

## City of Alpine

### Regular City Council Meeting, Tuesday, June 16th, 2015, 5:30 P.M.

Notice is hereby given that the City Council of the City of Alpine, Texas will hold a meeting at **5:30 P.M. on Tuesday, June 16th, 2015 in the Council Chambers, at 803 West Holland, in the City of Alpine, Texas** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

### **PUBLIC NOTICE – THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

Members of the audience will be provided an opportunity to address the Council before agenda items are discussed. The audience is also allowed to comment during the discussion of the agenda items with the Council. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.**

### Agenda

1. Call to Order, Invocation and pledge of allegiance to the flag —
2. Determination of a quorum and proof of notice of the meeting –
3. Presentations, recognitions and proclamations –
4. Reports -

City Mayor's Report – (A. Rangra, Mayor)

City Manager Report – (E. Zimmer, CM)

- City of Alpine Road Paving Update
- Water Breaks – impact on water consumption in higher usage months
- TCEQ Enforcement Update, Docket No. 2014-0519 – MLM – E; Enforcement Case #48535
- Staffing/Employment Update
- Income Statement, Budget Variance, Specific Activity Report Readout October 2014 – May 2015

City Staff Updates –

5. Citizens Comments (on agenda items) – (limited to 3 minutes) –
6. Public Hearings –
  - A. Public Hearing to obtain citizens views and comments concerning Ordinance 2015-05-02, an Ordinance setting septic system rates/fees for the City of Alpine, Texas, and amending Section 98-196, Fees of the Code of Ordinances. (E. Zimmer, CM)
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 May 5<sup>th</sup>, 2015 Special Meeting and May 5<sup>th</sup>, 2015 Regular Meeting. (A. Rangra, Mayor)

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

- Tourism readout from Chamber of Commerce (E. Zimmer, CM)
- City of Alpine, Code of Ordinances, Section 2-258, Prior Authorization For Payment. The City Manager to present to City Council for prior authorization, any bill or obligation, incurred by the City in excess of \$5,000.00. (J. Gonzales)

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 second and final reading of Ordinance 2015-05-02, an Ordinance setting septic system rates/fees for the City of Alpine, Texas and amending Section 98-196, Fees of the Code of Ordinances. (E. Zimmer, CM)

10. Discuss and Consider Board and Commission Appointments (E. Zimmer, CM)

11. Discuss and Consider first reading of Ordinance 2015-06-02, Amending Appendix C, Zoning as recommended by the Planning and Zoning Commission, Article 1 Basic Ordinance and Schedule of Districts with possible amendment to only pass Section VI-A “C-0 Offices Services District” (Ordinance 2015-06-02-A). (E. Zimmer, CM)

12. Discuss and Consider first reading of Ordinance 2015-06-01, upon recommendation by Planning and Zoning Commission for Zoning Change from R-1 to C-0, Presidio County Health Services, Owner and Agent Linda Molinar, CEO. PCHS is requesting this change for the property to become a Medical Clinic. Property identification/street address is 1605 N. Ft. Davis Hwy, Alpine, Texas. Legal description is North Heights Addition, Block 7, Part of Lots 3 and 4 and all of Lots 5-8. (E. Zimmer, CM)

13. Discuss and Consider Resolution 2015-06-12, a Trans Pecos Pipeline Resolution for the safety and security of the citizens of Alpine, their property and the Alpine City infrastructure by ensuring that the pipeline is built to a minimum of the Code of Federal Regulations, Title 49, Part 192, Class 3 for the locations where the pipeline comes within 1 mile of the Alpine City limits. (R. Stephens)
14. Discuss and Consider Resolution 2015-06-13, a Resolution selecting a representative from the City Council to meet with a representative from the Brewster County Commissioner's Court for the purpose of determining the interest of the Brewster County Court to share data and have transparency and to determine a regular mechanism that the Alpine City Council will use to determine what information should be shared with the County. (R. Stephens)
15. Discuss and Consider authorizing the Mayor of the City of Alpine in consultation with the City Attorney to submit a petition to the Federal Energy Regulatory Commission (FERC) to deny Trans-Pecos Pipeline, LLC (FERC DOCKET NO. CP15—000) a Presidential Permit to site, construct, operate and maintain certain approximately 143 miles long 42" gas pipeline facilities to export and/or import natural gas between the United States and the Republic of Mexico for Energy Transfer Partners as it cuts through Brewster County, potentially endangering lives of seven thousand plus citizens in and around 'Greater Alpine'. (A. Rangra, Mayor)
16. Discuss and Consider limiting the amount of water sold for commercial purposes to any entity or its' subsidiaries not to exceed one acre per year at a rate to be decided by the City Council, to be modified by Ordinance to reflect this intent by the City Council of Alpine. (J. Gonzales)
17. Council Member Comments –
18. Executive Session – Pursuant to Texas Government Code, Section 551.074 (personnel matters) and Section 551.071 (Consultation with Attorney)
  - A. Annual Review – City Manager Zimmer (R. Stephens)
  - B. Update from City's Attorney on litigation in Cause No. 2015-03-BO705-CV, Emily Livingston Scown and Barbara Scown v. The City of Alpine, Texas; in the 394<sup>th</sup> Judicial District Court of Brewster County, Texas (E. Zimmer, CM)
19. Action after Executive Session –
  - A. Action, if any, concerning Annual Review of City Manager Zimmer. (R. Stephens)

**B. Action, if any, concerning Scown Litigation Update. (E. Zimmer, CM)**

**20. Adjournment -**

**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 1:45 P.M. on June 12th, 2015, Pursuant to Texas Open Meetings Act (Texas Government Code Section 51.043). 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.

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Margaret "Molly" Taylor, City Secretary