconded by Councilor Salas. Motion unanimously carried.

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.)

A. Big Bend Regional Hospital District presentation on County Indigent Health Care Program to inform the council and the public. (E. Zimmer, CM) – Maria O'Bryant updated the public on the County Indigent Health Care Program. She said there are changes that have taken place for outpatients in Presidio County. She said they have expanded their indigent care service. She said they have provided transportation. She said the hospital is still eligible for supplemental funding. She said they have providers in Brewster County but there is no access to services in Presidio County. She said Dr. Billings in Marfa is affiliated with the Presidio Health Clinic. She said the clinic is looking at expanding and coming into Brewster County. Bob Litton talked about records being public. Carl Fleming talked about Mexican citizens coming to Presidio and using US Clinics. Councilor Stephens said in essence what the hospital center is, is a funder and the medical district is a service provider and they fund for people who need it. Maria said the hospital district is a taxing entity.

Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to) 10 per meeting.) (Citizens are allowed to comment–limited to 3 minutes – after being called upon by Mayor)

9. Discuss and Consider a 23' building set back variance for a carport to protect vehicles from hail, weather, etc. Property identification/street address is 1011 W. Avenue F, Alpine, Texas. Legal description is Sub E Addition, Block Sub E, Lot 3. 5 Morrows Real Estate is owner. Hugh Morrissey is agent. (E. Zimmer, CM) – There is no alley behind the house and he wishes to build a carport in front of the house. He has a new truck and wants to keep it nice and keep it up. He said the carport would not be close to the water line. He said the carport would cost \$4,000 and it would have metal posts. He said he wants the carport to have a regular pitched roof and not a flat one. Councilor Stephens said carports are the number one variance issue in our city. Motion was made by Councilor Bermudez, by Resolution 2014-10-02 to approve the building set back variance for a carport to protect vehicles from hail, weather, etc at 1011 W. Avenue F. Motion was seconded by Councilor Salas. Councilors Bermudez, Salas,

Fitzgerald and Gonzales voted in favor. Councilor Stephens voted against.
Motion passed.

10. **Discuss and Consider travel and training resolution. (R. Stephens)** – Councilor Stephens said it would be wise, because of our election cycle if we all agreed to this. He said this would also help us if the term ended prior to the end of the fiscal year. He said this allocated funding to each member. Motion was made by Councilor Stephens to approve the travel and training Resolution 2014-10-03. Motion was seconded by Councilor Fitzgerald. Bob Litton asked if this was in violation of the Texas Open Meetings Act. City Attorney Mick McKamie said it was not a violation of the Open Meetings Act. Carl Fleming said he thought that any travel should be budgeted before hand. He said he thought only travel that was absolutely necessary should be budgeted for and that it should be accounted for when the council member returned home. Motion carried unanimously.
11. **Discuss and Consider Accounts Payable – Repayment of Deposits. (E. Zimmer, CM)** – City Manager Zimmer said this was for the purpose of refunding deposits as the citizen came in, immediately, instead of waiting for the council meeting. He said sometimes they are waiting for three weeks. He said we should pay back the deposits once the obligation of the city has been met. He said every deposit used to go through council. Motion was made by Councilor Bermudez, by Resolution 2014-10-04, to approve paying the deposits back before they went to council. Motion was seconded by Councilor Salas. Motion unanimously carried.
12. **Discuss and Consider approving communications grant for Police Department. (E. Zimmer, CM)** – Motion was made by Councilor Bermudez, by Resolution 2014-10-05, to approve the communications grant for the Police Department. Motion was seconded by Councilor Gonzales. Motion unanimously carried.
13. **Discuss and Consider new rate sheet for pricing for Civic Center Usage. (E. Zimmer, CM)** – It was discussed that there is a valid reason to raise the fees. The updated rates for the Civic Center if \$60 per hour. City Manager Zimmer said we are proposing a three category rate, category number 1 is for the general public. He said we will also rent the center to non-profits and governmental agencies, including schools. Motion was made by Councilor Salas, by Resolution 2014-10-06 to approve the new rate sheet for pricing for the Civic Center usage. Motion was seconded by Councilor Bermudez. Motion unanimously carried. Dale Christopherson said he wanted to compliment the staff on the subject information.
14. **Discuss and Consider approving draft review for Board of Adjustment Ordinance. (C. Salas)** – Councilor Salas said she put this on the agenda. She said she liked that the council did not have to deal with the complaints

with this in place. Councilor Gonzales said we need to go over the Planning and Zoning Rules and make sure we abide by that. Councilor Stephens said the Planning and Zoning Commission needs to put the zoning ordinances in place. He said we need to get the zoning ordinances cleaned up. Councilor Bermudez said we really need to redo our ordinances here in Alpine. She said they are dysfunctional. She said in looking at the letter from Barbara Quirk, someone could get a variance for an unusual shape of a lot. She said she does not feel that we need a Board of Adjustments. Councilor Stephens said he felt it was a good idea to have both a Zoning Board of Adjustments and a Planning and Zoning Commission. He said it is a checks and balance system. He said these two separate entities definitely review the ordinances. A quorum of members for the BOA was discussed since there was difficulty in getting a quorum together for the Planning and Zoning Commission at times. What the Board of Adjustments would do and would not do was discussed. Councilor Fitzgerald said all of the variances would go to the Board of Adjustment after they went to the Code Enforcement Officer. It was discussed that the Board of Adjustment is a quasi judicial body. Carl Fleming said a zoning Board of Adjustment would do some good. He said we have a Code Enforcement Officer who is highly overworked. He said we need to have building permit transparency. He said building variances are key. He said the Planning and Zoning Commission is going to meet at least once a month for a workshop. Joseph Goldman asked who was appealing the final decision. He said the Board of Adjustment will have power over an elected board. He said the first step should be the long term goals and the second step should be looking at the ordinances to see if they comply with the long term goals. Motion was made by Councilor Salas, by Resolution 2014-10-07 to approve the draft review for the Board of Adjustment ordinance. Motion was seconded by Councilor Stephens. Councilors Salas, Fitzgerald and Stephens voted in favor. Councilors Bermudez and Gonzales voted against. Motion carried.

15. Discuss and Consider approving resolution and agreement for street closure for Artwalk 2014, November 21st and 22nd, Hwy 118 North, between Holland Avenue and Avenue E. (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald, by Resolution 2014-10-08, to approve the resolution and agreement for street closure for Artwalk 2014, November 21st and 22nd, Hwy 118 North, between Holland Avenue and Avenue E. Motion was seconded by Councilor Salas. Motion unanimously carried.

16. **Council Members Comments –**
Councilor Stephens – said we need to take responsibility and not use the Planning and Zoning Commission for variances and ensure that we start working with the Planning and Zoning commission on ordinances. He said carports is the place to start. He said we need to try to fix our ordinances.

Councilor Gonzales – said he agrees with Councilor Stephens.

Councilor Fitzgerald – said he agrees with Councilor Stephens.

Councilor Salas – said she also agrees with Councilor Stephens and she thanked everyone for coming.

Councilor Bermudez – said she had the resolutions from TML and she would see to it that anyone could have a copy if they wanted one and to contact her. She also asked if everyone would say a prayer for her niece who is having brain surgery on Friday.

Mayor Rangra – thanked everyone for their comments. He also asked the City Attorney if saying “I agree” would be considered voting. The City Attorney said “I agree” is not a vote.

17. **Executive Session – None**

18. **Action After Executive Session – None**

19. **Adjournment** – There being no further business, meeting was adjourned, upon the motion by Councilor Fitzgerald and seconded by Councilor Bermudez.

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).

I certify that this notice was posted at 3:30 P.M. on October 3rd, 2014, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Dr. Avinash Rangra, Mayor

Attest:

Margaret “Molly” Taylor, City Secretary

I, Margaret “Molly” Taylor, City Secretary, do certify that this notice was posted at 3:30 P.M on October 3rd, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret “Molly” Taylor, City Secretary