

**City of Alpine
Regular City Council Meeting
Tuesday, October 21st, 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.**
- 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 17th, 2014 at 2:30 P.M.**

3. Presentations, recognitions and proclamations –

A. Present Randy Guzman, Gas Department Director with gas utility System 100% rating award from TML. (A. Rangra, Mayor) – Mayor Rangra presented the plaque to Randy Guzman and congratulated him.

B. Domestic Violence Awareness Month Proclamation (A. Rangra, Mayor) – Mayor Rangra read the Domestic Violence Awareness Month Proclamation declaring October, 2014 as Domestic Violence Awareness Month and presented the proclamation to the Family Crisis Center.

4. Reports –

City Mayor's Report - Mayor Rangra said he did not have a report.

City Manager Report – City Manager Zimmer said the streets department is working on Sul Ross Street. He said he appreciated the County's help and participation. He said we are planning updates for the Civic Center and possibly going with a one level approach.

The City Manager said we finally started getting asphalt down this past Thursday. He said they will seal coat it this week and we do appreciate the community's patience. He said we will seal coat it this week, so we will put a little smaller rock for the second layer. He said there was a little bit of an impact from rain this morning. He said Hector is very comfortable that by the end of this week he will get the seal coating down. He said they are also going to try to eliminate some of the pot holes on the side streets. He said post the paving project, we will move down into the creeks and not only clean them out but cut down trees and that will give Hector a proper visual representation to do our bridge inspection during that period of time as well. He said they looked at Country Club Estates yesterday and

looked at installing a guard rail out there for those who go down that road. He said there is one really sharp turn with about a 12 to 15 foot fall off. He said TxDot has actually given us guard rails so it will just be our labor costs to get that up to snuff.

He gave the results from the Bulky Trash pickup from September 27th. He said there was a little over 13 tons and then in the bulky trash pickup, we actually netted close to 30 tons this past week. He said there are about 14 piles still across town. He said the city will pick those up and that is another task for Hector and team. He said November 1st is our monthly bulky trash drop off at the recycle center.

City Manager Zimmer gave a water and sewer update. He said we have a new aerator which will provide additional air flow. He said they are still hauling off sludge at the old race track to the landfill at a rate of 10 tons per week. He said the wastewater processing is probably around 400,000 to 450,000 gallons daily. He said water usage drops off during this month and next month. He said he hoped to have Lawrence present at this meeting but there was a water leak at Musquiz site and he and the workers are presently on site and he did get a text that they did get it fixed.

He said concerning the Airport, they have been prepping during the last few days for an FAA inspection this week. He said he and Mary Carmen have been working on the capital improvement project for the repair of the taxiway and runway plans. He said TxDot engineering team is really looking at the scope of work right now. He said this will cost somewhere in the \$300,000 to \$360,000 range. He said our responsibility will be 10%. He said that will be part of what we will address with our first sale of assets. He said step two will be to bid out the work for engineering. He said TxDot Engineering will oversee the entire project for us. He said a lot of credit to Mary Carmen and her work, staying on top of TxDot Aviation through this process.

He said he hoped to have the report from the finance team which consists of updates to the budget variance and income statements for the end of the year out this week. He said he wanted to get the late accruals that have come in and wants to get them right. He said he was going to push those back until the next meeting. He discussed the property list which would be auctioned off. He said we worked with the County Appraisal District on this to get an estimation on property values. He said Megan is also putting together a hard asset list. He said we would sell the individual lots by auction. He said he would review this with the Council on November 4th, 2014. He said we are trying not to spend money right now and we are starting to get some of the ad valorem tax money in. He said all of that will be shown in the income statement.

City Staff Updates – None

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

Carl Fleming - said he is on the Planning and Zoning Commission. He said he wanted to comment on item #12, Board of Adjustment. He said the Board of Adjustment bypasses the City Council and the Planning and Zoning Commission. He said the only appeal would be district court. He said there would be a lack of transparency of the Board of Adjustment in building permits. He said the building permits now are posted on a monthly basis. He said the public would not know about October permits until November. He said the City Council is hard pressed to shut down developers once they have started their project. He said a moving permit was issued last month in the current historic district. He said a precedent was set and now there are multiple trailers on one lot. He said there is a lack of transparency. He said the Board of Adjustment will be a cross for some folks because of the lack of transparency that we currently have.

Bob Litton – He said the city should initiate a permit before the citizen or builder can start anything. He said they should be required to permit or permit initially but an inspection should be done first.

Carl Fleming – said the Code Enforcement Officer does permit or does not permit. He said unfortunately under a previous administration we had an apartment area rezoned from R-1 to R-3. He said the council recommended it and it was a very bad decision. He said if we had not had problems in the past this would not be a problem.

Sheila Ness – Said the building permits should be put in the newspaper one week before the permit is issued.

6. Public Hearings – None

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 9th 5 PM Special Meeting and

August 19th Regular Meeting. (A. Rangra, Mayor)

Motion was made by Councilor Gonzales to approve the Consent Agenda as a whole, by Resolution 2014-10-10. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

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

- A. Workshop – Refresher on Texas Open Meetings Act (TOMA). (E. Zimmer, CM) –** City Attorney Mick McKamie gave a refresher workshop on TOMA. He referenced www.oag.state.tx.us. A question was brought up that at a recent Planning and Zoning meeting, there were 3 council members present. It was asked if Council members were allowed to speak at that meeting. City Attorney McKamie said that was not advised but they were allowed to speak. He said a quorum would be 4 members or 3 members and the Mayor. He said they should not talk about any policy issues that will be brought to the council. He said he does advise against it since it is outside the Open Meetings Act. Mayor Rangra asked about a member who is present at a meeting leaving for one reason or another and wanted to know about the status of the quorum. The City Attorney said once you have a quorum, the meeting can continue. He said you cannot convene Executive Session if you do not have a quorum but you can continue the meeting. This presentation included when the Open Meetings Act applies, What is a quorum?, Is a gathering of less than a quorum subject to the act?, the Alpine II (ruled not what, but when and where), Recently adopted state laws, TOMA resources, What is public business?, Procedures and Requirements for Open Meetings, Procedures and Requirements for Executive Sessions, Items of Community Interest, Violations, Violations – Civil Penalties and Violations Criminal Penalties.

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 approving withdrawal letter of the FY 2013 \$3.5 million loan commitment from the Texas Water Development Board for funding EDAP and interceptor projects. TWDB requires that we formally withdraw the request. This letter will in no way prevent the city from applying for future funding as needs arise. (E. Zimmer, CM).** – Motion was made by Councilor Salas, by Resolution 2014-10-11, to approve the withdrawal letter of the FY 2013 \$3.5 million loan commitment from the Texas Water Development Board for funding EDAP and interceptor

projects. Motion was seconded by Councilor Fitzgerald. Joseph Goldman asked if there was any way to get in writing that this would not in any way hinder the city getting further loans from the TWDB. The City Manager said he had been assured by the TWDB that the city would not have problems obtaining further loans. Motion carried unanimously.

10. Discuss and Consider addressing ground lease rates at Airport and authorizing staff to implement rate increase pursuant to lease provisions. (E. Zimmer, CM) – The City Manager said we did have 5 or 6 renters that believed we were outside the law in raising the hangar rates. He said on the advice of the attorney, who told us that we were spending a lot of money to defend this position. He said we were going to apply a one cent in effect in 2015. He said there have been 8 individuals who have paid us. He said those 8 individuals will be credited towards their 2015 bill. He said the rental of hangars is 2% of our total revenue at the Airport. Motion was made by Councilor Bermudez, by Resolution 2014-10-12, to address the ground lease rates at the Airport and authorize the staff to implement the rate increase pursuant to lease provisions. Motion was seconded by Councilor Gonzales. Motion unanimously carried.
11. Discuss and Consider approving first reading of Napa (101 N. 7th Street) Loading and Unloading Zone Ordinance. (E. Zimmer, CM) – City Manager Zimmer said there was a small space for loading and unloading. He said it is just west of the Holland Hotel. He said the Chief and he looked at this. Motion was made by Councilor Salas, by Resolution 2014-10-13, to approve the first reading of the NAPA (101 N. 7th Street) Loading and Unloading Zone Ordinance, Ordinance 2014-10-02. Motion was seconded by Councilor Gonzales. Motion unanimously carried.
12. Discuss and Consider approving first reading of Board of Adjustment Ordinance. Board of Adjustment would hear appeals, variances, special exceptions and other matters. (C. Salas) - City Manager Zimmer said the Planning and Zoning Commission had a meeting last night. He said they requested that the Ordinance be more specific concerning the appointment of the members of the Board of Adjustment. He said this item would be brought back on November 4th and postponed until then. Motion was made by Councilor Salas, by Resolution 2014-10-14, to postpone this item until the November 4th meeting until the Planning and Zoning Commission provides an opinion. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.
13. Discuss and Consider approving first reading of Civic Center Usage Ordinance which updates fees and procedures for the Civic Center. (E. Zimmer, CM) – Motion was made by Councilor Bermudez, by Resolution 2014-10-15, to approve the first reading of Civic Center Usage Ordinance 2014-10-03 which updates the fees and procedures for the Civic Center.

Motion was seconded by Councilor Salas. Motion unanimously carried.

14. Discuss and Consider approving Resolution changing the date for the first meeting in December for meeting dates that fall right after the Thanksgiving holidays. (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald, to approve Resolution 2014-10-09, changing the date for the first meeting in December for meeting dates that fall right after the Thanksgiving holidays. Motion was seconded by Councilor Gonzales. Councilors Bermudez, Salas, Fitzgerald and Gonzales voted in favor. Councilor Stephens voted against. Motion carried.
15. Discuss and Consider approving Resolution giving direction to P & Z committee on next steps; ordinance updates and zone classifications. (R. Stephens) – Councilor Stephens said he was requesting that the Planning and Zoning Commission spend more time on ordinances in the future and since they are not spending their time focusing on variances. Motion was made by Councilor Stephens, to approve Resolution 2014-10-08, to give direction to the Planning and Zoning committee on the next steps; ordinance updates and zone classifications. Motion was seconded by Councilor Fitzgerald. Whether or not the Planning and Zoning Commission and City Council could hear variances was discussed. City Attorney McKamie said Chapter 211 of the Local Government Code anticipates that the Board of Adjustments will handle that. He said there is nothing in the state law that discusses variances to be looked at by the Planning and Zoning Commission. It was discussed that Council members cannot serve on the Board of Adjustments. City Attorney McKamie said in Texas, this is the way you have to do it. He said appeals go from the Board of Adjustment to District Court in a Home Rule City. He said the Planning and Zoning Commission is in charge of recommending changes in ordinances. Councilors Fitzgerald, Salas and Stephens voted in favor. Councilors Bermudez and Gonzales voted against. Motion carried.
16. Discuss and Consider approving selection for Vendor for Communication Services for the City of Alpine and authorize negotiation of a contract. (E. Zimmer, CM) – City Manager Zimmer said only one vendor provided us with a fiscal proposal. He said this proposal will meet our needs. Councilor Bermudez said they have internet service with them and they have wonderful service. Councilor Fitzgerald said welcome to the 21st Century. Mayor Rangra said he is happy that this is a local business and the city is setting an example. Russell Moore with Big Bend Telephone said they serve 18,000 square miles of area. Motion was made by Councilor Bermudez, by Resolution 2014-10-16, to approve selection for Vendor for Communication Services for the City of Alpine and authorize negotiation of a contract with Big Bend Telephone. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

17. Council Members Comments –

Councilor Bermudez said thanks to everyone for coming.

Councilor Salas also said thanks to everyone for coming and thanks to the City Attorney for being here. She also thanked Rusty Moore for a great presentation.

Councilor Fitzgerald said thanks to everyone for coming and staying for this meeting.

Councilor Gonzales said he thanked City Attorney McKamie for coming.

Councilor Stephens told everyone thanks for being here.

18. Executive Session – None

19. Action – Executive Session – None

20. Adjournment – Motion was made by Councilor Fitzgerald and seconded by Councilor Bermudez to adjourn. Motion unanimously carried. Meeting was adjourned.

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 2:30 P.M. on October 17th, 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 2:30 P.M on October 17th, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary