

## City of Alpine

### Regular City Council Meeting, Tuesday, March 17th, 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, March 17th, 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 –**
  - City Manager Report –**
    - Baines Park Project Update – Kokernot Park project timing/ update
    - Gas Company Update
    - Sewer Plant Update – TCEQ Enforcement Action
    - Income Statement, Budget Variance, Specific Activity Report

#### **City Staff Updates –**

5. Citizens Comments (on agenda items) – (limited to 3 minutes) –
6. **Public Hearings –**
  - A. Public Hearing to hear citizens views and comments concerning zoning change requested by Commonwealth Development Corporation of America from R-2 to R-3 to permit development of a 40 unit multifamily rental housing development. This request is made by Michael D. Ash, Agent for Commonwealth Development Corporation of America. Record owners are Fred Davis, Bill Davis and Barbara Crousen. The property identification/street address is southeast corner of N. 16<sup>TH</sup> Street and W. Brown Avenue in Alpine and the legal description is Colima Addition, Blocks 1-6. (E. Zimmer, CM)

**B. Public Hearing to hear citizens views and comments concerning Ordinance 2014-10-01, Zoning Board of Adjustment, 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. (E. Zimmer, CM)**

**C. Public Hearing to hear citizens views and comments concerning a Buildings and Standards Commission Ordinance for the City of Alpine, Texas, Ordinance 2015-03-01, amending Appendix C – Zoning of the Code of Ordinances of the City of Alpine. Texas, by adding a new Section 9 to said Appendix C, creating a building and standards commission for the City of Alpine, Texas; establishing guidelines and procedures relating to said Board; establishing jurisdiction of such board, pursuant to the Local Government Code of the State of Texas, Chapter 54, Subchapter C (Quasi-Judicial enforcement of health and safety ordinances), and Texas Local Government Code Chapter 214 (Municipal Regulation of Housing and other structures), subchapter A (Dangerous structures), and City of Alpine Code Chapter 18, Article IX, Sec. 18-260 (International Property Maintenance Code, and City of Alpine Code Chapter 18, Article X, Sections 18-281-291 (Dangerous Buildings); creating standards for noncompliance, abatement, providing for appeal process; making various provisions and findings related thereto, including compliance with the comprehensive plan of the City of Alpine, Texas; providing a severability clause; providing a savings clause; finding compliance with the Texas Open Meetings Law; providing a repealing clause; and providing an effective date. (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. Approval for Mayor to sign letter to TxDot requesting additional signage be added along highways depicting route through Alpine as way to Big Bend National Park. (A. Rangra, Mayor)

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

A. Airport Advisory Board Readout by Chair of Airport Advisory Board or designee (E. Zimmer, CM)

1) 2014 updates

2) 2015 goals

3) Board needs from Council Members

B. Discuss updated Contract Rates for McKamie Law Firm. (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. Review, discuss, and consider actions necessary to resolve the Mayor not signing the Resolution passed by City Council on February 17, 2015 to approve the request by Commonwealth Corporation for City of Alpine letter of support relative to developing a parcel of land using Texas Department of Housing and Community Affairs (TDHCA) Housing Tax Credit program. (R. Stephens)

10. Discuss and Consider review of February 3, 2015 and February 17, 2015 Minutes with City Attorney and pending approval. (E. Zimmer, CM)

11. Discuss and Consider approval of new/updated lease for Airport Hangar Ground Space Rentals at Alpine Municipal Casparis Airport. (E. Zimmer, CM)

12. Discuss and Consider the Planning and Zoning Commission's recommendation concerning a zoning change request by Commonwealth Development Corporation of America from R-2 to R-3 to permit Development of a 40-unit multifamily rental housing development. This request is made by Michael D. Ash, Agent for Commonwealth Development Corporation of America. Record owners are Fred Davis, Bill Davis and Barbara Crousen. The property identification/street address is southeast corner of N. 16<sup>th</sup> Street and W. Brown Avenue in Alpine and the legal description is Colima Addition, Blocks 1-6. (E. Zimmer, CM)

13. Discuss and Consider the first reading of Ordinance 2014-10-01, Zoning Board of Adjustment and the Planning and Zoning

Commission's recommendation concerning a Zoning Board of Adjustment, 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. (E. Zimmer, CM)

14. Discuss and Consider the first reading of Ordinance 2015-03-01, Establishment of a Building and Standards Commission and the Planning and Zoning Commission's recommendation concerning the establishment of a Building and Standards Commission, an Ordinance amending Appendix C, Zoning of the Code of Ordinances of the City of Alpine, Texas, by adding a new Section 9 to said Appendix C, creating a building and standards commission for the City of Alpine, Texas; establishing guidelines and procedures relating to said Board; establishing jurisdiction of such board, pursuant to the Local Government Code of the State of Texas, Chapter 54, Subchapter C (Quasi-Judicial enforcement of health and safety ordinances), and Texas Local Government Code, Chapter 214 (Municipal Regulation of Housing and other structures), subchapter A (Dangerous structures), and City of Alpine Code Chapter 18, Article IX, Sec. 18-260 (International Property Maintenance Code, and City of Alpine Code Chapter 18, Article X, Sections 18-281-291 (Dangerous Buildings); creating standards for noncompliance, abatement, providing for appeal process; making various provisions and findings related thereto, including compliance with the comprehensive plan of the City of Alpine, Texas; providing a severability clause; providing a savings clause; finding compliance with the Texas Open Meetings Law; providing a repealing clause; and providing an effective date. (E. Zimmer, CM)
15. Discuss and Consider which one of the following three RESOLUTION'S NO. 2015-02-09, the City Council approved at its February 17 meeting to support the COMMONWEALTH Development Corporation of America dba Commontex Development, Inc. project:
  - 1) The one that was included in the package that the councilmembers received on February 13;
  - 2) The one the Councilmembers received on 17<sup>th</sup> from the City Attorney prior to the meeting;
  - 3) The one prepared by the City Attorney after the meeting was adjourned for the Mayor to sign. (A. Rangra, Mayor)
16. Council Member Comments –
17. Executive Session – Pursuant to Texas Government Code, Sections 551.071 (consultation with City Attorney on a matter for which it is

the duty of the City Attorney to discuss the item in closed session) and 551.074 (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or hear a complaint or charge against an officer or employee)

A. Consultation with City Attorney concerning update on finance and personnel investigation by FBI. (E. Zimmer, CM)

B. Discussion and Consideration of City Attorney's duties and related personnel matters. (E. Zimmer, CM)

C. Consultation with City Attorney concerning Commonwealth Corporation topic. (E. Zimmer, CM)

**18. Action after Executive Session –**

A. Action, if any, concerning update on finance and personnel investigation by FBI. (E. Zimmer, CM)

B. Action, if any, concerning City Attorney's duties and related personnel matters. (E. Zimmer, CM)

C. Action, if any, concerning Commonwealth Corporation topic. (E. Zimmer, CM)

**19. 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 4:00 P.M. on March 13th, 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