

**City of Alpine
Regular City Council Meeting
May 21st, 2013
6:00 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Darroll Wright with the Church of Christ gave 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 and Councilmembers Bermudez, Davidson, Fitzgerald, Gonzales and Castelli were present. Meeting notice had been posted at 11:30 A.M. on May 17th, 2013.**
- 3. Presentations, recognitions and proclamations – Mayor Rangra presented the new Councilmembers to the audience. He introduced Michael Castelli, Jim “Fitz” Fitzgerald and Angie Bermudez.**

City Mayor’s Report - Mayor Rangra said he and the City Manager had an interview at the radio station in Marfa at Marfa Public Radio and questions were asked by John Waters. He said it was a good session. He asked John Waters when it would be aired and John said in about 30 minutes. The Mayor said we talked about our future and where we are going.

City Attorney Report – The City Attorney said he was very pleased to say that he had no report. He said no one is suing us. No employees are filing grievances and there are no legal actions of any type.

City Manager Report – The City Manager said he wanted to introduce the interim finance person, Debra Patterson. He said she has agreed to help us for up six months until we get someone trained. He said Debra comes to us with a lot of experience and he feels really blessed to have her on board. He said concerning the City Swimming Pool it is moving along. He said Atlantis is here today and possibly through tomorrow to finish up their work. He said after that is done the City crews will step in and do painting of the pool and get it ready. He said once it is ready we will be able to fill it and check it. He said the City Crew will be purchasing some sod. He said we have some open areas that would allow for dirt to be tracked in the pool so we are going to put down some sod so we can protect the area. He said we will be installing fencing. He said we are getting quotes right now on fencing so we can have it ready to go. He said we are anticipating that we will have the pool open June 15th. He said that is the target date that we are

shooting for. He said he consulted with the engineers yesterday and we are on target with that date. He said that is only a week after school is out so we are in pretty good shape. He said the next item will be the quiet zone. He said the public comment period ended May 15th. He said there were no comments as you can imagine. He said at this point after meeting with the engineering firm he directed them to prepare a bid package and bring it back and we will set this up for bids to get the crossing improvements made to complete the quiet zone and we will be in business. Chuck said the Mayor asked to mention this today. He said we received a letter from the Marfa Elementary Kindergarten Class. He said they had apparently visited Kokernot Park and they drew pictures of the park and told the City thank you for letting them use the park and sent an invitation to a play that they are going to do. He said he did want the Council to know that and the Mayor is going to send them a nice letter back. Councilor Fitzgerald asked if there was any news about the ongoing investigation. The City Manager said it is in the hands of the law enforcement and we cannot make any comment. He said they have not informed us as to when they might be through. Councilor Bermudez asked if the City Manager knew anything about the crew changing station to the east of town. She asked if anything ever happened with that. The City Manager said she was probably talking about something that he did not know about. Councilor Bermudez said we were trying to get the crew changing location from 5th Street to the east part of town, close to the Animal Shelter. Chuck said he did not know anything about it but he can certainly pursue it and talk to Union Pacific. Councilor Bermudez asked that he do that. Mayor Rangra said it is close to the Animal Shelter. Councilor Fitzgerald said it has already been surveyed. The City Manager said he would put it on his list.

City Staff Updates – Martha Latta said she was the coordinator for Keep Alpine Beautiful and Alpine Recycles. She said pretty much everyone knows that. She said this is her monthly update on recycling. She said she had some exciting information to share with everyone. She said those of you who have been out to the recycling center have noticed a huge pile of tires. She said nothing had ever happened to it for at least a decade and maybe two. She said all that ever happened was that the pile got bigger. She said fortunately last year the Rio Grande Council of Governments made grant money available strictly for tire disposable or recycling. She said we received \$4,600 last year and then again \$4,600 this year. She said last year and this year with the help of trustees from the Brewster County Jail and Community Service workers they loaded 20 – 40 yard roll offs full of tires, each one held approximately 350 to 400 tires apiece. He said they hauled them to Denver City to State Rubber Recycling, two at a time, and they have made ten trips in the last two years. She said we have hauled off 90 tons of tires which amounts to 8,000 tires more or less. She said it took us \$9,200 to get rid of 90 tons of tires. She said we still have 1,500 tires to dispose of. She said right now it is unclear whether the COG will have

money in the next biennium for tire removal, or not. She said an interesting idea came from one of the trustees last year when they were working on it. He said some of the tires are on rims and they are not recyclable while they are on the rims. She said the trustee asked her what she was going to do when you run out of money. She said he said why did we not take the rims off the tires and take the rims to the scrap metal dealer and take that money and dedicate it to a fund to get rid of the rest of the tires. She said the unfortunate thing is that we lost our scrap metal dealer here in town. She said we have 600 tires on rims. She said we have 600 rims that could be scrapped to help with this program. She said she will leave you with that thought and if anyone has some brilliant ideas on how we can get the tires off the rims and then scrap the rims to fund this program, she would love to hear about it. Councilor Fitzgerald asked if there would be any scrap value to the city for all of these tires. Martha said it costs money to get rid of tires. She said nobody buys tires like they buy aluminum or other recyclable materials. She said it costs us money to get rid of them. Councilor Davidson asked how a person got rid of a tire. Martha said the legal way and moral way with our situation in Alpine right now is to take the tire to Oasis Tire and pay them \$3.00 per tire.

5. Citizens Comments (on agenda items) –

Bob Litton – said regarding item 10, concerning holding a gun show in the Civic Center by the Lions Club. He said he is assuming that the council read the articles that he put in their mailboxes. He said there were five people wounded in three cities where people were accidentally wounded at a gun show. He said this happened at a gun appreciation day. He said he would like the council to deny this but does not believe they will. He said he has no objections to US Citizens having a rifle or shotgun for hunting or a pistol tucked away in their home for intruders. He said he does not condone automatic weapons. He said he does not hold any bias against the Lions Club. He said he used to be a member. He said their goals are commendable and he understands that they have a problem now with fundraising, as do many other groups. He said he just does not believe that sponsoring gun shows should be resorted to in order to raise money. He spoke about some survivalist group that he met in the coffee shop. He said the NRA does not represent the majority of Americans but they are a politically and financially powerful group obsessed by their narrow view of the second amendment. He asked that the City turn down the Lions's Club request and not allow them to use the Civic Center.

Bob Steele – said he would also like to talk about item 10, the Lions Club Gun Show. He said he would like to point out that the Lions Club made a request for the Civic Center and that they wish to conduct the show in accordance with all the laws of the United States and the State of Texas. He said they are not going to be selling automatic weapons but will be

selling only weapons that are legal to own in the State of Texas. He said they have submitted their reservation and requested that the fee be waived. He said he has since discussed with the City Manager some additional costs to the city. He said this will be on Labor Day Weekend which will be the same weekend as the Balloon Bash and the Marfa Lights festival. He said they will be able to draw not just from Alpine but Marfa and other surrounding cities as well. He said the money they raise is used to provide financial support for charitable activities. He said they use it for a number of things, Child Advocacy, the Alpine Public Library, the Big Bend Livestock Show, eyeglass support locally and softball. He said these are some of the good things they do and they would like to do more. He said they have an opportunity here to undertake a gun show which has been run for the last two years in Marfa. He said they are looking at weapons where the control is local and they will bring bidders in from around the area and around the state. He said they will have security on site who will control any weapons that are on or off site. He said they are not doing automatic weapons but handguns and shotguns. He said they are aware that they are firearms but they will have tight security with Sheriff Dodson and Chief Scown. He said they are not planning to hold this show in any way to endanger any person or the City. He said he would request the City Councils favorable consideration for the Lions Club to hold a gun show at the Civic Center on Labor Day weekend. He said they are asking to waive the rental fee but will pay for the cost of utilities.

6. Public Hearings –

- A. Public Hearing to obtain citizens comments and questions for zoning change requested from R-1 to C-1, C1-A, C-2A and C-O. Owner wants to turn this into potential rental for professional office space for lawyer, realtor, or non-profit. Property identification/street address is 207 North Harrison. Legal description is Hancock Addition, Block 4, Lot 6, E. 14 VRS of 7. Record owner is Toni P. Brookover and Agent is Pate Brookover. (C. Harrington, CM) – Marilyn Terry said she lived at 909 E. Sul Ross Avenue which is right across from 207 N. Harrison and she wanted to speak to the zoning change. She said E. Sul Ross is a residential area. She said next door to their house there is a large apartment building. She said the intention is that across the street from them is zoned for business. She said at this time the Brookover's have maintained the property beautifully but they would like to have an office rental space. She said that in itself would not be a problem but the Brookover's will not be there forever. She said the zoning change, as she understands it would be for a business, which means for instance, after the Brookover's leave, those two buildings could be torn down and that space could be made into apartment buildings or a big store and whatever it would be used for would increase traffic and would stop the gateway to Sul Ross and a residential area. She said these are**

the two points that she hopes the City will take a look at. One is it is a residential area and if that building is rezoned it will cease to be residential in this area that is across from the entrance of Sul Ross. She said at this point you come down from Sul Ross and you are in a residential area where if you come down from one of the other entrances you are in a business area. She said the second thing is that she recalled looking at the traffic pattern in the area. She said in the morning we have traffic into Sul Ross, at noon we have traffic in and out to Sul Ross and in the evening a lot of traffic out and in the evenings after special events, there is a lot of traffic. She said there is traffic on the two one ways and there is traffic from the businesses to the North of us. She said even today, about an hour ago, one of the vehicles that came up from the Brookover property actually stopped a vehicle that was coming down the street. She said he happened to notice that out her front window. She asked the Council to take a look at these two factors. She said again changing the residential nature of Sul Ross at that end of the street and secondly looking at the traffic problem that is a potential for even more of a problem. Robert Flanders said he lived at 906 E. Sul Ross which is immediately adjacent to West of the property in question, 207 N. Harrison. He said the request by the Brookover's is the same as what was requested a number of years ago. He said they had that zoning change done. He said his mother was still alive at the time and his sister was here and their position was at that time if they could not be given a guarantee that it would stay an office building forever or for a reasonable length of time they were not in favor of it. He said they could not guarantee it. He said in addition to the excellent points that Marilyn made, another point would be that if there were any other kind of business besides a doctor's office or lawyer's office to come in there, it could negatively affect his property values. Pate Brookover said they are trying to do this. He said they went to planning and zoning and did a C-O which is just a commercial office. He said they also own the insurance company which is right next door to the property in question. He said since they have been opened, they have had people ask them if they could rent that property. He said they thought that could be a good fit for there. He said they have done a lot of work to their property and cleaned it up and they would just like to finish up that block and rent it as an office. He said a C-O is very specific as to what type of office can go there. He said it cannot be a high traffic area. He said that was him that stopped traffic today. He said he is not saying that it can't happen. He said they really want to try to fix this up, clean it up and make it look nice. He said they are not going anywhere. He said his family has been here for a very long time and they are not planning on leaving. He said he and his wife would not have done this if they were planning on packing up and moving out. He said they would like to keep it all right there and maintain it. He said they have had it rented residential. He said if he did

not have to rent it out residentially he would like not to. He said this is because the office is next door. He said it is 8 to 5 and the place has not been rented out for a while and he kind of likes the quiet. He said he has been in the rental business for a little while. He said you can try and try and think that you are very good at picking the right person and sometimes they can shock you and surprise you. He said that is the whole deal. He said he would like to put some money in the property and make it look nice for the City of Alpine when you drive by it. He said he is not planning on putting in any apartments. He said the house is only a two bedroom and one bath, just like their office. He said he would like the Council to consider this. The City Manager said this is a request by Mr. Brookover. He said Mr. Brookover had originally come in and put down a smorgasbord of zone changes which he did not feel was appropriate. He said in reference to the comments that were made, obviously it is not a C-2 location, which allows intense commercial uses. He said what we discussed at Planning and Zoning Commission was to make this a C-O which is office only. He said it does not allow for any neighborhood commercial or any intense commercial uses. He said it really more for professional type offices, where you have lawyers and doctors and that type of thing. He said when they looked at all this they felt that this was a reasonable request because of the fact that Harrison is a major thoroughfare through the area. He said while he recognizes that one of the speakers tonight lives adjacent to that street, it is probable that she hears quite a bit of traffic noise. She said what their thinking was if they use office commercial as a buffer between the Sul Ross Street and the residential area further to the west it offers a whole lot more protection for the neighborhood. He said if you look at the next two or three blocks, they are all offices. He said there are doctor's offices and other offices. He said what we think should happen is first, this property is a reasonable request to make it commercial office. Secondly, he thinks that the lots adjacent to Harrison that are currently used as offices, should be made to look conforming, and take a look at extending office commercial up that way in line with what has actually been developed there. He said he would be happy to answer any questions. Marilyn Terry asked if he was clarifying that the only thing that could be in that building is an office. The City Manager said in office zoning you will not see any convenience stores or anything like that. He said it will be restricted to office. He said you need to recognize that our zoning ordinance is not complete in all areas. He said it has lesser intents that are allowed as uses which allows residential two family, three family and office. He said that is one of the issues that we see coming down the road, to make changes to our zoning ordinances. Martin Terry said he would like to clarify if residential zoning allows for health care offices. The City Manager said it did not. Martin Terry said so all the ones around them are out of compliance. The City Manager said that was true but we

call it non-conforming. Robert Flanders said he understood it that the C-O designation could be changed to a residential that would allow as many as 3-family dwelling. The City Manager said it allows for that. He said since it is inclusive it includes everything below that. He said that is inclusive zoning and that gets into problems. Mr. Flanders said he would like to make it clear that having a 3-family residential dwelling next door would not be what he would like to have next door. The City Manager said to be honest, it probably is not feasible to do that because the size of the lot would not make it work. Mr. Flanders said probably is not going to cut it for him right now. John Waters with the Big Bend Gazette asked the City Manager if he believed it was in the best interest of the city to change the zoning code permits because of the numerous properties not in compliance. The City Manager said those issues just came out as a result of this application. He said many times you have zoning ordinances put in place and you may have issues and have places where you need to make some changes. He said that is normal. He said he thinks we need to be proactive on those other properties. John Waters said it is clear that this C-O would allow for certain types of office space. He said what is to say that the applicant could come back in a year or two could come back and change it again for another type of development. The City Manager said he would have to come back and go through the same process as he went through tonight and there would be opportunities to reject it and the staff would have the opportunity to say no. Michael Reese said he lives next to Michael Flanders. He said he just has been made aware of this. He said he thinks that they are all in agreement. He said the designation of C-O would just be office space and he thinks they would all be pretty comfortable with that. He said the “probably” thing that the City Manager said earlier was the issue. He said he thinks that is the main issue. He said if we could fix the zoning issue first so that way there is not this issue of what maybe could happen or could not happen. He said he thought they would all be much more comfortable with that. The City Manager said he understood what he was saying and should not have used that word “probably”. He said when you look at the single family lot, it really does not have the space or area where you could put multi-family units because you do not have space for parking. He said you would not be able to get enough buildings in there to make it worthwhile and that was what he was alluding to. He said under the rules of developing that lot into that use is almost impossible. Mr. Reese said if they were able to put both lots together and make an apartment building, that would encourage traffic and there would be a drainage issue. He said there would be those issues to consider as well. The City Manager said from the standpoint of a development taking place it is the staff’s responsibility to be sure that newly developed property does not impact adjoining properties, including waterflow and parking. He said those are things they address

to ensure that water flow goes in the correct direction and it does not impact the neighbors. He said that is up to the staff. Mr. Reese said he felt we needed clarification in the future. The City Manager said he agrees it needs to be done but he cannot promise how fast in the future it will be done. Mr. Flanders asked if the City Manager had seen Phelps Street, between Avenue E and Sul Ross Avenue on the East side of the street. He said there is an apartment building there that has at least two units that he does not believe is on a footprint any bigger than the property we are talking about. Mr. Brookover said all he can say is that they are not going to change it. He said he knows that nobody needs to believe them and that is all they have to say. He said what they have done with the office, that house and tore down that little house and put in the parking lot for the insurance office, is exactly what they want to do with this house. He said he does not want to spend money tearing all of this down and does not want a multi-family dwelling next door. He said that is why he is doing this, to try to keep it one piece with two offices and go on about our business. He said he will promise that the property will look better and be exactly the same property. He said it has a little parking lot there that will be clean. He said they will do a little landscaping and paint it and hopefully rent it out. Mr. Reese said they are not at all worried about the Brookovers, but who the Brookovers might sell the property to and what they would do with it.

7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) –

A. Approve Council Minutes of May 7th, 2013. (C. Harrington, CM)

B. Approve Accounts Payable. (C. Harrington, CM)

Motion was made by Councilor Davidson, by Resolution 2013-05-10, to approve the Consent Agenda as a whole. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

8. Information or Discussion items – None

Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 15 per meeting.)

9. Discuss and Consider Planning and Zoning Commission's recommendation concerning zoning change requested from R-1 to C-A, C1-A, C2-A and C-O. Property identification/street address is 207 North Harrison. Legal description is Hancock Addition, Block 4, Lot 6, E 14 VRS of 7. Record owner is Toni P. Brookover and Agent is Pate Brookover. (C. Harrington, CM) – The City Manager said he did not have a whole lot more

to add that what was stated during the public hearing phase. He said the Planning Zoning Commission and staff recommend that the City Council consider changing this from R-1 to C-O. Councilor Castelli said this is his first meeting and he did not intend to get involved on his first meeting with anything that was contentious, but timing that it is, he is here and he is involved. He said yesterday evening when he walked through the neighborhood he saw Jimmy Case who asked if he (Michael) could help him get the weeds mowed at the apartment complex on the street. He said this problem has been going on and he has complained to Code Enforcement but nothing gets done and the place is a mess. Councilor Castelli said Mr. Case should call the city to get it done. He said we are dealing with an issue down the street for five years and nothing was done until it was put in writing and a copy was given to the Mayor. He said he told Mr. Case he needed to put something in writing and then if it does not happen we can try to do something about it. He said he had this Main Street study that was done for Alpine. He said one of the issues in the study that talks about "in addition Sul Ross Avenue should be considered for similar treatment due to its scenic quality and as an approach group to Sul Ross State University, improving each thoroughfare should be considered using the recommendations below". He said it further states "Sul Ross Avenue, provides a physical link from the University to downtown, maintain and accentuate use to Sul Ross State University and make the route from campus to 5th Avenue and beyond, more attractive to pedestrians. This can be done by installing street furniture, banners, landscaping and lighting. This should also include sidewalk access for pedestrians and bicycles from Sul Ross downtown." He said this is a plan that Alpine adopted in 1995 and he does not think that things have changed that much for us to forget this. He said the devil is in the details. He said in talking to the neighbors, they had talked to Pate's wife and the neighbors were very comfortable that it would be a beautiful building and well maintained up to those standards. He said they were not aware of the fact that a C-O allows you to do R-1, R-2 and R-3. He said contrary to what has been let out tonight, R-1 is for single family residents, R-2 is for a duplex and R-3 does not mean 3 family. He said R-3 means multi-family. He said you can put a lot of units on a piece of property. He said the lot that Robert mentioned had a duplex and in the back yard they put a two story, two unit apartment, so there were 4 units on that city block. He said that is dense and there is a lot of parking on the street. He said ultimately he thinks the neighbors to that property have the say because the city made the decision when they made it R-1. He said the home owners lived there based on it being R-1. He said if you want to talk about code enforcement or violations and such why don't you turn it around. He said why don't we leave it R-1 and get the neighbors to agree that they won't complain if an office goes in there. He said in this way the responsibility is turned around and they are not left holding the bag. He said he thinks that we have had three of the adjoining neighbors here today and he thinks that speaks well.

He said they have experience in living next door to an unkempt apartment complex. He said that would make anybody concerned that this zoning allows an apartment complex in the future and the only thing we don't know is the future. He said he has said his piece as a Councilman in Ward 5 and this is in Ward 5. Councilor Fitzgerald said he has a little heartburn with the future. He said the Brookovers did a really nice job with what they had. He said it is a whole lot better than what it was. He said he realizes that Mr. Brookover's family has been here since 1886 and he is not going anywhere. He said who knows. He said he likes the idea that we change the ordinance first. Councilor Davidson said one thing he notices is that everybody up here is representing their own personal interests. He said he feels like as a City Councilman it is up to him to represent the common interests of the city. He thinks that Mr. Brookover's idea would be an improvement and it would be a consistent with the actual use that is on that street whether it complies with current code or not. He said it is kind of spot zoning and we are severely lacking in a comprehensive vision of our zoning process and he thinks everybody knows that and at least in that neighborhood if we went ahead and solved the zoning problem that would help to clear this up. He said 20 years down the line who knows what will happen. Councilor Bermudez asked if Mrs. Terry was at the Planning and Zoning Commission meeting when all of this was taking place. Mrs. Terry said it may have been in the letter but she missed it. Mayor Rangra asked the City Secretary if it was in the letter mailed to the neighbors. The City Secretary said it was in the letter. She said there are two paragraphs, one for Planning and Zoning Commission and one for Council Public Hearings. Councilor Gonzales said he thinks that it is spot zoning. He said he really does not agree to changing it. He said he thinks we need to start with the Planning and Zoning Ordinances we have and having a plan for what we want and need in the city. He said then let everybody decide. He said here we are just picking one case and he would like to see an overall picture of what we want in the city and he thinks that is where we should start. He said he wants to take it back to the Planning and Zoning Commission and let's fix the ordinances that are there so that we can make a good choice. Mayor Rangra said just for the benefit of the new councilmembers, he will give all the time in the world to the Councilmembers to talk. Councilor Castelli said this should not surprise the City Attorney because he left a message on his machine. He said there were two planning and zoning meetings, both regarding changing corner properties, both in Alpine, both on major streets. He said one Planning and Zoning denies the request because they were about to commit the most heinous crime which was spot zoning. He said the second one has the same issue and there is no discussion of spot zoning and it was approved. He asked what the difference was because to him it was the same situation but we are not following the scenario the same. He wanted to know what we can do and what we can't do. City Attorney Armstrong said he cannot speak for the Planning and Zoning Commission. He said he wanted to define spot

zoning. He said spot zoning does not indicate a spot on a map. He said spot zoning indicates zoning that is contrary to the comprehensive plan of the City. He said there is no doubt that we are not up to speed in our planning efforts. He held up a comprehensive plan which was 1966 – 1991. He said we have a lot of work to do to get up to speed. He said there is no doubt about that. He said in terms of modernizing and incorporation of main street plans and other efforts. He said that being said when we modernize at the planning and zoning commission, one thing he would recommend is that if the planning and zoning commission does not feel that the comprehensive plan is adequate but that they recommend a change to the comprehensive plan, that is their exclusive purview, as a planning commission. He said we are talking planning and zoning commission. He said the planning side of it, if they feel that there is an appropriate relationship to the comprehensive plan for a zone change request they can pull that out and recommend that to council. He said or if they feel the comprehensive plan is inadequate, they can recommend in their planning function, a change for the comprehensive plan. He said spot zoning is simply zoning that is not done in accordance with the comprehensive plan adopted and/or as amended of the city of Alpine. He said one other thing that is being discussed here is the concern about going to high density residential. He said it is inclusive under our C-O zone under our current ordinance but one thing he would commend to your attention through this excellent debate is the lot restrictions under the high density residential district. He said restriction 1) is building height – 2 ½ stories. He said restriction 2) is 500 feet per family in addition to 4,000 feet of space required for a single family. He said if you have 3 families you would at least need 5,000 square feet of building. He said that does not cover common areas and the like. He said in addition, in the R-3, the high density residential district, there has to be a rear guard of 25% of the total lot depth and there has to be a front yard of 25 feet. He said on corner lots the front yard is required to be on both street fronts. He said he has not done a site plan but that is what those guys will be looking at when they do a site plan. Councilor Gonzales said concerning the situation of the home business on the corner of 5th Street and Uvalde, the City Attorney said this could be done. He asked why the same thing could not be done in this case. He said on the 5th Street issue you have someone who owns the property who is renting it to somebody else. The City Attorney said it would have to be an owner occupied property. Councilor Gonzales said the owner of that building is not someone who is living in the building. He is a real estate person who is living somewhere else and he is renting that property to another individual. The City Attorney said he would have to ask that we stick with the agenda concerning this item. Councilor Gonzales said this is important because if we can do this, we can keep it as an R-1. The City Attorney said if the current agenda item did have an owner occupant and it was a similar situation we probably could do a home occupation with similar conditions. Councilor Gonzales said

when the Mayor read this he said R-1 to C-A, C1-A, C2-A and C-O and the comment was made that we were not going to do that but just do a C-O. He asked if that was something we should change. The City Manager said it would just be a member of what we passed. The City Attorney said the only reason it is coming to you this way is because that is the way it was published. He said the recommendation from the City Manager is C-O. Councilor Castelli said C-O also allows R-1, R-2 and R-3. Mayor Rangra asked if there could be restrictions on this that made it an office only. The City Attorney said we could not amend the ordinance, which a restriction would do, without going through the process. He told the Mayor he would dearly like to give him the opportunity to put restrictions on that but our current ordinance simply would not allow us to do that. He said he would create an ordinance that would allow us to do that. Mayor Rangra said under the Home Rule Charter we can make some changes. He said he did not know if the City Attorney was aware of that. The City Attorney said we could do the C-O but we can't say office only. He said if we change the ordinance we would have to go through the public hearing process that is required by state law. The City Manager said what the Mayor was asking to do is something we would love to do but the law does not allow us to put special conditions on a zone change because it is different. He said what we would have to do is go through there and amend our ordinance. He said if it is the Council's wish, we can certainly table this and require a change to our ordinance relative to the zoning district that we can bring back. Mayor Rangra said the city laws are the City Ordinances and these are not necessarily the state laws. Councilor Davidson said by that token, with the ordinance change, we could change it to C-O until they request a change. Councilor Bermudez asked if we should change the ordinance. The City Manager said if you would ask him today if we should change the Ordinance, he would recommend changing all the districts and taking out that inclusive factor because it has a negative impact on a higher density area. He said it is really a negative for everyone. He said the object would be to look at the districts and change what is inclusive. He said for instance you might have R-1 allowed in R-2 and that would be about as far as you would want to go. He said it really needs to be separated out. He said the intent for C-O is really to provide a low intensity use that can better buffer neighborhoods from commercial properties. He said this is also a better buffer from apartments and traffic. He said that is what the intent is of C-O. He said offices make great neighbors. He said they are 8 to 5 and not there on the weekends. City Attorney Armstrong read the description of C-O in the ordinance. Ray Hendryx said he assumed that people who resided in commercial zoned property would be able to continue to live there and businesses who had businesses in residential zoned property would be allowed to continue to run their business. He asked if this would be grandfathered. The City Attorney said it would be. Motion was made by Councilor Castelli, to accept the Planning and Zoning recommendation for this proposal to change the property from R-1 to C-O.

Motion was seconded by Councilor Fitzgerald. Councilors Bermudez, Davidson, Fitzgerald, Gonzales and Castelli voted against. Motion failed. The City Attorney said after the comprehensive rezoning they could bring this item back to the Planning and Zoning Commission and Council. Motion was made by Councilor Davidson, by Resolution 2013-05-11 to ask the City Manager and City Attorney to go back through the Planning and Zoning Commission and bring back to the Council some recommendations including inclusivity and changing the Planning and Zoning Ordinance. Motion was seconded by Councilor Bermudez. Councilor Castelli said he believed we should fix the comprehensive plan instead of negotiating band aids. The City Manager said probably within a month they could come back with some suggested changes for the zoning ordinance. Motion carried unanimously. Councilor Gonzales said he had the minutes of January 15th of this year where the City Attorney said we were going to look at the zoning ordinances and make sure they were correct before we moved on to the Zoning Board of Adjustment. He said the motion was made by Councilor Davidson to postpone the first reading until we have had a workshop and approach this in a comprehensive fashion. He said he seconded the motion. He said we are “no where near” where we can actually have a Planning and Zoning workshop. He said we need to follow up with the first motion and actually have a workshop before we move forward. The City Attorney said we now have a comprehensive plan and we can start with that. Motion carried unanimously.

10. Discuss and Consider waiving Civic Center fees for Lion’s Club Gun Show on Labor Day weekend. (A. Bermudez) - Councilor Bermudez said Bob Steele talked to them about what the Lions’s Club is planning on doing and all they are asking right now is to waive the Civic Center fees. The City Manager said the staff’s position is twofold. He said the City has some operational expenses when groups come in. He said we determined today with electricity and water that we are talking about \$50.00 per day for our operating expenses. He said he talked to Mr. Steele this afternoon and told him what we felt what help us cover our operating expenses and Mr. Steele indicated that \$100 for a two day weekend would be great and they could live with that. He said our fee is \$60 per hour for renting the Civic Center so what we are talking about here is reducing our fee considerably but still covering our operational costs. He said we also recommend to City Council to consider directing staff to draft a policy that we can put on the books to deal with these kind of issues when we have charitable organizations coming in and making a request like this. Motion was made by Councilor Bermudez, by Resolution 2013-05-12, to waive the Civic Center fees for the Lion’s Club Gun Show on Labor Day weekend however the Lion’s Club will pay \$50 per day for operational expenses to help defray costs for the City. Motion was seconded by Councilor Davidson. Motion carried unanimously.

11. Discuss and Consider approving second reading of ordinance adopting

new open records policy. (C. Harrington, CM) – The City Attorney said the returning council members have already approved this. He said the old freedom of information act, TPIA policy, set forth in Section 2.94 of the Code of Ordinances, designates the City Manager as the Open Records Officer. He said the City Secretary is always in charge of Official City Records and is solely responsible for disseminating and complying with public information requests. It provides a new policy that is highly stylized and it provides forms for citizens and they can get it on the website and it also provides a cost for compliance with the Freedom of Information Act requests or the TPIA requests as set forth in the state guidelines. He said the only other two things that he would bring to the Council's attention are the new policy is compliant under state law and it does not cover freedom of information act requests that go to Court. He said the Judge follows a separate process and also there is a special section for investigatory police records. He said they will need to obtain those records separately. He said they also provide a waiver in favor of new media where we can make it easier for the media to obtain information at no cost. Motion was made by Councilor Davidson, by Resolution 2013-05-13, to approve the second reading of ordinance adopting new open records policy. Motion was seconded by Councilor Bermudez. Councilor Gonzales said this is basically what Texas law says and we have only added an A and B form to it. The City Attorney said just the forms but we really did not have a policy heretofore, so having a policy that complies to state law is new to us. He said otherwise, yes we are complying with state law. Motion carried unanimously.

12. **Discuss and Consider resolution approving the transfer of the cable franchise. (C. Harrington, CM)** – The City Manager said this is a request from TDS Inc. to transfer the franchise agreement from Baja Broadband to TDS Inc. who bought Baja Broadband. He said we found no objections with their request and it was reviewed by the City Attorney. He said we recommend that the council approve the resolution authorizing the transfer of the cable franchise. Motion was made by Councilor Fitzgerald, by Resolution 2013-05-14, to approve the resolution approving the transfer of the cable franchise. Motion was seconded by Councilor Bermudez. Councilor Fitzgerald asked if there was any financial impact to the city with this, either positive or negative. The City Manager said there was no change except for a name change. Ray Hendryx asked where TDS was out of. The City Manager said South Carolina. Motion carried unanimously.

13. **Discuss and Consider approving Resolution adopting the official zoning map of the City of Alpine, Texas, making certain findings; finding compliance with the open meetings law; and providing an effective date hereof. (C. Harrington, CM)** – The City Attorney said the zoning map we discovered was never official. He said the zoning ordinance provides a procedure set forth in the resolution for identifying an official zoning map.

He said we have been talking a lot about making changes in the comprehensive plan but we need to know what we are changing from. He said at a recent Planning and Zoning meeting people indicated that there was a mistake on the map and staff determined it had never been changed. He said what we need is an official map and this resolution will allow you to do that. He said it also provides for a very specific procedure for changes to be recorded on the map by the Ordinance, Ordinance # and the date of the adoption of the Ordinance. He said it requires the Mayor to sign it and the City Secretary to attest changes. He said we could go through this process annually to clean up and adopt a new official map for 2014 by resolution and then changes that occur during the year we can identify on the face of the map, by date, by ordinance number and by the change that is indicated so we won't have this administrative difficulty in the future. Motion was made by Councilor Bermudez, by Resolution 2013-05-15, to approve the Resolution adopting the official zoning map of the city of Alpine, Texas, making certain findings; finding compliance with the open meetings law; and providing an effective date hereof. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

14. Discuss and Consider appointing Sara Griffing to represent Ward 5 on the Planning and Zoning Commission. (M. Castelli) - Councilor Castelli said we have a vacancy on Planning and Zoning in Ward 5 and he is proposing Sara Griffing who is a personal friend of his and who has heard him rant and rave about Planning and Zoning in Alpine. He said she is from Houston and has never really been exposed from Planning and Zoning. He said she asked him if she could do it because she has been so interested in it while we were in an issue to try to get those apartments stopped in Ward 5, she was right there "along side" the whole time. He said she has a great interest in it and she is a good learner and is not afraid to say no. He said she was not present tonight but is normally here. Motion was made by Councilor Castelli, by Resolution 2013-05-16, to approve appointing Sara Griffing to represent Ward 5 on the Planning and Zoning Commission. Motion was seconded by Councilor Davidson. Motion unanimously carried.
15. Discuss and Consider appointing John Hughes as Ward 3 representative of the Airport Board to replace Walt Pyle. (J. Fitzgerald) – Councilor Fitzgerald said John Hughes was his appointee the last time he was on the Council and he did an excellent job. He said he did a lot of homework and was very analytical and he did a lot with the Rules and Regulations. He said he is retired Navy Officer and a pilot and is more than qualified and proved himself last time around. Motion was made by Councilor Fitzgerald, by Resolution 2013-05-17, to appoint John Hughes as the Ward 3 Representative of the Airport Board to replace Walt Pyle. Motion was seconded by Councilor Bermudez. Motion carried unanimously.
16. Discuss and Consider Bigt Bend Balloon Bash request for use of Airport.

(A. Bermudez) – Kenneth Clouse said this is the 18th year for the Big Bend Balloon Bash. He said they would like to use the Airport Facility for the event. The City Manager said we have looked at Mr. Clouse’s request and feel that it is a very worthy request. He said we would love to have it again. He said we do ask that they coordinate their activities with the Airport Manager so we can avoid any kind of operational issues. Kenneth Clouse asked the City Manager if he was the Airport Manager. The City Manager said no, that would be Johnny Galvan. Mr. Clouse said he thought the City Manager was the Airport Manager. The City Attorney said whoever the City Manager designates as the Airport Manager is the Airport Manager. Motion was made by Councilor Bermudez, by Resolution 2013-05-18, to approve the request of the Big Bend Balloon Bash to use the Airport. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

17. **Discuss and Consider approving resolution for computer and email use policy. (C. Harrington)** – The City Attorney said as we get up and running, policy after policy will come in. He said you might recall that the Council authorized agenda items going electronic and purchasing I Pads or notebook computers for the Council members. He said it is very important that the staff and the Council have a policy regarding the use of the computers. He said it is just simple things, such as how to use the internet and e-mail, no games during work time and how to keep the software secure, no alteration of programs, how to protect the equipment, proof of information act, how to get off the internet, what are appropriate uses of the internet and no offensive screen savers. He said we will have a policy in place in case these situations ever arise. Motion was made by Councilor Fitzgerald, by Resolution 2013-05-19, to approve the resolution for computer and email use policy. Motion was seconded by Councilor Gonzales. Councilor Fitzgerald said he thought this was a very good ordinance. He said he has read it and it is similar to other computer policies he has had experience with. Motion unanimously carried.
18. **Discuss and Consider authorizing the City Manager to alter portions of the City Hall. (C. Harrington, CM)** – The City Manager said since arriving here he has had some security concerns. He said we have some very important documents that are stored here and city records that need to be protected. He said he thinks it is very important for us to do to put in some sort of system that will protect those records. He said what we are proposing is magnetic lock type cards and that way we will also have a reading as to who used it to come in. He said it will offer us some additional protection. He said in addition to that, it bothered him that the Council boxes were out there exposed. He said someone could walk up there and take council mail and he has had reports that happened. He said he has also heard that mail has been added to their boxes from unidentified sources. He said he thinks we should take the door that separates most of the hallway and move it forward, closer to the Mayor’s door, put a magnetic lock on it so it secures

it and put the council boxes behind that wall so that the information that is given to the council that is sensitive and not subject to open records, will be protected. He said we have had an estimate on moving the door at about \$120 of materials. He said City Staff will construct it. He said it will also improve the traffic flow. He said if you will notice people cut through Molly's office because there is no door to go through and this will provide two openings to transfer from the hallway to the lobby area. He said for the locks we are still trying to get a cost estimate. He said at best right now is about \$2,000 to install the magnetic locks. He said these will be on the main exit doors. He asked that the Council authorize them to do that. He said the funds are available in the building maintenance fund. Mayor Rangra asked if the employees and Council will have cards. The City Manager said when an employee leaves we do not have to get their card back from them. We just have to reprogram the card. He said there will be a pushbutton for the door leading to the hallway. Motion was made by Councilor Davidson, by Resolution 2013-05-20, to approve these changes to alter portions of City Hall. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

19. Discuss and Consider appeal of a request to contract services for the completion of the American Legion Park. (C. Harrington, CM) – The City Manager said the American Legion Park is in progress and it has been a little bit slow and they have had trouble getting volunteers to finish the project. He said Katie Elms-Lawrence came in to see him the other day and said she does not think at this point she can keep the project moving. She proposes to get a temporary contract overseer to work on the park. She said she had somebody in mind. He said in addition to this she proposes that the bathroom plumbing and the rock fountain be completed by Mr. Rene Vargas and get that rolling too and get some improvements out there. He said out of all the funds that were originally allocated to the project, he shows that there are \$34,116 left with the deduction of \$10,000, we will still have \$24,000 which is enough to complete the project and he thinks it will still come in under budget. Motion was made by Councilor Bermudez, by Resolution 2013-05-21, to approve the request to contract services for the completion of American Legion park. Motion was seconded by Councilor Gonzales. Motion unanimously carried. Councilor Fitzgerald said he felt it was important that we finish these park projects since we have been working on them for such a long time.
20. Discuss and Consider authorizing the City Manager to enter into a contract with Hill Country Software and support for the purchase of General Ledger software, and authorize the transfer of funds from General Fund Contingency. (C. Harrington, CM) – The City Manager said we have been talking about this since he has been here and since the audit. He said we have had some problems with the software we currently use. He said it is ten years old and is not the best general ledger/accounting system

available. He said in addition to that it is no longer serviced. He said there is no one that services the software anymore. He said we have completely shut down in the last few weeks and at one point we were not sure we would be able to issue payroll checks since the system was locked up. He said to get it fixed Nector had to call someone from the outside to break in and get the system back in order. He said it has been a real nightmare. He said what we are proposing to do is use Hill Country Software which is already being used by the county. He said it is also being used by Municipal Court. He said it is a very good system and uses a lot of checks and balances that will protect us in future audits. He said we would not have as many issues we had before. He said we need something as soon as possible. He said we have an interim person in here to help us make the transfer from one to the other. He said the cost was \$17,300 for the General Ledger software. He said Mr. Stasney has a ranch out here and that is why he discounted \$8,600 from the total cost. He said that includes the software, license and training and operating interface. Councilor Gonzales asked if the software would also be for the gas company. The City Manager said we did plan to all be on one system. He said we approved Nector to be our IT people and they have been evaluating all our departments and servers. Motion was made by Councilor Bermudez, by Resolution 2013-05 22, to authorize the City Manager to enter into a contract with Hill Country Software and support for the purchase of General Ledger Software and authorize the transfer of funds from General Fund contingency. Motion was seconded by Councilor Davidson. Councilor Fitzgerald said this is one of two good systems he knows about. He said we have needed this for a long time. He said this was one of the audit points that we had. Motion carried unanimously.

21. Citizens Comments (limit 3 minutes) –

Bob Steele – said he wanted to thank the Council for the vote and they will try to put on a good show.

22. Council Member's Comments and Answers –

Councilor Bermudez - said she wanted to welcome Deborah and said she was proud of the Council. She said their very first vote was unanimous.

Councilor Davidson – said he was happy to see the 5-0's and actually taking care of some important business at the same time. He said he also wanted to thank the city staff for the nice format.

Councilor Fitzgerald – said he agreed that the format was good and wanted to also welcome Deborah. He said he is looking forward to a new year of cooperation and moving forward.

Councilor Gonzales – said he feels the same way and would like to welcome Deborah. He said we need your help. He said he looks forward to working with everybody and going in the right direction.

Councilor Castelli – said it is thrilling to see the amount of people and the amount of cooperation and the amount of change that has happened in Alpine. He said he just cannot say enough about it. He said he thinks it is good that we are giving the staff the tools to do the job to bring us around. He said and contrary to what you have seen tonight, he does not plan on being involved in the council intently. He said he has a lot to learn but if there is business that needs to be handled he will step up and take care of business. He said he has a lot to learn and he appreciates the coaching.

Mayor Rangra – said this has been a very productive day. He said we took care of issues that have been out there for a long time. He said this council is very proactive. He said he is pleased to be working with this council. He mentioned about the flooding problem along the Haynes, and Pvt. Cordova Streets during rainy season, causing serious damages to the homes and other personal properties. He suggested asking the County for an easement along Avenue K, which in reality is inside the County. He would like to see plans developed to protect the homes North of Avenue K. He also talked about having a workshop on TOMA. He said the new Council member needed to meet the department heads and he spoke a little about the difference between a Home Rule city and a General Law City.

23. Executive Session –

24. Action – Executive Session –

25. Adjournment – There being no further business, meeting was adjourned, upon the motion of Councilor Fitzgerald, seconded by Councilor Gonzales.

I certify that this notice was posted at 11:30 AM on May 17th, 2013, 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 11:30 AM on May 17th, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary