

**City of Alpine  
Regular City Council Meeting  
Tuesday, September 6th, 2016  
5:30 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flags – Mayor Ramos called the meeting to order. The meeting was held in the Council Chambers at 803 West Holland in the City of Alpine, Texas. Clark Nussbaum gave the invocation. Mayor Ramos led the pledge of allegiance to the flags.**
- 2. Determination of a quorum and proof of notice of the meeting – Mayor Ramos, Councilors Salas, Fitzgerald, Escovedo and Stephens were present. City Secretary Taylor said the meeting notice had been posted at 3:30 P.M. on September 2nd, 2016. City Manager Zimmer, City Secretary Taylor, and Abel Hinojos were also present.**
- 3. Presentations, recognitions and proclamations – None**
- 4. Reports –  
City Mayor’s Report –**

**City Manager Report – (E. Zimmer, CM) –**

**City Manager Zimmer gave the following report:**

- **Update on Backflow Prevention and City Expectations as outlined in Section 98-94 of the Alpine City Code of Ordinances**
  - **TAC Rule 290.44 Water Distribution**
    - (A) At any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified in Sub-section 290.47 (f) of this title (related to Appendices).**
    - (B) At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.**
      - **(i) An adequate internal cross-connection control program shall include an annual inspection and testing by a licensed backflow prevention assembly tester on all backflow prevention assemblies used for health hazard protection.**
      - **(ii) Copies of all such inspection and test reports must be obtained and kept on file by the water purveyor.**

- (III) It will be the responsibility of the water purveyor to ensure that these requirements are met
- **City of Alpine Code of Ordinances Section 98-94 Protection Required; installation**
  - (a) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws and regulation and this division. Service of water to any premises shall be discontinued by the City if a backflow prevention assembly required by this ordinance is not installed, tested or maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises, service will not be restored until such conditions or defects are corrected.
  - (b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the regulatory authority shall deny or immediately discontinue service to the premises by providing for a physical break in the service until the customer has corrected the condition(s) in conformance with state and city codes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- We currently have multi-step process to inform and ask for compliance. We have some individuals that have not complied and will have their water service discontinued.
- Common Triggers that develop the needs for testing:
  - Irrigation systems, Wells, Carbonated Drink machines
  - Robert Polanco reviews with any citizens or business owners having questions.
- Update on signage in Public ROW, City Ordinance related to signage (Section 78), obstructions in ROW as identified in Section 86-2(a) of our City Ordinances and communications with TXDOT
- The City of Alpine works with Chris Weber and TxDot on the monitoring of signs in the public ROW
- There is no specific State criteria regarding non-permanent structures such as: tables and chairs, retail products, sandwich board signs, planters, etc.
- There are a couple of local ordinances regarding obstructing a public Way (86-2 (a) Obstructions), and the size of a sign before needing a permit (78-2 Permits).
  - 86.2 (a) Prohibited. It shall be unlawful for any person to

obstruct, or cause the obstruction of, any street, sidewalk or public way.

- Chapter 78 is very comprehensive in regards to expectations.
- Nothing currently in the ROW has come to Chris's attention as being invasive or deterring from the function of the sidewalk.
- Moving forward, in an effort to contemplate regulation what will inevitably become more and more common, we might want to consider the following criteria by which the current and future "allowable" encroachments are addressed.
  - No of premise signage for retail advertisement
  - Local guidelines regarding signage (size and number)
  - No obstruction of the required 48" path as required by ADA
  - No obstruction in the sight triangle of vehicular traffic
  - Cannot be permanent
- Most complete way to address is propose changes to the sign ordinance to specifically address these issues, work back with TXDOT, then bring new Ordinance(s) to Council.
- Would like to work with a Councilor on these changes.
- Consultation with attorney on any changes will be important to ensure no violations of First Amendment occur.
- Contact Form – website
- Currently we receive complaints related to nuisances (high weeds, junk vehicles, ordinance questions, etc.) in a variety of mediums (text messages, voicemails, calls, emails, hand written notes, etc...)
- The City also has a form on our Code Enforcement Site for citizens to utilize –

<http://media.wix.com/ugd/e7ed62ade5efb2e1c945a0a305ab3369774cfd15.pdf>,

- Developing a new "Contact Form" for the front page of our website
  - Ease of use
  - Compilation of complaints
  - Ability to view outcomes and report back to City Manager and City Council

Councilor Escovedo asked if the form would be in Spanish and English.

#### City Staff Updates – None

#### **5. Public Hearings –**

**A. Public Hearing to obtain citizens views and comments concerning plat for subdivision, Robert Hight, owner. Action on this item will be delayed pending an engineer's report. (E. Zimmer, CM) – Carl Fleming, Chair of the Planning and Zoning Commission asked about sewer access.**

#### **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 Council Minutes of August 2<sup>nd</sup> and August 4<sup>th</sup>, 2016. (A. Ramos, Mayor) – Motion was made by Councilor Fitzgerald, by Resolution 2016-09-01 to approve the Council Minutes of August 2<sup>nd</sup> and August 4<sup>th</sup>, 2016. Motion was seconded by Councilor Salas. Motion unanimously carried.**

**7. Information or Discussion items –**

**A. Presentation on AirMethods/OmniAdvantage Product and options for Public transport from Big Bend Regional Hospital to higher level care. (E. Zimmer, CM) – Roy Bennett with Air Methods said their business was started in 2007. He said they have approximately 200 to 225 flights a year. He said this past year there were 254 flights out of Brewster County and 227 of them were by Air Methods. He talked about the AirMethods membership for \$49 a year. He said this was not an insurance program but a membership. He said there were already about 900 memberships in Brewster County. He said the email was:**

**OAmembership@AirMethods.com**

**B. Discussion on Municipal Court Expectations (J. Fitzgerald) – Councilor Salas said she would like to have a face-to-face interview with whoever applies for the position. Councilor Escovedo said she would like to have interview questions for all of the Council to ask. Councilor Stephens said we need a Municipal Judge as quickly as possible since we have a backlog of 3,200 cases, already. Mayor Ramos said we could have a special meeting with the applicants. He said one declined last week. It was discussed that this item could be on the next agenda. Councilor Stephens said there used to be a large backlog of cases in Alpine. He said there was a 4 year period when not one case was worked. City Manager Zimmer said on the Law Enforcement side the availability factor is 8-5 Monday through Friday. He said this puts pressure on the Judges in the area. He said an attorney who is the Municipal Judge can issue a blood warrant. He asked if we were moving the right direction. He said the ultimate selection is with the City Council. He said we have laws in the City of Alpine that must be adhered to.**

**C. Update on Vision Plan and next steps (E. Zimmer, CM and R. Stephens)- City Manager Zimmer talked about the background assessment, Options for the future and Proposed implementation plan from UTSA and our local Small Business Development organization. He also talked about the 30 to 40 business leaders in our community. Councilor Stephens said the data is critically important to us. He addressed some of the**

recommendations. It was discussed that the report would be on the website so that everyone could look at it .

**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) Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.)**

- 8. First reading of Ordinance 2016-08-02, amending Appendix C, Sections 20 and 21 upon recommendation of P & Z Commission. (E. Zimmer, CM) – Motion was made by Councilor Stephens, by Resolution 2016-09-02, to approve the first reading of Ordinance 2016-08-02, amending Appendix C, Sections 20 and 21 upon the recommendation of the Planning and Zoning Commission. Motion was seconded by Councilor Salas. Motion unanimously carried.**
  
- 9. Discuss and Consider adopting FY 2016/2017 City of Alpine Budget and adopting Ordinance 2016-09-01, an Ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2016 and ending September 30, 2017; appropriating money to a sinking fund to pay interest and principal on the city’s indebtedness; adopting the annual budget of the City of Alpine for the year 2016/2017 fiscal year. (E. Zimmer, CM) – Motion was made by Councilor Salas, by Resolution 2016-09-03, as follows: “I move that we adopt the proposed budget for the 2016-2017 fiscal year which reflects an increase in revenue derived from property tax revenues over last year’s budget”. Motion was seconded by Councilor Fitzgerald. Joseph Goldman of Ward 1 appealed to the Council to vote against proposed budget due to deception and bad management practices. In a record vote, Councilor Salas voted aye, Councilor Fitzgerald voted aye, Councilor Escovedo voted aye and Councilor Stephens voted aye. Motion carried.**
  
- 10. Review Candidates for a permanent or temporary selection of Municipal Court Judge as outlined in Section 4.05 (C) and (D) of the City of Alpine Charter. (E. Zimmer, CM) – A temporary selection of a judge was discussed. It was discussed that a Judge should be selected by the September 20<sup>th</sup> meeting of the Council so that there could be a docket in mid-October. It was also discussed that candidates should be reviewed at the September 20<sup>th</sup> meeting and that an advertisement for candidates should be posted quickly. All candidates’ resumes would be due by 9 A.M. on the Friday before the Council meeting. In that way the Council could make a final decision on September 20<sup>th</sup>. Councilor Stephens said Irma has**

been a month without a judge and is trying to keep up with things. Councilor Stephens said he would really like to select a temporary Judge this evening. He said he would agree to doing interviews and selection at the next meeting. It was discussed whether candidates could do presentations in open session or if it needed to be closed session. It was discussed that an action item should be on the next agenda for the selection of a Municipal Judge. There should also be a discussion item for potential candidates to do presentations and answer questions. Motion was made by Councilor Salas to table this item until the next meeting, on September 20<sup>th</sup>, 2016, and at that meeting select a person as Judge after the interviews of the candidates. Motion was seconded by Councilor Fitzgerald. Carl Fleming said the court was not a court of record and there was a big difference in the salary. Sheila Ness said the Council should do background checks and ask for references. Motion carried unanimously.

11. Discuss and Consider Resolving to move regular scheduled Council meeting on Tuesday, October 4<sup>th</sup> to Monday, October 3<sup>rd</sup>, 2016 to accommodate travel schedules for Annual Texas Municipal League Conference that week. (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald, by Resolution 2016-09-04 to move the regular scheduled Council meeting on Tuesday, October 4<sup>th</sup> to Monday, October 3<sup>rd</sup>, 2016 to accommodate travel schedules for the Annual Texas Municipal League Conference that week. Motion was seconded by Councilor Salas. Motion unanimously carried.
12. Approve Holiday Schedule for City of Alpine for FY 2016/2017. (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald, by Resolution 2016-09-05, to approve the Holiday Schedule for the City of Alpine for FY 2016/2017. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
13. Approve first reading of Water and Sewer Rate Ordinance 2016-09-04, an Ordinance amending water rates, bulk water rates and sewer rates for the City of Alpine, Texas, Chapter 98, “Utilities”, Section 98-83 (Water Rates) and Section 98-123 (Sewer Rates) “Rates Generally”, (b) Water Rates of the Code of Ordinances be amended to reflect new “Water Rates” and “Sewer Rates”, and amending Section 98-85, Rates Outside City Limits. (E. Zimmer, CM) – City Manager Zimmer said it had been 7 years since there had been an increase. He said we are paying 75% of what other communities are paying. Motion was made by Councilor Fitzgerald, by Resolution 2016-09-06, to approve the first reading of the Water and Sewer Rate Ordinance 2016-09-04, an Ordinance amending water rates, bulk water rates and sewer rates for the City of Alpine, Texas, Chapter 98 “Utilities”, Section 98-83 (Water Rates) and Section 98-123 (Sewer Rates) “Rates Generally”, (b) Water Rates of the Code of Ordinances be amended to reflect new “Water Rates” and “Sewer Rates”, and amending Section 98

**-85, Rates Outside City Limits. Motion was seconded by Councilor Salas. Carl Fleming from Ward 5 complained that he did not believe this ordinance was made available to the public before tonight. Motion carried unanimously.**

- 14. Discuss and Consider Ordinance 2016-09-02, an ordinance of the City of Alpine, Texas approving and adopting the proposed Property Tax Rate for Fiscal Year 2016/2017 at the rate of \$.4522890 per \$100.00 property valuation for City Maintenance and Operations expenses, and \$.0862110 per \$100.00 property valuation for Debt Service resulting in a total Property Tax Rate of \$0.5385 per \$100 valuation, which exceeds the effective tax rate. (E. Zimmer, CM) – Motion was made by Councilor Salas, by Resolution 2016-09-07, as follows: “I move that the property tax rate be increased by the adoption of a total tax rate of \$0.5385, which is effectively a 5.78 percent increase of the tax rate, by the adoption of Ordinance 2016-09-02 for fiscal year 2016-2017, which includes as part of the total tax rate \$.4522890 for maintenance and operations and \$.0862110 for debt service. Motion was seconded by Councilor Fitzgerald. The record vote was taken as follows: Councilor Salas voted aye. Councilor Fitzgerald voted aye. Councilor Escovedo voted aye. Councilor Stephens voted aye. Motion carried.**
  
- 15. Discuss and Consider ratifying the Property Tax increase as reflected in the Annual budget for Fiscal Year 2016/2017. (E. Zimmer, CM) – Motion was made by Councilor Stephens, by Resolution 2016-09-08, as follows: Pursuant to Texas Local Government Code, section 102.007(c), I move that we ratify the budget and tax rate, as adopted, recognizing such budget will require more revenue from property taxes than did the budget adopted last year. Motion was seconded by Councilor Salas. The record vote was taken as follows: Councilor Salas voted aye. Councilor Fitzgerald voted aye, Councilor Escovedo voted aye and Councilor Stephens voted aye. Motion carried.**
  
- 16. Councilmember Comments and Answers –  
Councilor Salas – Thanked Erik and the staff for the work on the Budget and tax rate and the citizens for being present.  
Councilor Fitzgerald - commended the work done on the budget and thanked everyone who attended the meeting, especially the 5 members of his ward who were present.  
Mayor Ramos – said a lot of hard work went into this budget. He applauded the City Manager and his staff.  
Councilor Escovedo – said she was glad that so many people came to the meeting. She said the word is getting out there.  
Councilor Stephens – said thanks for all the hard work on the budget. He said the AirMethods program had a very small cost. He said he thought that was the right thing to do. He said he wanted to emphasize the vision**

plan. He said it was 89 pages of very worthwhile reading and a great opportunity for the City of Alpine and supports the city going forward. He said we need to take action and there is a path to follow.

17. Executive Session – None

18. Action after Executive Session – None

19. Adjournment.- There being no further business, meeting was adjourned upon the motion of Councilor Fitzgerald and seconded by Councilor Salas. Motion unanimously carried.

**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 3:30 P. M. on September 2nd, 2016, 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.

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Andres "Andy" Ramos, Mayor

Attest:

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Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 3:30 P.M. on September 2nd, 2016, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Margaret "Molly" Taylor, City Secretary