

**City of Alpine
Regular City Council Meeting
Tuesday, November 17th, 2015
5:30 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flags – Mayor Rangra called the meeting to order. Virginia Knab, with St. James Episcopal Church gave the invocation. 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 Antrim, Salas, Fitzgerald and Gonzales were present. Councilor Stephens had an excused absence. The meeting notice had been posted at Noon on November 13th, 2015. City Manager Zimmer, City Finance Director Antrim and City Secretary Taylor were also present.**
- 3. Presentations, recognitions and proclamations – Mayor Rangra said he wanted to recognize a City Employee who had worked for the City for years and who passed away, Ramon Fuentes. He asked that everyone keep him and his family in their prayers.**
- 4. Reports –**
 - City Mayor’s Report - Mayor Rangra said he just wanted the City to know that we are going to have a new Chief Appraiser for the Brewster County Appraisal District. He said they interviewed a person last week and he was on the committee who interviewed. He said they will make the recommendation to the board on Thursday. He said the board met a month ago and received a report from the Chief Appraiser that at the end of the year we may have some money left over from the previous year. He said we do not know how much and under the laws of the state of Texas that money has to be returned to the taxing entities, proportionally. He said by the December Council meeting he should have that information for the Council. He said we should get some money from the Appraisal District. He said new businesses in town are coming in and that is always good. He said that means that business people, local as well as outsiders, have faith in the soundness of the economy of Alpine and that also means more sales tax and means lower property taxes. He said this weekend we are also going to have a lot of activities including Art Walk. He said the Manager will perhaps tell us a little more about that. He said a lot of things are going on in Alpine.**
 - City Manager Report – (E. Zimmer, CM) – City Manager Zimmer gave the following report: City Manager Zimmer gave the following report:**
 - Income Statement, Budget Variance, Specified Activity Reporting –
-No major Outliers or concerns through the first month of the new**

Fiscal

- Early year AvFuel purchase noted in Fund 05 (Airport)
- Gas revenues expected to start increasing in November/December
- Working with Gibson/Ruddock on Clearing Accounts associated with General Fund – as noted in your packet
- Year over Year Trending to start this fiscal
- **2015 – Year in Review – City Accomplishments**
 - Gas Company – Five year evaluation on Public Awareness and Damage Prevention by Texas Railroad Commission – No Violations
Texas Railroad Commission Yearly Audit – No Violations
TML – IRP Annual Audit – 99%
Distribution Integrity Management Plan – Completion for Alpine and Ft. Davis
 - Utilities – Water – Wastewater – Rebuild of Old Marathon Lift Station
 - Installation of first of two new aeration systems at WWTP
 - Implementation of first sludge Dewatering Box at WWTP
 - Continued remediation of old sludge accumulation at WWTP
 - Rebuild of pump and platform station at Carol Lewis well site
 - Countless Water Repairs across City infrastructure – began planning process for next several years of core infrastructure replacement
 - Enhancement of reports and charts to be submitted regularly to TCEQ (level trends, meter records, MERs, DMRs, MORs)
- Keep Alpine Beautiful – Gold Star Affiliation – Keep Texas Beautiful
 - Banner Year for Electronics Recycling – Over 60K lbs at two events
 - Over 42 tons of material picked up for Bulky Waste Pickup
 - Volunteering from SRSU on Tire Remediation
 - New Glass Crusher on Grant from COG
- Public Works – Parks
 - Parks
 - New Swingset at Baines
 - Large Volunteer Efforts at Baines Park and fundraising efforts for all of the parks
 - New 0-2 Play area at Kokernot Park
 - Construction ADA Swing at Kokernot park
 - Paving
 - Rebuilt 19 streets this year – full build/rebuild
 - Seal Coat on 4 blocks recently testing methods for next season
 - Acquired two key pieces of equipment – Hot Patcher and 6500 Gallon Asphalt Tank (with heater)
 - Redirected \$74.5K additional to materials by saving in other line items
- Municipal Court
 - File Backlog Cleanup

- Ordinance Violation Criminal Process work in conjunction with Code Enforcement and PD
- Running comparisons of functionality of Omnibase reporting versus Scofflaw for best fit for City/County
- **Police Department**
 - Digital radio capabilities upgrade for offices and for dispatch center (Handheld radios for officer and base radios with radio repeater and console upgrade for dispatch center)
 - Conduct training with AISD for Active Shooter Response incorporating COPSync911 as well as other Active Shooter Response training with area law enforcement agencies
 - Re-implement Code Red Emergency Notification System that included conducting drills and have successfully used during recent weather situations
 - Trained elementary children on how to dial 911 in an emergency during 2 events during the year for Red Ribbon Week activities and the Health Fair.
 - Collaboration with SRSU Department of Homeland Security and Criminal Justice and Law Enforcement Academy included current support of Basic Peace Officer Course
 - Continued success with community events including National Night Out, Halloween Safety Programs, Annual Toy Drive, and Red Ribbon Week events
- **Animal Control**
 - Shelter has had over 200 adoptions and shelter transfers of animals this year
 - The shelter has reunited over 150 animals with their owners
 - Animal Services has not euthanized a healthy, adoptable shelter animal all year
 - Currently, we have the lowest number of animals being housed at the shelter
 - Volunteers have increased throughout the year and Alpine Humane Society has played a part in that success
 - Animal Services officers have received training in euthanasia, local rabies control and they have acquired their Basic Animal Control certifications.
- **Building Official, Code Enforcement, Zoning**
 - Work with Planning and Zoning Commission on Updates to Sections 1-19 of Code
 - Establishment of Building and Standards Commission
 - Increased awareness on ROW care
 - Increased content on website for Citizen access (policies, procedures, maps)
 - Re-established good relationship with Courts
- **Airport**
 - Secured Funding recommendation from TxDot Aviation on full

- engineering and construction project for Taxiways A-D and Apron
- Secured Funding from TxDot Aviation on crack remediation project
- Interim Solution
- 4 New Hangars – various phases of construction
- Held first ‘Fly-In’ after multi-year hiatus
- Finance
 - Payroll – Direct Deposit made available to employees
 - Accounts Receivable/Payable – established updated procedures/process to give closer real-time view on cash flow
 - HR – Implemented schedule on safety training across departments
 - Audit – continue to implement necessary updates as identified in Management Points of Audit
- Tourism – HOT
 - Year over Year increases over last 6 years
 - Growth of Flagship Events Annually
 - Big Bend Drive was key new event this year
 - Started Renovation of Civic Center

City Manager Zimmer said Art Walk was going on this weekend and Keri Blackman puts it together every year along with their board. He said the City does quite a bit of support in the downtown area, hanging lights, and general pick-up and clean-up and also blocking off 5th Street. He said there will be quite a bit of festivities this week.

City Staff Updates – None

5. Public Hearings –

- A. Public Hearing on Ordinance 2015-06-02, an Ordinance of the City Council of the City of Alpine, Texas amending the Zoning Code of Ordinances, Appendix C – Zoning, including changes to Sections 1-19 and Sections 1-VIII District Changes for the City of Alpine, Texas and authorizing necessary revisions to the City’s Zoning Map, if any, to reflect these amendments. (E. Zimmer, CM) – There were no public comments.

- 6. 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 Minutes of October 20th, 2015 (A. Rangra, Mayor) –
- C. Approve appointment to Ward 1, Planning and Zoning Commission, David Cockrum, to replace Dr. Mark Saka, who recently resigned. (N. Antrim) –

Councilor Gonzales wanted to pull out item A and move it to action items. Motion was made by Councilor Salas, by Resolution 2015-11-08 to approve items 6B and 6C of the Consent Agenda. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

7. Information or Discussion items –

- A. Monthly Readout – City/County initiatives from Councilor Gonzales. (J. Gonzales – Councilor Gonzales said he had a small report today. He said he did meet on the phone with Mike Pallanez who is the representative from the County. He said they talked about several things. He said one of them was the ability to be able to get asphalt. He said the material was pulled off of E. Street and there was apparently a misunderstanding when the City asked for some of the asphalt to fill our pot holes. He said the request from the County Commissioner was that we should submit a request by a letter and then after receiving the material, which by the way, the County did pay for, and he thinks that maybe we should consider reimbursing them for the material that they might want to give us. He said the other one would be notifying them of the exchange of the sharing of the material and knowing that it is a two-way street so that we can expect the same thing from them should they need something from us. Councilor Gonzales said they also talked about the tourism board that they have. He said they are going to select a new leader for that and it is going to be a paid job for the County. He said they will be responsible to the County. He said we mentioned a couple of things that are not correct in that they planned to correct. He said on some of the County brochures, they do not mention any of the Alpine hotels. He said they talked about how they should share some of the information based on the fact that the City does pay quite a lot of County taxes and Councilor Gonzales said he would say it is a majority of it so that we can be correctly represented in their brochures. He said then again, we want to make sure that we are doing the same thing with the County. He said he also spent some time with Judge Cano and they talked about creating an inter-local agreement saying that this is some of the things that we want to do together so that it is not just a matter of talking, but actually writing down and getting it approved with both entities and then try to adhere to it. Councilor Salas asked if Councilor Gonzales knew what the dollar figure was on the reimbursement that he

was considering. Councilor Gonzales said he did not get a figure. He said that would be for the amount of material and how much they paid for it. He said he does not think they are asking to get more money but just to be reimbursed for the money they spent. He said the thought process was that they got it for free and that is not true. He said they did not get it for free. They did pay for it. Councilor Fitzgerald asked what the County's "take" was on the audit. He said they are way behind on their audit and that is affecting some of our grants. He wondered what the status was on that. Councilor Gonzales said he thought they were still working on the audit. He said he did not specifically ask the question about their audit. He said he was aware of the situation but it was not one of his questions. Mayor Rangra said from now on if any of the Councilmembers have a question to ask the County they can let Councilor Gonzales know and he can ask the question. Councilor Gonzales said he did not believe we had a problem in reimbursing the County for whatever it takes for us to be able to fill our potholes. Mayor Rangra asked if the City Manager was aware of any of this. The City Manager said no. He said as far as he knew Chris Weber from TxDot told him that they are required to give the County the material and the County would parcel it out as they deem necessary. He said he would ask Chris to make sure and see if they are charging the County. He said Chris told him that they give the material to the County with no charge. Councilor Gonzales said his understanding is that you can almost say that they are giving it to them but there is a charge or money exchanged for it. He said if it is possible he thinks we should try to reimburse them whatever it costs for them to purchase it. He said he thinks they want a letter or request instead of sending someone there to tell them to give it to them. City Manager Zimmer said he would resend them the letter. He said he sent it once but he would do it again. He said he would also contact TxDot and see how much they are charging them.

- B. Visitor Center Tourism Readout with David Dumas. (E. Zimmer, CM) – Kristin Thompson with the Visitor's Center gave the report for the 3rd quarter of 2015. She said there was an increase in visitors due to an increase in events this year. She also gave stats for numbers of visitors, phone calls, mail outs and emails. She gave the statistics for July, August and September. She said the visitors have increased by 3% from last year. She also talked about the winter events that were coming. She said they have started sending out newsletters once a quarter.**

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 or Mayor Pro Tem)

6A. – Approve Accounts Payable – Councilor Gonzales said he wanted to ask a couple of questions. He said one had to do with the City Manager’s Report under Budget Variance. He asked if we were having a variance right now. City Manager Zimmer asked if we were talking about the City Manager’s report or the Consent Agenda. He said the consent agenda is the invoices. Councilor Gonzales said Okay. He said on the accounts payable on page 9, on the analysis usage report, it shows that the American Legion budgeted zero dollars as well as Pueblo Nuevo showing zero dollars. Mayor Rangra said he could not locate it under accounts payable. The City Manager said it was under the City Manager’s Report under Budget Variance. Councilor Gonzales said what he was trying to find out is why does it say....City Manager Zimmer said that was item 4 under City Manager report. Councilor Gonzales said under Accounts Payable, the budgeted amount for two parks was zero and he understood that there was \$40,000 for American Legion and also Pueblo Nuevo had \$40,000. Mayor Rangra said before he let Councilor Gonzales continue, he would look up item 9. Then the Mayor said that was under a different agenda item. The City Manager said that this should have been covered under the City Manager Report. Councilor Gonzales said he would ask that question to the finance director to see if she could give him an answer on that. Motion was made by Councilor Gonzales, by Resolution 2015-11-09, to approve accounts payable. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

8. Discuss and Consider approving and authorizing City Official to sign TCEQ Enforcement Order with the supplemental environmental project for the City of Alpine Docket #2014-0519-MLM-E. (E. Zimmer, CM) - City Manager Zimmer said at the October 6th meeting we approved the application that was sent to TCEQ. He said they have come back and agreed with the application. He said they have written the enforcement order based on what we have written into the application. He said once we sign the document we can actually start working on it. He said there will be a hearing in one to three months but that is more of a formality. He said we will start executing on the enforcement order immediately. He said they have asked that we do the two pieces within a year. He said Megan and he will be managing the time line for the City and sending the reports to TCEQ. He said quarterly we will be doing updates for Council as to where we are at in the process. Councilor Gonzales asked if the Council would be getting a copy of the documentation. The City Manager said the Council will be getting a copy of all formal documents. He said two or three of the items on the list, the City has already completed. Motion was made by Councilor Salas, by Resolution 2015-11-10, to approve and authorize the City Manager to sign the TCEQ Enforcement Order for the supplemental environmental project for the City. Motion was seconded by Councilor Antrim. Councilor Gonzales said he did not want to create a situation but he would like to have a monthly report on this. City Manager Zimmer said he would be glad to give a monthly or quarterly report, whatever the Council wants to do. Mayor Rangra said that would have to be in the form of an amendment.

Councilor Gonzales said he would like to make that amendment. Councilor Salas asked if there was that much activity to make a difference from month to month that we would need to have a report every month. Motion was seconded by Councilor Salas. Councilor Fitzgerald said he believed once a quarter would be enough since everyone reports every quarter. Councilor Salas changed her second to have the report every quarter instead of monthly. Councilor Gonzales approved the change in the amendment. Mayor Rangra asked that the City Secretary read the amendment to the Motion. The City Secretary said “the City Manager will submit a quarterly progress report”. Mayor Rangra asked the Council to vote on the amendment first. Motion carried unanimously. The original motion was re-read to include the amendment, Approve and authorize the City Manager to sign the TCEQ Enforcement Order with the supplemental environmental project for the City of Alpine Docket #2014-0519-MLM-E and the City Manager will submit a quarterly progress report to the Council. Bob Litton asked how long is this project supposed to take. The City Manager said two and one half years. Mayor Rangra said TCEQ is usually very generous as long as we show that we are sincere. Councilor Gonzales said he spent some time going to the sewer department and he thinks they are making terrific progress. He said he does not think it will be a problem to complete this. He said he is just asking for a quarterly report to keep on top of this. Mayor Rangra asked how much this will cost the City. The City Manager said the fine itself was \$49,000. He said there were two projects that we recommended to expend the dollars. He said we could either pay the fine and abandon the money basically or we can expend dollars over the amount of the fine. He said the de-watering box is \$30,000 and the engineering for the addition of the second aerator will make our expenditure closer to \$100,000. He said we actually own the second aerator so we are not having to purchase that other piece of equipment. He said we bought it as kind of a two for one. He said we will more than exceed what TCEQ is requiring. He said the other ancillary costs are, in your original oxidation ditch, at the wastewater treatment plant, also called the racetrack, the City had been wasting sludge in that for about 10 years. He said the racetrack is 6 foot deep and it is almost like a quarter mile oval and that is what Councilor Gonzales is talking about as far as the volume that he probably saw about a year and one half ago compared to what he saw this last month. He said we have taken about three quarters of that out. Councilor Gonzales said he was going to say it looked like about 80% had been taken out. The City Manager said they have done a nice job but there are costs with that. He said every load that we take to the landfill costs us more dollars. He said we do not have an exact dollar amount but we pay for that through our normal operating budget. Mayor Rangra said also part of this is to meter our water wells. City Manager Zimmer said yes, we also have to do that. He said that is a small ancillary point. He said for some reason they were not calibrating their wells. Mayor Rangra asked if this was all the water wells. The City Manager said it was all the water wells. He said they were going and checking the wells on a weekly basis but the calibration requires a little bit

more skill than what we have with our current employees that were checking them. Councilor Gonzales asked the City Manager if he had any idea of how much it costs for these boxes that we have to drain out the water from to take to the dump. City Finance Director Antrim said roughly \$525 and we do two of them at a time. Councilor Gonzales said he knows we need to get another box. Bob Litton said he had a problem with his water at his apartment complex. Mayor Rangra said those water lines were separate from the wastewater lines. Motion carried unanimously, 4-0.

9. Discuss and Consider approving the second and final reading of Ordinance 2015-06-02, an Ordinance of the City Council of the City of Alpine, Texas, amending the Zoning Code of Ordinances, Appendix C- Zoning, including changes to Sections 1-19 and Sections I-VIII District changes for the City of Alpine, Texas and authorizing necessary revisions to the City's Zoning Map, if any, to reflect these amendments. (E. Zimmer, CM) – City Manager Zimmer said the City Attorney had a comment to make on this item. Adrian Spears with the McKamie firm said this item would require a super majority vote, which would require four council members. Mayor Rangra said since there were only four Council members present, all the members would have to vote yes for this to pass. Motion was made by Councilor Fitzgerald, by Resolution 2015-11-11, to approve the second and final reading of Ordinance 2015-06-02, an Ordinance of the City Council of the City of Alpine, Texas, amending the Zoning Code of Ordinances, Appendix C – Zoning, including changes to Sections 1-19 and Sections I-VIII District changes for the City of Alpine, Texas and authorizing necessary revisions to the City's Zoning Map, if any, to reflect these amendments. Motion was seconded by Councilor Antrim. Carl Fleming said there is a section of this that talks about revisions to the City's Zoning Map. He said there will be required remapping of the official zoning map because he believes this ordinance drops out one district. He said he would recommend that the Planning and Zoning Commission review those revisions to the official zoning map before they are presented to the Council. Mayor Rangra asked the City Attorney if he had anything to add before he asked the Council for a vote. Adrian said he did not have anything to add. Mayor Rangra said on legal issues he wanted to make sure that the Council had the benefit from the City Attorney. All four Council members voted in favor and motion passed.

- 10. Discuss and Consider recommendation from Planning and Zoning Commission regarding rezoning of property from R-3 to C-2. Legal description is Block 9, Section 98, Part of NW/4 1.8771 acres in the City of Alpine, Brewster County, Texas. Property identification/street address is 2210 N. Hwy 118 in Alpine, Texas and owner is Rebecca Lewis. And Consider first reading of Ordinance 2015-07-02, an Ordinance rezoning, from R-3 to C-2, Block 9, Section 98, Part of NW/4 1.8771 Acres in the City of Alpine, Brewster County, Texas, regarding rezoning of Rebecca Lewis property. (E. Zimmer, CM) –** Mayor Rangra said there is a recommendation from the Planning and

Zoning Commission and some letters in your packet. He said the Planning and Zoning Commission has said no to this request and if you are going to go against the Planning and Zoning Commission's recommendation, you have to have four votes. He said all four of you have to vote unanimously. He asked the City Attorney if that was correct. Adrian said that was correct. Mayor Rangra told the Council to keep that in mind. City Manager Zimmer said Robert Polanco, our Code Enforcement Officer and Building Official's recommendation was "yes" for this property to be rezoned. Mayor Rangra said the Planning and Zoning Commission said "no". City Manager Zimmer said Mr. Polanco is not here, but he is our key person on staff to analyze and make a recommendation so he wanted to make sure the Council was aware of that. Mayor Rangra said that is good to know and the Council should consider that. Motion was made by Councilor Salas, by Resolution 2015-11-12, to consider the first reading of Ordinance 2015-07-02, an Ordinance rezoning from R-3 to C-2. Motion was seconded by Councilor Fitzgerald. Councilor Antrim asked why the Planning and Zoning Commission advised against it. Carl Fleming, who is a member of the Planning and Zoning Commission, said it was a close vote, 3 to 2, against. He said there was pro and con on both sides and both Mr. Polanco and the City Manager were present. He said it was one of these strange things that took four meetings to come to a resolution, because of various things that were brought up. He said he believed that Rebecca Lewis was present tonight and may want to present her side of the aspects. Carl said this was almost like spot zoning, in other words we were taking one small tract of land and going from residential to commercial and for no other reason than maybe we could sell it quicker. Councilor Salas said according to the chart that we have everything around it is already a C-2 anyway. Carl said not all the way around it. Councilor Salas said the majority of it anyway. Carl said the South quarter is still R-3 he believed. He said we had three people who showed up to complain about this. He said Johnny Carpenter, the "06" and Alta Vista apartments were represented in person or by letter. Councilor Salas said the "06" already is a C-2 and was that correct. Carl said it was going to be a clinic and he thinks that is why Rebecca Lewis bought the land because she wanted to put in a clinic there but at some point that did not happen maybe because of the other clinic coming in down by the high school. He said he did not know what that decision was based on. He said all of the land around it was apparently annexed as C-2 and there was some question as to why it was all done as C-2. He said the "06" donated the land the hospital was on, he believed. He said the hospital did not have to have C-2 to be a hospital. He said the District Courthouse also did not have to have C-2 to be there and he did not think the Masonic lodge had to be C-2 to be there. He said the question was, why was it C-2? Councilor Fitzgerald said he basically did not see why there was a problem here. He said there was a lot of C-2 all around it and when you look at the caveats that were included in our packet about the legalities of what you can and cannot do, we are talking one acre here. He said it is not like this is a subdivision or something. He said this is one lot. He said he understood that she initially bought it from Johnny

Carpenter and offered to sell it back to him and he said no. He said he does not object to it personally, especially based on the legal opinion. Councilor Gonzales said he had a question about the memo to the Planning and Zoning Commission that was sent to it. He asked who it was from. The City Secretary said it was written as a result of the attorney's opinions. She said since July the Planning and Zoning Commission had issues brought up to it which legally they were not supposed to discuss, concerning this item and should not have considered. She said one of the issues was regarding the deed restrictions. The City Attorney said basically the memo was put together just to keep everybody on topic so they did not get too far off. He said that was all that was. The City Secretary said it was brought up that the Planning and Zoning Commission could not discuss or consider deed restrictions. Councilor Gonzales asked if the memo was from the lawyer. The City Secretary said no. The City Manager said it was just general information as a result of this item being on the agenda three times. He said continuous questions were being asked each meeting. Councilor Gonzales said we just heard Carl say that zoning of surrounding properties was being brought up again. Mayor Rangra asked if that was a violation of TOMA. Adrian said he was not saying it was a violation of TOMA but it could lead to a violation of TOMA, concerning the legalities of annexation and all of that. He said something like that would have to be specific on the agendas. Adrian said he read the memo and it seemed fine to him. He said it was just kind of a guideline to keep everybody on track and not get too far off topic. He said he was not saying it was a violation but if you keep going down that road it could lead to one. He said if they started talking more about annexation than just a recommendation to the Council. Mayor Rangra asked if there was an opinion in writing and if we had that. Councilor Salas said the City Attorney stated it. Mayor Rangra said he stated it but is it in writing. The City Secretary said the Code Enforcement Officer asked the City Attorney's office if the Planning and Zoning Commission could consider deed restrictions and the Code Enforcement Officer had already said his opinion that the Planning and Zoning Commission could not discuss deed restrictions. She said after the meeting the City Attorney's office was contacted and in an email the City Attorney's office said the Planning and Zoning Commission should not consider deed restrictions. Mayor Rangra asked if the Council had a copy of that communication. The City Secretary said she thought it was in their packets but it was not. Mayor Rangra said if he had the communication he would know when someone raised that issue he could stop them right there. He said right now, probably what Carl said could be in violation. The City Secretary said the Planning and Zoning Commission was given a copy of the memo. Mayor Rangra said his question was it was mentioned in the Planning and Zoning Commission meeting but how about mentioning it in the Council meeting. He said if it was a violation for Planning and Zoning it was a violation for the City Council too. The Mayor asked if he and the Council members could have a copy of that and the City Secretary said yes. Mayor Rangra asked the City Attorney if he had anything to add. Adrian said only

that the memo was a guideline and he did not see anything specific. He said the guideline was to keep everything on topic. Mayor Rangra said the vote has to be unanimous to pass. Rebecca Lewis, the owner of the property said she recently bought the property for the purpose of building a clinic, like a minor emergency clinic. She said as it stands with this zoning, she cannot do that anyway. She said this is part of the process if she decides to go ahead and do that later on. She said she needs to have it rezoned and cannot do anything without that. She said as far as rezoning, the people who made the objections to this are already zoned C-2 around her. She said she is surrounded on two sides by C-2. She said on one side is R-3 and across the road is in the county. She said the two sides that are C-2 were the zones of the people objecting to her. She said they do not want to let her rezone her little piece of property in the middle of this. She said it is kind of like she is sitting in "no man's land" zoned differently from what is zoned on two sides of me. She said it seems arbitrary and capricious that she be put in that position since they have already been rezoned and she is not being allowed to do that. She said she would like to have something from the Zoning Commission as to why other than there were just a lot of details that were brought out. She said as far as the restrictions, those were over 40 years old and they were no longer in effect. She said the restrictions were brought up. She said they were null and void and should have not been there. Mayor Rangra said the motion is to consider the recommendation from the Planning and Zoning Commission regarding rezoning of property from R-3 to C-2. Legal description is Block 9, Section 98, part of NW/4 1.8771 acres in the City of Alpine, Brewster County, Texas. Property identification address is 2210 N. Hwy 118 in Alpine, Texas and owner is Rebecca Lewis and Consider first reading of Ordinance 2015-07-02, an Ordinance rezoning from R-3 to C-2, Block 9, Section 98, Part of NW/4 1.8771 acres in the City of Alpine, Brewster County, Texas regarding rezoning of Rebecca Lewis property. Mayor Rangra asked for a vote. Councilor Antrim said she had a question. She said if the Council voted in favor of this wouldn't that mean that they were voting in favor of the Planning and Zoning's recommendation. Mayor Rangra said no. The City Secretary said yes, from the way it was worded. She said Councilor Salas' original motion was to vote on the Ordinance. The City Attorney said he believed the motion that was on the table was to consider the first reading of the Ordinance. Mayor Rangra asked if there were two different items on this agenda or if it was the same. The City Attorney said it was the same item. He said if you vote no on the Ordinance you uphold the Planning and Zoning recommendation and if you vote yes on the Ordinance you do need a super majority. He said it is the same item. He said it is just how you word the motion. Mayor Rangra said if the Council votes yes, it means that the Council is overturning the Planning and Zoning Commission recommendation. Adrian said that is correct. The way the motion is on the table and the way he understood it. He said the motion is Consider the first reading of Ordinance 2015-07-02, an Ordinance rezoning from R-3 to C-2, Block 9, Section 98, Part of NW/4 1.8771 acres in the City of Alpine, Brewster County, Texas regarding

rezoning of Rebecca Lewis property. He said if the motion is worded that way, then yes you are voting to pass that ordinance. Councilor Salas said she made a motion to consider the first reading of Ordinance 2015-07-02. She asked Adrian if that was correct. Adrian said that was correct. Mayor Rangra said what about the first part of the agenda item, to consider the recommendation of Planning and Zoning. City Manager Zimmer said Councilor Salas did not make that as part of her motion. Mayor Rangra asked what happened to the first part of the agenda item. The City Secretary said the item does not state approve the recommendation of the Planning and Zoning Commission. Mayor Rangra said consider means approving. He said if there is a point let the lawyer handle it, as long as it does not cost the taxpayers any more money. Councilor Antrim thanked Adrian for the clarification. Adrian said if the Council votes yes, it has to be a super majority. Councilors Antrim, Salas and Fitzgerald voted in favor. Councilor Gonzales voted against. Motion failed since the vote had to be a super majority. Mayor Rangra asked the City Attorney, since this was the first reading of the Ordinance and the Council voted no, does this mean that this is dead in totality or can it come back again to the Council for consideration. Adrian said he believed it could come back to the Council but he would have to get back to the Council on that. Mayor Rangra asked Adrian if he would get back to the Council on this. Adrian said he would get back to the Council on this. Mayor Rangra said he would like for Adrian to give the Council his opinion and send copies to him and the Councilmembers and the City Manager. He said he would like to have that before the next meeting which is in December. Councilor Fitzgerald said if the City Attorney says it can be put back on the agenda, put it back on there. Mayor Rangra said the City Attorney said he would let us know if it can be put back on the agenda.

11. Council Member Comments And Answers –

Councilor Antrim – thanked everyone for coming and staying. She said it was nice to see so many people here for the entire meeting and she would like to commend Erik and his staff. She said she thinks the City has really shown quite a bit of improvement over the past year, growth as far as businesses go and growth as far as our finances go and you are to be applauded. Good job!

Councilor Salas – thanked everyone for hanging with us and told Erik thanks for him and his staff and for all of their hard work.

Councilor Fitzgerald – said he thought the City Manager Report was wonderful with all of the things the City has done in the past year. He congratulated Erik.

Councilor Gonzales – said he thought it was a good meeting.

Mayor Rangra – said he wanted to thank everyone for coming and participating actively in the Council meeting and as always this is a good Council, the report was good and we had a good discussion on the topics and let’s keep it up.

12. Executive Session - None

13. Action after Executive Session - None

14. Adjournment – Motion was made by Councilor Fitzgerald to adjourn. Motion was seconded by Councilor Salas. 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 Noon on November 13th, 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 Noon on November 13th, 2015, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret “Molly” Taylor, City Secretary