

**City of Alpine
Regular City Council Meeting
Tuesday, May 5th, 2015
5:30 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the meeting to order. Jo Beth McLeod 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, Councilors Bermudez, Salas, Fitzgerald, Gonzales and Stephens were present. The meeting notice had been posted at 10:30 A.M. on May 1st, 2015. City Manager Zimmer and City Secretary Taylor were also present.**
- 3. Presentations, recognitions and proclamations –**
 - A. Proclamation for “Put on Purple Day” – The mystery of Lupus (A. Rangra, Mayor – Mayor Rangra read a proclamation for “Put on Purple Day” for Lupus. This proclamation was accepted by Molly Taylor, City Secretary, who said she would get the proclamation to the right place.**
- 4. Reports –**
 - City Mayor’s Report -**
 - City Manager Report – (E. Zimmer, CM)**

City Manager Zimmer said he wanted to thank Councilor Salas for her help the other weekend. He said he knows this is not on the agenda. He said he had a pretty significant leg injury the Saturday before last that required 15 stitches. He said one thing that Cynthia did was to help him get a prescription filled on the weekend. He said he wanted to thank her very much for her help.

- **TCEQ Enforcement Action Update: Docket No. 2014-0519-MLM-E; Enforcement Case No. 48535 – City Manager Zimmer said there was a revised enforcement order issued April 16, 2015. He said we indicated to TCEQ that we will be pursuing SEP and need approvals of SEP by July 14, 2015. He said the City of Alpine is only eligible for a Pre-Approved SEP. He said the last three SEP’s in the City of Alpine went uncompleted – one was a custom SEP and two were pre-approved). He said because of that we have a high-risk rating with TCEQ. He said the Resource Conservation and Development Council (RC&D) oversees the Pre-Approved SEP’s an Mark Donet is the local contact. He said the current available projects are 1) Repair septic systems for low-income housing and 2) Tire Abatement. He said we still need to work on categorization of the SEP and try to get a waiver**

- to complete a Custom SEP (De-watering Tanks) He said for this we will use bar-screen purchase dollars in this year's budget.
- **Airport crack rehab update to include timelines** – City Manager Zimmer said the preliminary estimate from TxDot Aviation is \$80 thousand dollars. He said he had a conference call with El Paso Ramp Coordinator, Chris Weber and TxDot team to review the projected costs and vendors. He said the City provided a list of all vendors hired by TxDot in this region over the past 5 years (doing crack seal type work). He said Mary Carmen is setting up a site review in the middle of May. He said cost estimates and RFP will progress after the site review. He said we will address the new cost model and potential use of NPE funds at that juncture.
 - **Code Enforcement update** – City Manager Zimmer said Code Enforcement sent out 45 total notices in April, 33 for high grass and weeds, 10 for junk vehicles and 2 for nuisance properties. He also sent out about 10% compliance notices. Mr. Zimmer said there were 2 new building structures permitted in April. He said there are a total of 8 new structures currently permitted and under construction. He said the number of building permits issued in April is down significantly from the same month last year. He said seven plumbing permits were issued and 8 electrical permits were issued. He said though fewer permits are being issued, it seems like more significant work is being done. He said there is not near as much service call type work being done. Mr. Zimmer said the Planning and Zoning Commission is done rewriting Appendix C of the zoning ordinance (minus Historic Zone), and the changes and final copy will be presented at the next P&Z meeting, as well as the Building and Standards Commission final proposal. He said there is one current rezone request to be heard by the P & Z.
 - **Grant Receipt from Rio Grande Council of Governments (RGCOG) related to Municipal Solid Waste Program** – City Manager Zimmer said the grant was awarded for the purchase and installation of a new glass crusher and canopy. He said the total amount of the award is not to exceed \$23,630.50. He said the GP 1500C and shipping will cost us \$18,830 and the Canopy Construction will cost \$4,800. He said we are working with RGCOG on the sale of our existing machine to offset any electrical wiring costs. He said the new machine would crush glass approximately 6 times faster than the existing rate and methodology. He said the current crusher is down and is in need of \$1,500 in repairs.
 - **Updates to Road Rehabilitation and Patching Work** – City Manager Zimmer said the first wave of roads include: 1) Sul Ross project – 2nd to Cockrell with blocks between Sul Ross on Avenue E, 2) 10th Street from Lockhart to Ave A and Uvalde to Del Rio, 3) 13th Street between Sul Ross and Ave. E and 4) Sul Ross and 7th Street around the Courthouse. He said we are targeting two more waves over this

year's paving season. He said we are trying new patching material for longer adhesion. He said there have been 55 reports of pot holes through the front desk year to date. Mr. Zimmer showed a map for the full road reconstruction – phase 1 and also showed some road work pictures. Councilor Gonzales wanted to know what SEP stood for. City Manager Zimmer said SEP stands for supplemental environment project. He said TCEQ allows us to do that to keep from having to pay a fine.

City Staff Updates – None

5. **Citizens Comments (on agenda items) – (limited to 3 minutes) – No citizen comments.**

6. **Public Hearings –**
 - A. **Public Hearing to obtain citizens views and comments concerning a zoning change request by Ralph Meriweather, Owner and Dr. Iris Korus and Tracy Cash, Agents from C-2 to C-1A to accommodate HUD Manufactured structure which will be used for a dental clinic. The property identification/street address is West Highway 90 and the legal description is Metta Harms Orient Addition, Block 020, Tract 0.53 acre. (E. Zimmer, CM) – City Manager Zimmer said this is a public hearing to allow the public to view their opinions on the opposed zoning change. Tracy Cash said she was a dental hygienist with Dr. Iris Korus' office. She said they are asking for a zoning change to bring in her manufactured building. She said Dr. Korus has decided to make Alpine her home and she would like to have her business here. Tracy said since her home is Alpine, she would love to have her business here.**

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 March 17, 2015. (A. Rangra, Mayor) –**

Motion was made by Councilor Bermudez, by Resolution 2015-05-01, to

Approve items 7 A and 7 B on the consent agenda. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

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 first reading of Ordinance 2015-05-01, Zoning Change for Iris Korus, as recommended by the Planning and Zoning Commission, changing the zone from C-2 to C-1A to accommodate HUD manufactured structure which will be used for a dental clinic. The property identification/street address is West Highway 90 and the legal description is Metta Harms Orient Addition, Block 020, Tract 0.53 acre. This Ordinance was approved by the Planning and Zoning Commission on April 27, 2015. (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald, by Resolution 2015-05-02 to approve the first reading of Ordinance 2015-05-01, Zoning change for Iris Korus, as recommended by the Planning and Zoning Commission, changing the zone from C-2 to C-1A to accommodate HUD manufactured structure which will be used for a dental clinic. The property identification/street address is West Highway 90 and the legal description is Metta Harms Orient Addition, Block 020, Tract 0.53. Councilor Fitzgerald said he refers to Dr. Korus as Dr. Painless. He said he is very happy that she will be moving her clinic to Alpine. Councilor Bermudez said AMEN. Carl Fleming said he went out and looked at the area and there is another tract that is adjacent to this. He said he took it upon himself to ask the man since there are only two tracts that are adjacent to each other, to get rid of the idea of spot zoning, if he would consider having a future zoning change from C-2 to C-1 and he said yes as long as it did not cost him any money. He said the only difference between the C-2 and the C-1A is one sentence concerning manufactured housing. Motion unanimously carried.
10. Discuss and Consider approving expenditures for a 4-ton asphalt hot patcher aka 'HOT BOX' for repair of potholes on City Streets. Item cost identified at approximately \$23,020 and will be paid through account 0644-900x of our Streets Operating Budget. (E. Zimmer, CM) – City Manager Zimmer said the dollar amount does not require Council approval. He said it would have to be \$25,000 to require Council approval. He said with all the attention that we have on the streets and the roads, he said there is a real push to do a better job of our patching. He said he thought it was important to have this on the Council agenda. He said we are trying to have transparency in what we are trying to do in our repair right now. He said the hot box is something that Councilor Fitzgerald has raised his

hand about several times in the past as well as other council members who have approached him on this. He said in a nutshell this particular machine allows us to take the old build up materials, cook it up overnight and then the crew goes out and repairs the pot holes the next day. He said this material will adhere better to the edges of the pot holes. He said it helps minimize the dimpling effect. He said this will not totally stop it but using this type of application will help. He said next year our focus will be more on seal coating, having a two person crew go out with a hot box as we are prepping the road will also help us prepare these roads for seal coating. He said we have ample room in our budget for this. He said we are approximately 43% spent on our streets budget. Mayor Rangra said he thought it was a good idea to keep the Council and the public informed. Councilor Bermudez said a couple of years back we bought a machine called a zipper. City Manager Zimmer said the zipper is an amazing tool. He said the zipper is the first step in milling up the road. He said we attach this to a front end loader and we cut across the street. He said it grinds up the existing material and grinds it into your base. He said the zipper could also be used somewhat for potholes. He said if you had a larger area for potholes you could go through and zip it up and then you would have to come back with something like this hot box or hot asphalt patcher to fill in that area. He said that is something they would suggest that would allow us to remediate larger areas and not have to tear up the entire block. Motion was made by Councilor Gonzales, by Resolution 2015-05-03, to approve the expenditure for a 4-ton asphalt hot patcher aka "hot box" for the repair of pot holes on city streets, at approximately \$23,020. Motion was seconded by Councilor Fitzgerald. Councilor Fitzgerald said this was something that he and his colleagues have been trying to do for a long time. He said thanks to the good fiscal manager of the City Manager and his staff, we now have that money available. He said he thinks that it is commendable that this amount was brought in \$2,000 under what we thought the cost would be. He said this is an amazing idea and it worked out really well for everybody. Anita DeVries said she wanted to clarify that we could use the hot box in other places other than just the pot holes. She said there are places in Alpine where vegetation has taken over the road. She said there is one patch by Antelope and June Street that is probably about 3 or 4 feet wide. She asked if that would be something that would be taken care of with this equipment. City Manager Zimmer said we would have to zip it first and then come back with the patcher to finish it up. Sheila Ness asked if there was training for employees to learn how to run this equipment. Motion unanimously carried.

11. Discuss and Consider approving first reading of Ordinance 2015-03-01, Substandard Structure Ordinance as approved by Planning and Zoning Commission. 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 9 to said Appendix C-Zoning of the

Code of Ordinances of the City of Alpine, Texas creating a Building and Standards Commission for the City of Alpine, Texas; establishing guidelines and procedures relating to said Commission; establishing jurisdiction of such commission 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, Section 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 Meeting Law; providing a repealing clause; and providing an effective date hereof. (E. Zimmer, CM) - Motion was made by Councilor Bermudez, by Resolution 2015-05-04, to approve the first reading of Ordinance 2015-03-01, Substandard Structure Ordinance, as approved by the Planning and Zoning Commission. Motion was seconded by Councilor Gonzales. Manfred Fritsche said that was a long agenda item. He asked why we would fix something that is not broken. He wanted to know how that correlated with the Code Enforcement Officer and his duties. Carl Fleming said at one time we had a Court of Record to ask for a judgment. He said unfortunately we do not now have a Court of Record. He said this Commission will consist of 7 members and a land owner can appeal to this Commission. He said the only other option right now is to go to District Court. Joseph Goldman said this has to comply with the Texas Open Meetings Act and the comprehensive plan. He said this is necessary due to the condition of dangerous buildings. Councilor Gonzales said he would like to point out that there will be 7 members. He said with 5 members sometimes they have a problem getting a quorum. Councilor Bermudez said with the Planning and Zoning Commission the two alternates can vote. Sheila Ness said we need people who are qualified to serve on this Commission. Oscar Cobos said this sounds like it has gotten very bureaucratic. Mayor Rangra said this quasi-judicial board will have more authority than the Planning and Zoning Commission. Councilor Stephens said Robert needs the authority to enforce the codes. City Attorney McKamie said Chapter 54, the Municipal Court of Record, addresses the substandard structure and the court ordered demolition. He said this Commission can take evidence, order repairs, or the removal or demolition of the structure within a certain amount of time. He said the order has to be in writing and it can be appealed to state court. He said a lien may be placed on the property to make up the costs. He said a Municipal Court cannot make those orders. Motion carried unanimously.

12. Council Member Comments –

Councilor Stephens – said he had no comment

Councilor Gonzales – thanked everyone for coming.

Councilor Fitzgerald – said he was ecstatic. He said Dr. Iris Korus is coming to Alpine and the City is getting a “hot box” to work on the streets.

Councilor Salas – thanked everyone for coming and thanked Erik and his staff and said “Happy Mother’s Day” to everyone

Councilor Bermudez – said this is one of her last meetings. She said she is hoping her place will go to someone who will do a good job.

Mayor Rangra - thanked everyone for coming and said Councilor Bermudez has served with distinction for 6 years and has done a tremendous job. He asked the Council to give a standing ovation for the work she has done.

13. Executive Session – None

14. Action After Executive Session – None

15. Adjournment – Meeting was adjourned upon the motion of Councilor Fitzgerald and seconded by Councilor Gonzales. 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 May 1st, 2015, 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 May 1st, 2015, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret “Molly” Taylor, City Secretary