

**City of Alpine
Regular City Council Meeting
Tuesday, November 18th, 2014
5:30 P.M.
Minutes**

- **Call to Order, Invocation and Pledge of allegiance to the flag** – Mayor Pro Tem Bermudez called the meeting to order. Mr. Zimmer gave the invocation and Councilor Fitzgerald led the pledge of allegiance to the flag.
- **Determination of a quorum and proof of notice of the meeting** – Mayor Pro Tem Bermudez, Councilors Salas, Fitzgerald, Gonzales and Stephens were present. Mayor Rangra was absent. The meeting notice had been posted on November 14th, 2014 at 10:30 A.M.

3. Presentations, recognitions and proclamations – None

- **Reports** –

City Mayor's Report - There was no City Mayor report.

City Manager Report –

City Manager Zimmer said Happy Birthday to Molly. He said concerning the public works update, the seal coat is complete across town on various blocks and they are working on other blocks and portions of blocks in town. He said many of you have probably noticed the loose gravel out there. He said that is part of putting the final seal coat on a couple of streets. He said we also had some agitation on East Brown Street where we had some flooding and had some erosion from some of the paving that we had done earlier in the year so we have gone back and made some adjustments on some locations. He said Hector said the loose gravel will be picked up next week. He said that will complete our paving season for this year. He said this week and last week they have been working on picking up large piles of trash that were post the bulky trash pickup. He said they are complete with that now. He said we will also have another bulky drop off that first Saturday in December out at the recycle center. He said this past week, Hector, Mary Carmen, Reilly and he met with Dr. Escovar, who is the president of the Friends of the Parks group. He said the group has done quite a bit of fund raising trying to support our local parks and some gestation funds for other equipment. He said one of the things that they requested was to do a walk through the park with him. He said they do have a parks committee meeting later this week and we will

present some of the ideas at that time. He said there was a resolution passed in July of 2006 that calls for the parks committee to review and the city council to approve any large scale changes on those city properties. He said we look to review that with the parks committee this week and then provide that to the council on the December 9th meeting. He said there are no major structural changes going on at the parks but he would like to give this group some real kudos because you have a group of people in the community that are coming together and writing grants and doing fund raisers and raising money aside from tax dollars. He said this is something that is very admirable and something he thinks we should all give them great support for. He said also Hector and his team have been doing quite a bit of prep work in support of Art Walk this week. He said we will be working with TxDot later in the week on the closure of 5th Street which is a highway as well as doing the preliminary closing on the parking lot at the railroad station. He said we are anticipating a better weather forecast this weekend than last year.

The City Manager said November 13th is America Recycles Day. He said last Thursday, we had an event at the local elementary school. He said the elementary school collected 163.8 pounds of plastic bags over a 9 day period. He said that is almost 11,000 bags which is very impressive. He said Porters sponsored a contest and the kindergarten class won the ice cream party from Porters. He said these types of activities lengthen the life of our landfill.

He said concerning the It update, we have a few key things that we are working on right now. He said we have been working through the software billing conversion for the water department. He said this was one of the items on our 180 day plan for the second half of the year. He said we need to convert and get off the older software. He said we actually have no one on staff that can support the old software. He said we are working with Mick and Barbara right now on finalizing the service agreement with Assyst. He said we are pulling the customer list which will then make sure that the conversion on the software goes smoothly. He said any time you do a conversion you are always going to have a small percentage of records that will drop out. He said one of the things that will be focused on from city staff perspective is how we handle those customers and make the customer experience better. He said please be patient with us and we will get it right.

He said we are also finalizing our service agreement in transition intervals with Big Bend Telephone. He said many of you probably saw the RFP that the County sent out this past week and he knows Sul Ross is working on additional product services with Big Bend Telephone. He said he thinks it is the laying of fiber in the community and the advanced services. He said he likes to feel like we were kind of the ones that took the step forward first.

He said we are working on the digital radios for the Police Department and that conversion is critical. He said the recent grant that we talked about a

couple of meetings ago will upgrade the repeater and the base station. He said we are using some of our PeD FeD Funds on additional digital radios to outfit our staff.

He said concerning the sewer department , we are continuing to haul sludge to the landfill and processing a little over 400,000 gallons of wastewater daily. He said he received an investigation from TCEQ yesterday relating to the old Marathon Highway lift station. He said part of the fix there was outlined in our five year capital plan. He said we have to implement something short term to add some additional ventilation there at the lift station but it is all part of the plan that we are working on there. He said another piece with our water, sewer and sanitation department – most often our late notices and cut-off date is the 25th of the month. He said the 26th and 27th is Thanksgiving. He said the City offices are closed Wednesday, Thursday and Friday. He said we are actually not going to do the cut-offs until we get back from Thanksgiving. He said even though aggressively speaking some would say to cut them off on the 25th, it just does not seem to be the right thing to do. He said we are going to push that out. He said the notices will go out this week and the customers that have late payments due will see that on their bill. He said concerning the Gas Department, they are busier with the cold weather. He said with that we start getting more gas leak calls.

City Staff Updates – None

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

Sheila Ness – said her comment concerns item 9 for the horse permit. She said there is already 3 horses located at this 13th Street location. She asked why they were not applying for permits for all the horses.

6. Public Hearings –

A. Public Hearing to obtain citizens views and comments concerning a horse permit, for a horse to be located at 601 N. 13th Street in Alpine, Texas. Request was made by Justin Boatright. The area of the pen is 60 feet by 80 feet and the horse will have shelter, 20 feet by 10 feet. (E. Zimmer, CM) –
There was no citizen comment.

B. Public Hearing to obtain citizens views and comments concerning a rezoning request (R-4 to C-1) by Owner Charles Sanders. Owner wishes to warehouse and park commercial vehicles at this property. The property identification/street address is W. Avenue J and South 12th Street. Legal description is Gillis 3rd Addition, Block 19, Lots 5-6. (E. Zimmer, CM) –
Karen Williams passed out a map of the area to the council. She said she is in support of not rezoning this area. She said she had two reasons. She said the first reason is that it is located in a residential area of town and her

second reason is personal. She said she owns 62 acres directly across the street. She said the land has not been developed yet but it has a huge potential for development. She said this area of town would be devalued if this happened. She said the property is zoned R-2 and it is definitely a residential part of our city. She said she understands that the Planning and Zoning Commission recommended that this property not be rezoned.

Joel Espinosa said he does not want the traffic. He said wife has a heart condition and he does not want the traffic. He said it would be dangerous if there is a trailer and vehicles near their property.

Sheila Ness said there is no access to the property and this does not say what kind of vehicles are to be parked out there. She said she thinks this is a bad deal.

C. Public Hearing to obtain citizens views and comments concerning Electrical Ordinance, Ordinance #2014-11-01 amending Ordinance 2011-01-02, an Ordinance amending the Code of Ordinances, Chapter 18, adding definitions under Section 18-251 ©, Electrical Code, Standards, and amendment by adding to language in Section 18-252, permitting (a) New Construction and Remodeling (1) permit Required (a) Concerning Commercial Installations to require a licensed journeyman electrician under the general supervision of a Master Electrician and Residential installations require a licensed residential wireman or greater under the general supervision of a Master Electrician. (J. Fitzgerald) – Carl Fleming asked how many master electricians there were in Alpine.

D. Public Hearing to obtain citizens views and comments concerning Ordinance 2014-11-02, to authorize the City Manager to execute the sale of city property at auction. Property list is as follows:

- 1) Gillis 3rd, Block 7, Lot 3 (E. Zimmer, CM)
- 2) Hancock, Block 33 N/29 VRS of E/2-3 & N/20 VRS 4,5,6
- 3) North, Block 30, Lot 104, E/20' of 1,2,3,4 St. Easement
- 4) North, Block 49, Lot Pt. – 16 E/20' from Lot 16
- 5) OT – Block 60, Lot 17
- 6) OT – Block 79, Lot 7
- 7) Walton, Block W2, Lot 10
- 8) Gillis, Block F, Lot All North 10 Ft. of Block
- 9) Famous Hts. Block A6, Lot 3, 13

(E. Zimmer, CM)

Joseph Goldman asked if there was a map showing all of the properties.

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 October 7th, 2014. (A. Rangra, Mayor)

Motion was made by Councilor Salas to approve the Consent Agenda as a whole, by Resolution 2014-11-08. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried. 4-0

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.) - None

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 a horse permit, for a horse to be located at 601 N. 13th Street in Alpine, Texas. Request was made by Justin Boatright. Animal Advisory Board met on November 13th, 2014 and recommended that the permit be approved. (E. Zimmer, CM) – The City Manager said the Animal Advisory Board did recommend this to be approved. Motion was made by Councilor Gonzales, by Resolution 2014-11-09, to approve a horse permit, for a horse to be located at 601 N. 13th Street in Alpine, Texas. Motion was seconded by Councilor Salas. Councilor Fitzgerald said the house did not seem to be in good shape. The City Secretary said all the pens and all the area for the horses was in excellent shape. Councilor Gonzales said it seems like the owners are using the house for the animals and do not live there. Councilor Stephens said the pictures were good and the horses seemed well taken care of. Councilor Salas said she did not see a problem with this. Sheila Ness asked how many horses they could have and the the City Manager said he believed it was four. Sheila said the horses have adequate space and the facilities are clean. Motion unanimously carried 4-0.

10. Discuss and Consider approving zoning change for R-4 to C-1 for Sanders. Owner wishes to warehouse and park commercial vehicles at this property. The property identification/street address is W. Ave. J. and South 12th Street. Legal description is Gillis 3rd Addition, Block 19, Lots 5-6. The Planning and Zoning Commission voted against approving this change as indicated in the report from the Planning and Zoning Commission given to

the Council. (E. Zimmer, CM) – City Manager Zimmer said at the Planning and Zoning Commission meeting there were residents who spoke against this. Motion was made by Councilor Fitzgerald, by Resolution 2014-11-10 to approve this zoning change for R-4 to C-1 for Sanders. Motion was seconded by Councilor Gonzales. Councilor Fitzgerald said the area in question was not in good shape. Councilor Stephens said putting a commercial in the middle of a residential is not the best for this. Councilor Gonzales said the main road there is going by Medina Park and Kokernot park too. He said he does not think it is a good idea to have the trucks there. Mayor Pro Tem Bermudez said the trucks would come in on one side and go out on the street that runs by Medina Park. Councilor Gonzales said this is residential and it should stay that way. No Councilor members voted in favor. Councilors Salas, Fitzgerald, Salas and Stephens voted against. Motion failed.

11. **Discuss and Consider approving a Resolution to set up Texas CLASS (Cooperative Liquid Assets Securities System) account as required by Texas Government Code, Section 2256.001 et seq. which would give us an option and allow us to set up alternate reserve accounts as compared to only using TexStar. TexStar is the current investment fund that we use. (E. Zimmer, CM)** – The City Manager said Bill Murray was present to represent Texas CLASS. He said Bill had previously worked with the City Finance Director, Megan Antrim at the County. The City Manager said as we are developing reserve funds we continue to look for the best options out there that will provide us with the best return for our funds. Bill Murray discussed the CLASS System and said the assets are fully collateralized by Wells Fargo Bank. He said Alpine ISD is a participant as well as Ector County, Midland County and Crane ISD, who are all customers. Councilor Stephens asked what drives the returns that come back to the city and how is that structured. Bill said it is actually investment selection and how you get paid. He said currently you take the gross and the net and the current rate on the investment pool that is being paid is 10 basis points. He said the gross fee is 5 basis points. He said the investment pool is 15 basis points and they are paying out 10 basis points. He said this is just another option for the city. Councilor Fitzgerald said he likes the idea that we have another option to go to. Motion was made by Councilor Fitzgerald, by Resolution 2014-11-11, to set up Texas CLASS account as required by Texas Government Code. Motion was seconded by Councilor Salas. Sheila Ness said she would like to know what City Attorney Mick McKamie had to say about this. City Attorney McKamie said it appears that this would be an available option under the statute. He said they would certainly, if the council chose to approve setting up this security, help the staff make sure it complies with the statutes. He said that would be their role. He said he is aware that they are available in other municipalities in the state. Motion unanimously carried, Councilors Salas, Fitzgerald, Gonzales and Stephens voted in favor, 4-0.

- 12. Discuss and Consider approving the first reading of Ordinance 2014-11-04, for stop signs placement on Means and Avenue H, as recommended by Chief Scown.** – The City Manager said we did get the dialogue correct on the Ordinance this time. He said we have received multiple complaints and concerns about this intersection. He said Chief Scown has reviewed the area and recommended that we proceed with this. Motion was made by Councilor Salas, by Resolution 2014-11-12, to approve the first reading of Ordinance 2014-11-04, for stop signs placement on Means and Avenue H, as recommended by Chief Scown. Motion was seconded by Councilor Fitzgerald. Councilor Salas said this was the place of a major accident and she hopes it will slow traffic down. Motion unanimously carried. Mayor Pro Tem Bermudez, Councilors Salas, Fitzgerald, Gonzales and Stephens voted in favor.
- 13. Discuss and Consider approving second and final reading of Electrical Ordinance, Ordinance 2014-11-01, amending Ordinance 2011-01-02, an Ordinance amending the Code of Ordinances, Chapter 18, adding definitions under Section 18-251 ©, Electrical Code, Standards, and amendment by adding to language in Section 18-252, permitting (a) New Construction and Remodeling (1) Permit required (a), concerning commercial installations to require a licensed journeyman electrician under the general supervision of a Master Electrician and residential installations require a licensed residential Wireman or greater under the general supervision of a Master Electrician. (J. Fitzgerald)** – Councilor Fitzgerald said we need to get into compliance with state requirements and we do not want to open ourselves up for any potential liability. Motion was made by Councilor Gonzales, by Resolution 2014-11-13 to approve the second and final reading of Electrical Ordinance, Ordinance 2014-11-01, amending Ordinance 2011-01-02, an Ordinance amending the Code of Ordinances, Chapter 18. Motion was seconded by Councilor Salas. Councilor Gonzales said it was his understanding that there were five master electricians in town. Code Enforcement Officer Robert Polanco said that was true. Carl Fleming said several years ago money was made available to update some houses in town. He wondered if they adhered to the city code. Mayor Pro Tem Bermudez, Councilors Salas, Fitzgerald, Gonzales and Stephens voted in favor. Motion carried. 5-0.
- 14. Discuss and Consider approving the second and final reading of Ordinance 2014-11-02, to authorize the City Manager to execute the sale of city property at auction as indicated on the property list (listed above in Public Hearing). (E. Zimmer, CM)** – The City Manager said we provided and posted the property listings. He said there are a variety of different ways for a citizen to get a physical view of them. He said they can go to the County website and get the address and the easiest way is to talk to Molly or Robert. He said as he shared before our intent is to drum up as much

interest as possible. He said anybody coming in, we will be more than glad to show you where that property is, so you can take a look at it and hopefully bid on it. Motion was made by Councilor Salas, by Resolution 2014-11-14, to approve the second and final reading of Ordinance 2014-11-02, to authorize the City Manager to execute the sale of city property at auction as indicated on the property list. Motion was seconded by Councilor Fitzgerald. Mayor Pro Tem Bermudez, Councilors Salas, Fitzgerald, Gonzales and Stephens voted in favor. Motion carried.

15. Discuss and Consider approving the first reading of the Board of Adjustment Ordinance 2014-10-01, an Ordinance of the City Council of the City of Alpine, Texas, amending Appendix C – Zoning of the Code of Ordinances of the City of Alpine, Texas, by adding a new section 8 to said Appendix C – Zoning of the Code of Ordinances of the City of Alpine, Texas, creating a Zoning Board of Adjustment for the City of Alpine, Texas; establishing guidelines and procedures relating to said Board; establishing jurisdiction of said Board pursuant to Chapter 211 of the Local Government Code of the State of Texas. (C. Salas) - Councilor Salas said she would like the Council to consider the first reading of this Ordinance. Motion was made by Councilor Stephens, by Resolution 2014-11-15, to approve the first reading of the Board of Adjustment Ordinance 2014-10-01. Motion was seconded by Councilor Fitzgerald. Councilor Gonzales said he would like to point out that the Planning and Zoning Commission has voted it down. He said in order for us to be able to comply, we would have to have $\frac{3}{4}$ of a vote. He said voting with 5 would be 4. City Attorney McKamie said that was correct under our ordinance. He said we have adopted that provision that requires a $\frac{3}{4}$ vote of the City Council to override a recommendation of the Planning and Zoning Commission. He said with 5 voting there would need to be 4 votes in favor. There was discussion by City Attorney Mick McKamie and the Council as to how many votes would be required. Councilor Stephens asked since Angie was filling in for the Mayor, if she would be allowed to vote. City Attorney McKamie said the Charter allows the Mayor or Mayor Pro Tem to vote when there is a member Absent, if the vote is on an ordinance. He said if the voting members fall below the number of 5. He said tonight we have 5 voting members present. He said we have not fallen below 5 voting members, so in that case the Mayor Pro Tem would not be voting on this item. Councilor Fitzgerald asked if that would make the $\frac{3}{4}$ majority be 3 out of 4. Councilor Gonzales said aren't the requirements for voting that all members be present. City Attorney McKamie said that was true. He said actually there is no requirement on the books for an ordinance like this or a zoning ordinance that all members be present to vote but we do have certain items where we need all members to vote but this is not one of them that is required by charter or by state law. He said it is just the members that are present and voting, as long as there is a quorum. He said the $\frac{3}{4}$ rule applies to those who are here to vote, available to vote, the voting members. Councilor

Gonzales asked why the Mayor Pro Tem could not vote. He said this is an Ordinance isn't it? City Attorney McKamie said this is an ordinance, that is Correct, but we have five voting members present at the meeting. He said only four can vote on the Ordinance. Mayor Pro Tem Bermudez said we need four affirmative votes. She said it reads that such amendment shall not become effective unless there is an affirmative vote of at least three-fourths of all members of the City Council. She said there are five members voting and shouldn't there be four affirmative votes in order for this to pass. City Attorney McKamie said if there are five voting. He said the question is if there are five voting or four voting on this ordinance. Mayor Pro Tem Bermudez said she thinks she should be able to vote on it, like she did for the others. City Attorney McKamie said the Charter allows if there are fewer than five voting members, the Mayor or Mayor Pro Tem who is presiding has the right to vote. He said that is correct. Councilor Gonzales said she is able to vote then. The City Attorney said he believed the way the Charter was written, it would allow her to vote if it is an ordinance before the council. He said this is an ordinance, so the question is have we fallen below five voting members. Councilor Gonzales said if he is not allowing her to vote because she is the Mayor Pro Tem, then the vote goes below 5. He said therefore, she has the right to vote. City Attorney McKamie said that is the conflict in the Charter. He said he believed that the council can recognize the vote of the Mayor Pro Tem because it is an ordinance and he would suggest that the council go ahead and cast the votes and we will see if there is $\frac{3}{4}$ of all five votes. Councilor Stephens said his sense is that either way, the city council cannot approve variances. He said we do not have that authority and it is against the law. He said we have two choices here. He said we, as a City Council, can approve a Board and at least create a venue for citizens to be able to bring zoning variances forward. He said if we deny this then we give our citizens no choice but to go to court. Mayor Pro Tem Bermudez said in the City of Boerne, which is a Home Rule City, with a population of 12,000 people, they rule on variances. City Attorney McKamie said Home Rule Cities can rule on variances under the zoning Ordinance but not variances under other ordinances. He said Home Rule Cities lose that power. He said Chapter 211 applies to zoning under zoning ordinances. He said some Home Rule Cities have had their City Council serve as a board of adjustment but it is not provided for under state law and it is not authorized for them to do so either. He said there are a few that have done that. He said the only law that allows the City Council to sit as a Board of Adjustment relates to General Law Cities. He said there are a few cities where the City Council serves as a Board of Adjustment but it is against the state law. Councilor Fitzgerald said if we do not approve this, the final authority, if he understands this properly, is the Code Enforcement Officer, and if you do not like what he has to say, you get to go to District Court. He said Municipal Court cannot do this, right? City Attorney McKamie said the Municipal Court does not have the authority to hear that kind of an appeal. He said it has to go to a Court of Record, County Court at

Law or District Court. He said that is the way our Ordinance reads today. Mayor Pro Tem Bermudez asked if we have a Board of Adjustments, first they go to the Code Enforcement and then they go to the Board of Adjustments. She said the Board of Adjustments is going to charge them money. She asked if that was set in stone. The City Attorney said the fees that are charged by the Board of Adjustment are to cover notice provisions and administrative costs and should not be higher than that. He said whatever is necessary to cover those costs. He said those fees are set by the City Council upon the recommendation of the staff. He said the City Council has the authority to set the fees but they cannot cost more than the administrative costs to process the case. Councilor Stephens said, was he mistaken or does the city currently charge a fee of \$250 for any zoning variance. He said it already exists. He said we are already charging that. He said the discussion about the potential Board of Adjustments charging \$250 would be exactly the same as it is currently. Councilor Fitzgerald said is it not true that it is not a money maker but it is a money loser. He said you have to pay for certified letters for all the people within 200 feet and it costs about \$6 a person. Councilor Gonzales said he was reading that you do not necessarily have to have it sent certified mail, you can just send it regular mail. He said that would be less money too. He said what we are discussing here is the ability to be able to bring something up to another board so they can look at it and see if it is correct or not. He said if they do not like it they are going to take it to court anyway. He asked what is the difference between doing that and the way it is now. He said we are being told that we cannot do adjustments at all so if we want to change the rule, we can change the rule but it does not apply to the person who is submitting the request. City Manager Zimmer said the biggest item that Robert and he look at is in the City of Alpine, are some very narrow lots that are 25 feet wide. He said there are some that are irregular shaped lots that do not meet the setbacks. He said that would be the primary opportunity for someone to come in and want to request a variance, so they could place a home on that and it would have to vary from the setbacks. He said in some of these cases someone might try to buy the adjacent lot in order to get a 50 foot lot or a big enough building space. He said that is not always possible. He said depending on who owns the adjacent lot and who has structures on it and their costs. He said those would be the primary elements that would be presented from what he has seen up to this point. Councilor Gonzales said he thinks the Planning and Zoning Commission should be able to come up with a solution and make an ordinance that fits that instead of us trying to assume the ability to go ahead and take it to court. He said he thinks that would be a better solution than trying to take it to court. Councilor Stephens said he agreed with Julian which is why, a couple of meetings ago, we passed a resolution for the Planning and Zoning Commission to get on with looking at the ordinances. Mayor Pro Tem Bermudez said they are doing that now. She said this might help in the long run also. She said to her we are just making it harder on the citizens, especially the people who do not

have the money for it. She said she believed that the Planning and Zoning Commission members are able to work it out to where they can fix the ordinance to where it will help out the people, the citizens, without making them have to pay money. Councilor Salas said we need to take into consideration that this is just the first reading. She said once the ordinances get in place, this may all be irrelevant but right now, her main concern is for us to at least consider the first reading until the ordinances get into place and then we will go to step two. Attorney McKamie again talked about the full council and the right of the Mayor Pro Tem to vote. He said he believed the intent of the Charter is to allow the Mayor or Mayor Pro Tem to vote on an Ordinance issue if one of the council members is missing. He said if you are fewer than the full council, it is intended to allow the Mayor or Mayor Pro Tem to vote. He said it is very confusing language in the charter and he knows that it has been interpreted different ways in the past, but he believes the Mayor Pro Tem has the power to vote on an Ordinance tonight. Mayor Pro Tem Bermudez said even though we vote tonight and let's say all vote yes, then we will still have a second reading on this ordinance. The City Manager said yes. The City Attorney said the ordinance is not effective until after the second reading. Councilor Fitzgerald said we would have to have a public hearing next time. Councilor Stephens said once it is published and the citizens have the opportunity to actually read it after we pass the first reading. City Manager Zimmer said there is one element in the Ordinance that he picked up earlier on. He said it says that the Planning and Zoning Commission approved the Ordinance, which it did not. He said the Planning and Zoning Commission did not approve it. City Attorney McKamie said that is not a substantive change and the first reading could proceed. Mayor Pro Tem Bermudez asked Robert Polanco to bring them at the next meeting, a count of how many variances have gone to court since he has been with the City of Alpine. Councilors Salas, Fitzgerald and Stephens voted in favor. Mayor Pro Tem Bermudez and Councilor Gonzales voted against. *After checking with the City Attorney, Mick McKamie, after the meeting, it was determined that the Motion failed.

16. Council Members Comments –

Councilor Fitzgerald thanked everyone for coming. He also thanked Angie for holding the meeting in Mayor Rangra's absence. He said Happy Thanksgiving.

Councilor Salas thanked everyone for being here, thanked Angie for holding the meeting and said Happy Birthday to City Secretary Molly Taylor.

Councilor Stephens had no comment.

Councilor Gonzales had no comment.

Mayor Pro Tem Bermudez said she would like to thank the audience for not giving her a hard time while she was filling in as Mayor Pro Tem. City Attorney McKamie said Angie did a great job.

17. Executive Session – None

18. Action – After Executive Session – None

19. Adjournment – Motion was made by Councilor Gonzales and seconded by Councilor Fitzgerald 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 10:30 A.M. on November 14th, 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 10:30 A.M on November 14th, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary