

**City of Alpine**  
**Regular City Council Meeting**  
**Tuesday, March 21, 2017, 5:30 P.M.**

**MINUTES**

**Board Members Present:** Rick Stephens - Mayor Pro Tem, Lucy Escovedo, Jim “Fitz” Fitzgerald, Cynthia Salas

**Board Members Not Present:** Mayor Andres “Andy” Ramos, Dr. Nancy Antrim

**City Staff Present:** Erik Zimmer - City Manager, Kalea Cotton - City Secretary

**1. Call to Order, Invocation and pledge of allegiance to the flag –** Meeting was called to order by Mayor Pro Tem – Rick Stephens at 5:30 PM. Invocation was led by Jobeth McLeod. Pledge of allegiance was led by Mayor Pro Tem - Rick Stephens.

**2. Determination of a quorum and proof of notice of the meeting –** A quorum was determined and proof of notice was posted at 9:30 A.M. on March 17th, 2017, by City Secretary, Kalea Cotton.

**3. Presentations, recognitions and proclamations – NONE (A. Ramos, Mayor)**

**4. Reports -**

**City Mayor’s Report – (A. Ramos, Mayor) – NONE**

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

• **Utilities Asset Improvement Program – 2017**

Water Utility

- Implementing a Pump Station PM Program
- SCADA System Improvements
- Railroad Well
- \$225K Budgeted this fiscal year

Wastewater Treatment Plant

- Bar Screen Improvement
- Belt Press utilization
- \$205K Budgeted this fiscal year

Gas Utility

- DIMP – Distribution Integrity Management Program
- Retiring 3500 ft in Alpine and 800 ft in Ft Davis
- Alpine – 7th Street between Brown St and Ft Davis Ave
- Adding Valves
- Paving – Discussed previous meeting

- **Monthly Financial Report – Oct 2016 – Feb 2017**

- Budget Variance sent out this week
- Check registers being updated with Chris Ruggia – formatting has been an issue
- Revenues in Government Fund in good shape
- Utilities Revenues – dictated this year by weather patterns. Adjusting expenses in Gas to mirror warmer winter
- HOT – driven by Energy companies – solar and gas
- Process improvements with Finance Team have driven better visibility into how/why we spend dollars

**City Staff Updates – None**

**5. Public Hearings –**

**A. Public Hearing to obtain citizens to views and comments concerning Philip O’Shaughnessy’s application for a zoning change request from R-1 to R-2 in order to build carports for adjoining homes. Property identification/Street address is 601, 603, 605, 607 and 609 E. Avenue A. Legal Description is Hancock B Addition, Block 76, Lots 1-5, Alpine, Texas. Ryan O’Shaughnessy is Agent.**

No comments.

**B. Public Hearing to obtain citizens views and comments concerning Golondrina Development LLC’s application for a zoning change from R-2 to R-3 to allow apartment development. Property identification/Street address is a 6-acre tract located southwest of W. Avenue J and S. 11<sup>th</sup> Street. Legal Description is Micou Addition, Blk 7, 15, 16, Lot 5 of Blk 8, Lots 1-5 of Blk 14, portion of Micou Addition Lots 1-4 and 10 of Block 8, Lots 6-10 of Block 14, and Lot 2 of Block 17. Agent is Karen Williams.**

Hector Holguin – Ward 4 – Mr. Holguin stated that he had attended the planning and zoning meeting. He asked if the council had received his comments that were made at the planning and zoning meeting.

Amelia Holgese – Ward 4 – Ms. Holgese stated that she was opposed to the rezone, and hoped that the council would not be willing to strip residents of their views by adding the apartments.

Rose Roach – Rosa Hinojos – Ward 4 – Ms. Roach stated that her mother’s home is right across from apartments. She stated that she had spoken to several neighbors about the rezoning request. She also read a copy of the memo that was submitted to the City Manager.

Julian Gonzales – Ward 4 – Mr. Gonzales asked if the council received any kind of engineering report.

Angie Bermudez – Ward 1 – Ms. Bermudez stated that she had received calls from people wanting to know if it is for low income. She also asked if the City would be able to furnish the sewer/water/gas for the apartments.

No other comments.

**C. Public Hearing to obtain citizens views and comments concerning Shirley Pearce's application for a zoning change Residential to Commercial. Plans for this property include, but are not limited to, medical and health services and church purposes. Property identification/street 708 E. Brown St. (Pearce Clinic) and legal description is Hancock D, Blk 2, Lots 3 & 4 and n/12 feet of 2. Agent is Pastor Mark O. Williams with Grace Christian Fellowship Church.**

John Newsom – Ward 5 – Mr. Newsom stated that he had been requested by his neighbors, to say that they do not want the zoning change. He requested that the recommendation coming from the planning and zoning meeting not be changed by council.

Pam Terrell – Ward 5 – Ms. Terrell was present representing mother. She stated that her mother feels that the rezone would cause very big disruption to the tranquility.

No other comments.

**D. Public Hearing to obtain citizens views and comments concerning Juanita Silva's application for a zoning change from R-3 to R-4 to set up manufactured housing. Property identification/street address is 406 S. 10<sup>th</sup> St. and Legal Description is Original Town, Blk 79, Lot 8.**

No 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 Council Minutes of March 7, 2017. (E. Zimmer, City Manager)**

A motion was made by Cynthia Salas by Resolution No. 2017-03-06 to approve the Council Minutes of March 7, 2017. The motion was seconded by Jim Fitzgerald.

No discussion.

The motion passed unanimously with a vote of 4-0.

- 7. Information or Discussion items – 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 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. Discuss and consider Planning and Zoning Commission's recommendation to Council concerning Philip O'Shaughnessy's application for a zoning change request from R-1 to R-2 in order to build carports for adjoining homes. Property identification/Street address is 601, 603, 605, 607 and 609 E. Avenue A. Legal Description is Hancock B Addition, Block 76, Lots 1-5, Alpine, Texas. Ryan O'Shaughnessy is Agent. (E. Zimmer – City Manager)**

A motion was made by Cynthia Salas by Resolution No. 2017-03-07 to approve the application for a zoning change request from R-1 to R-2 in order to build carports for adjoining homes. Property identification/Street address is 601, 603, 605, 607 and 609 E. Avenue A. Legal Description is Hancock B Addition, Block 76, Lots 1-5, Alpine, Texas. The motion was seconded by Jim Fitzgerald.

No Discussion

The motion passed unanimously with a vote of 4-0.

**9. Discuss and consider Planning and Zoning Commission's recommendation to Council concerning Golondrina Development LLC's application for a zoning change from R-2 to R-3 to allow apartment development. Property identification/Street address is a 6-acre tract located southwest of W. Avenue J and S. 11th Street. Legal Description is Micou Addition, Blk 7, 15, 16, Lot 5 of Blk 8, Lots 1-5 of Blk 14, portion of Micou Addition Lots 1-4 and 10 of Block 8, Lots 6-10 of Block 14, and Lot 2 of Block 17. Agent is Karen Williams. (E. Zimmer – City Manager)**

A motion was made by Cynthia Salas by Resolution No. 2017-03-08 to table the application for a zoning change request due to no representative being present at the planning and zoning meeting. The motion was seconded by Jim Fitzgerald.

Discussion:

Hector Holguin – Ward 4 – Mr. Holguin asked the council when the next planning & zoning meeting will be scheduled.

Erik Zimmer – City Manager – Mr. Zimmer stated that the next planning & zoning meeting had not been scheduled yet.

The motion passed unanimously with a vote of 4-0.

**10. Discuss and consider Planning and Zoning Commission's recommendation to Council concerning Shirley Pearce's application for a zoning change Residential to Commercial. Plans for this property include, but are not limited to, medical and health services and church purposes. Property identification/street 708 E. Brown St. (Pearce Clinic) and legal description is Hancock D, Blk 2, Lots 3 & 4 and n/12 feet of 2. Agent is Pastor Mark O. Williams with Grace Christian Fellowship Church. (E. Zimmer – City Manager)**

A motion was made by Cynthia Salas by Resolution No. 2017-03-09 to approve the application for a zoning change Residential to Commercial. Plans for this property include, but are not limited to, medical and health services and church purposes. Property identification/street 708 E. Brown St. (Pearce Clinic) and legal description is Hancock D, Blk 2, Lots 3 & 4 and n/12 feet of 2. The motion was seconded by Jim Fitzgerald.

**Discussion:**

Carl Fleming – Ward 5 – Mr. Fleming stated that he thinks the residents do not have a problem with what Grace Christian Fellowship are wanting, he feel the issue is with the property becoming Commercial.

Julian Gonzales – Ward 4 – Mr. Gonzales asked what motion was made by Ms. Salas.

Cynthia Salas – City Council Ward 2 – Ms. Salas explained the motion that was made.

Rick Stephens – City Council Ward 5 – Mr. Stephens stated that this is the second time an application for rezoning that property has been tendered. Mr. Stephens also stated that due to the medical clinic not having any business for six months the grandfather clause becomes null and void. Mr. Stephens feels that this area should be residential.

Cynthia Salas – City Council Ward 2 – Ms. Salas stated that although it is zoned residential, there is no kitchen.

No other comments.

The motion did not pass/failed with a vote of 0-4.

**11. Discuss and consider Planning and Zoning Commission's recommendation to Council concerning Juanita Silva's application for a zoning change from R-3 to R-4 to set up manufactured housing. Property identification/street address is 406 S. 10th St. and Legal Description is Original Town, Blk 79, Lot 8. (E. Zimmer – City Manager)**

A motion was made by Cynthia Salas by Resolution No. 2017-03-10 to approve the application for a zoning change from R-3 to R-4 to set up manufactured housing. Property identification/street address is 406 S. 10th St. and Legal Description is Original Town, Blk 79, Lot 8. The motion was seconded by Jim Fitzgerald.

Discussion:

Cynthia Salas – City Council Ward 2 – Ms. Salas stated that she appreciated that Ms. Silva had all of her documentation ready and knew what she needed to do in order for the rezoning to happen.

The motion passed unanimously with a vote of 4-0.

**12. Discuss and consider approving placement of traffic cones identifying no parking areas adjacent to intersections of 5th / Sul Ross and 8th / Sul Ross. The trial no parking will last for thirty days. (E. Zimmer – City Manager)**

Erik Zimmer – City Manager – Mr. Zimmer stated that he had emailed supplemental information regarding these two intersections. Also, if approved they would set up over 30 days of data. Mr. Zimmer also stated that they will be covering the yield signs with bags, and put up very visible temporary stop signs.

A motion was made by Cynthia Salas by Resolution No. 2017-03-11 to approve the placement of traffic cones identifying no parking areas adjacent to intersections of 5th / Sul Ross and 8th / Sul Ross. The motion was seconded by Jim Fitzgerald.

No discussion.

The motion passed unanimously with a vote of 4-0.

**13. Discuss and consider taking action on updating check signatories for City of Alpine checking accounts. (E. Zimmer – City Manager)**

A motion was made by Jim Fitzgerald by Resolution No. 2017-03-12 to take action on updating check signatories for City of Alpine checking accounts, with the following person(s) listed on the accounts: Erik Zimmer, Kalea Cotton, J. Horry, and Darrell Lasoya. The motion was seconded by Cynthia Salas.

No discussion

The motion passed unanimously with a vote of 4-0.

**14. Discuss and consider taking action concerning the City of Alpine administering the Visitor Center. (E. Zimmer – City Manager)**

Erik Zimmer – City Manager – Mr. Zimmer stated that he had supplied information to the council, regarding the requirements needed for running the Visitor Center. He stated that there are strict guidelines from the state. Due to the turn-over on the Chamber of Commerce board, it has created challenges on consistency. Mr. Zimmer stated that he would like to have Stewart Ramser be more involved. Mr. Zimmer also explained that a budget action decision was not needed, but that this would be more of a formal blessing from the City Council. This would allow the Chamber to focus on the Chamber, and the City of Alpine has structure and could withstand an audit.

Lucy Escovedo – City Council Ward 4 – Ms. Escovedo asked how many other Chambers have administered Visitor Centers.

Erik Zimmer – City Manager – Mr. Zimmer explained that it is different throughout the state, and is dependent on logistics.

Jim Fitzgerald – City Council Ward 3 – Mr. Fitzgerald asked if Martha Latta (President of the Chamber of Commerce) had any problem with this decision.

Erik Zimmer – City Manager – Mr. Zimmer stated that he had met with Ms. Latta previously and that she was supportive of the decision.

Cynthia Salas – City Council Ward 2 – Ms. Salas asked Mr. Zimmer if anyone from the City staff would be pulled to work at the Visitor Center.

Erik Zimmer – City Manager – Mr. Zimmer stated that no one would be leaving the City offices if this decision was approved.

Lucy Escovedo – City Council Ward 4 – Ms. Escovedo asked Mr. Zimmer why there would be involvement from Stewart Ramser.

Erik Zimmer – City Manager – Mr. Zimmer explained that Mr. Ramser is compensated through HOT money, has experience in advertising, the Visit Alpine website, and local events such as Viva Big Bend.

Lucy Escovedo – City Council Ward 4 – Ms. Escovedo stated that she would like more information regarding the Visitor Center, and asked if Mr. Zimmer had spoken to any other Chamber board members.

Erik Zimmer – City Manager – Mr. Zimmer stated that he had spoken to three other board members in person, and one on the telephone.

A motion was made by Cynthia Salas by Resolution No. 2017-03-13 that the City of Alpine would administer the Visitor Center. The motion was seconded by Jim Fitzgerald.

Discussion:

Johnny Carpenter – Ward 5 – Mr. Carpenter stated he had concerns about the City taking over. He stated that the Chamber Board members were now a diverse select group of people, and that they had volunteers. Mr. Carpenter stated he felt the Chamber of Commerce is vital to his business, and growth of the community. Mr. Carpenter stated that no one will volunteer to help if the City is administering the Visitor Center, and that he hopes the Council will keep the Visitor Center under the Chamber.

Carl Fleming – Ward 5 – Mr. Fleming stated that when he first moved to Alpine he visited the Chamber, and they were helpful in getting information regarding contractors. He suggested that if the City will utilize some of the help from Robert Palanco, so that when they have a question, they can have a list given to them at the Visitor Center, and possibly help with the tasks of the Chamber.

Joseph Goldman – Ward 1 – Mr. Goldman inquired how much of the membership dues will be given to the City of Alpine.

Rick Stephens – Mayor Pro Tem Ward 5 – Mr. Stephens explained that this is about City funds that the City allocates to run the Visitor Center, and that this does not affect the Chamber of Commerce Funds.

Erik Zimmer – City Manager – Mr. Zimmer stated that he had made a commitment to Ms. Latta, that he would present the topic in a positive way at the City Council meeting. He explained that Ms. Latta would have been present but is ill. Mr. Zimmer said that he feels this decision will provide positive momentum to everyone involved.

The motion passed with a vote of 3-1.

**15. Discuss and consider changing second meeting date on May 16, 2017 to May 9, 2017 to coincide with Election Canvass and swearing in ceremony. (J. Fitzgerald – City Council)**

A motion was made by Jim Fitzgerald by Resolution No. 2017-03-14 to change the second meeting date on May 16, 2017 to May 9, 2017 to coincide with the Election Canvass and swearing in ceremony. The motion was seconded by Cynthia Salas.

No discussion

The motion passed unanimously with a vote of 4-0.

**16. Councilmember Comments and Answers –**

Cynthia Salas – Ward 2 – Thanked everyone for being here. Ms. Salas explained that she understood there were a lot of issues and concerns on the agenda, and that the City Council is trying to do what's best for the community.

Jim Fitzgerald – Ward 3 – Thanked constituents for coming to the meeting.

Lucy Escovedo – Ward 4 - None

Rick Stephens – Ward 5 – Asked that the audience make a note that we do have a special meeting on March 29, 2017 regarding the audit. Mr. Stephens also thanked everyone for coming.

**17. Executive Session – Pursuant to Texas Government Code, Sections 551.071 (consultation with attorney – pending litigation)**

A motion to enter into Executive Session was made by Mayor Pro Tem, Rick Stephens at 6:52 PM. The motion was seconded by Cynthia Salas. Motion unanimously carried.

**A. Update on Scown Litigation, Cause No. 08-16-00301 CV; Emily Livingston Scown and Barbara Scown v. The City of Alpine, Texas; in the 8<sup>th</sup> Court of Appeals. (E. Zimmer – City Manager)**

**18. Action after Executive Session –**

**A. Take action, if any, concerning Scown Litigation. (E. Zimmer – City Manager)**

Open Session resumed at 6:55 PM.

A motion was made by Jim Fitzgerald by Resolution No. 2017-03-05 to take no action concerning the Scown litigation. The motion was seconded by Cynthia Salas.

No discussion.

The motion passed unanimously with a vote of 4-0.



**19. Adjournment –**

The meeting was adjourned by Mayor Pro Tem, Rick Stephens at 6:56 PM.

**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.)**

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Rick Stephens, Mayor Pro Tem

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Kalea Cotton, City Secretary