

City Of Alpine  
Regular City Council Meeting  
Tuesday, November 7, 2017  
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. Dr. Nancy Antrim gave the invocation. Mayor Ramos led the pledge of allegiance to the flags
2. Determination of quorum and proof of notice of the meeting. – Councilor Curry, Councilor Olivas, Councilor Fitzgerald, Councilor Escovedo, Councilor Stephens and Mayor Ramos were present. City Secretary Salas said the meeting notice had been posted at 1:30 P. M. on November 3, 2017. Interim City Manager Horry, Assistant City Manager/Finance Director Antrim, and Abel Hinojos were also present.
3. Presentations, recognitions and proclamations. – (A. Ramos, Mayor) –
  - Parks & Recreation Board– Certificate of Appreciation to Tom Lancaster for his service on the Parks & Recreation Board was presented by Mayor Ramos.
4. Reports –
  - City Mayor’s Report – (A. Ramos, Mayor) – NONE
  - City Manager Report – (J Horry, Interim City Manager) –
    - Bulky Trash Pick-Up Stats – Interim City Manager J Horry gave the council the numbers for the pickup. General trash was 1830 pounds, brush 5610 pounds, and metal 1360 pounds, for a grand total of 47, 830 pounds. The 23.91 pounds of tonnage was up by 18% from last year.
    - Law Enforcement Community Toy Drive – The Alpine Police Department and Brewster County Sheriff’s Office will be hosting a Law Enforcement Community Toy Drive this Holiday season. They have started accepting donations and will continue until December 15, 2017. Donations will be distributed by the Alpine Police Department and Brewster County Sheriff’s Office on Saturday, December 16, 2017.
  - City Staff Updates – NONE
5. Public Hearings – NONE
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being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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. Approval of minutes from City Council meeting on October 17, 2017. (J Horry, Interim

City Manager) –

B. Appointment of Derek Richardson for Airport Advisory Board for Ward 3. (J. Fitzgerald, City Council)

C. Appointment from Councilor Olivas for Parks Board for Ward 2. (R. Olivas, City Council)

D. Appointment of Jesse Lara for Building & Standards Commission. (R. Stephens, City Council)

E. Appointment of Clayton Shoot for Building & Standards Commission for Ward 1. (R. Stephens, City Council)

Motion was made by Councilor Stephens, by Resolution 2017-11-01, to approve the consent agenda as written in its entirety. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

**7. Information or Discussion Items –**

A. Discussion the status of the roads at Alpine Country Club Estates and potential options. (R. Stephens, City Council) – Councilor Stephens distributed 5 pages to the Council to inform them about what is going on at the Alpine Country Club Estates. He said Alpine Country Club Estates was incorporated into the City in July of 1987 and the original plan was to have 150 homes located there, but as of today there are only 25 homes there. He said if there were 150 homes that would generate a tax base of approximately \$300,000 a year. He said today it only generates about \$27,000 in taxes. He said the challenges going out to County Club Estates from Hwy 67/90 is 2 miles one direction and then there is the neighborhood beyond that. He said in order to maintain the roughly 10% of the city roads out there, the city would have to spend over 120,000 yearly on maintenance, with the tax base coming in of only 26,000. He said the roads, frankly, are in trouble. He said thanks to J Horry and his road team the main road has been maintained and is safe out there but there are still significant issues. He said if we recall, when Erik Zimmer was here, the discussion was that it would take about 1.5 million dollars to repair the roads out there. He said part of this is driven by two things, (1) when the roads were originally installed they were not properly crowned so (2) as a result when water pools and collects it seeps down in the asphalt, and we get some cold weather and it freezes, then we get the pot holes. He said of course that is the issue across the entire city. Councilor Stephens met with the Country Club Estate residents a number of times, the most recent being July of this year. He said the discussion they had was about the options as you see on the second page, having 4 options. One option was to ask the City Manager to maintain the roads as best as they can, part of that would be to repair the main road at the 2 mile entrance and to put a plan in place to maintain the road based upon the city budget. The second is to evaluate the option to extend Loop Drive into the backside of Alpine Country Club Estates. He said we all know where Loop Road is and if you get on the right hand side of Loop Road it is called Loop Drive and that is a county maintained road. He said if you go all the way out to the end of that, there is a dirt road that actually goes into Alpine Country Club Estates. He said if the City works with the County, we could potentially take some of that land and extend the County Road into the

County Club property and significantly reduce maintaining that paved road. He said we could basically abandon the 2 miles going in and just take over a short area going into the Country Club Estates. The third action is to ask the Alpine Country Club Estates residents to declare those roads to be private, and for them to maintain them on their own. He said the challenge is that they are probably not motivated to do that. The fourth option is in theory that we, as the City Council, have the authority to de-annex that area. He said the Council could de-annex it and turn it over to the residents. He said the downside is that they would not only have to take care of the roads, but no one could be part of the city. They would pay one and one half times the rate on their water bill, sewer bill and the other city services that the city provides, and that does not seem like the right thing to do. Councilor Stephens asked the City Manager, J Horry to look at what the cost would be on option 1, that is to repave that road, and what a plan might look like. He said J is going to work with Keith Jarrett to look at what those options are. He said this will at least get the main road to a much more passable situation. However in the end, without redoing that road and crowning it, we are going to have long term issues. He said it is not a good situation for the residents. The property was annexed some 30 years ago and note that the annexation occurred just prior to a state law going into effect that would not have allowed the city to annex that area because it is not contiguous to the City of Alpine. He said he talked to the City Attorney Mick McKamie about charging a special fee to maintain that 2 mile road. City Attorney McKamie said that the city certainly could, however there has to be city property on both sides of that main road. Councilor Stephens said there is no city property on either side, so that option is completely out. The course of action, at this point, is to wait to see what J comes back with on some of the cost. It also would be worthwhile to explore looking at extending the road on Loop Drive into Country Club estates. That would at least allow reasonable access at a significant cost. He said it would require us potentially to take some property to create a 60 foot wide easement to work that. Councilor Stephens said he is certainly willing to work with the City Manager to look at what that plan might look like and come back to the Council. He said frankly the roads are worse and one of the roads out there, Kanaba, is probably the worst road in all of the City of Alpine.

B. Discuss the role and responsibilities of Mayor, City Council and key City employees relative to the City Charter. (R. Stephens, City Council) – Councilor Stephens stated that as a council, they need to talk about the respective roles and responsibilities as the Mayor, and as Council members with regards to key city employees relative to the City Charter. The City Charter was

put in place, and occasionally we had some discussion about Council roles and responsibilities and what we can ask members of our city staff to do. He said there are some 60 city staff members. He said it is worthwhile for the council to remember that when we think of the three parts of government that democracy is founded on, we are in essence the legislative branch of what goes on. He said the Council puts together the legislation, and passes the laws which we turn over for the implementation, according to our home rule charter, to the City Manager and the staff. He said that is the basis of what a home rule city is about and we have 2 judiciary bodies that implement what is relative to the law. He said we have a city municipal court that Judge Sandefur leads and we have a Building & Standards Commission which is also

a judicial body. He said It is important that the council recognizes that when we want to get something done, we go through our City Manager, in this case right now, J Horry. When Jessica Garza comes, on her first day of work, on December 4th, if we want to ask a member of the city staff to do something, we need to make sure the council is talking to the City Manager, whether it is the interim or Jessica about getting that done. In the case of Building & Standards or in terms of Code Enforcement, where others write up a case and they go to court, we as a City Council need to back away and let them do their job. He said sometimes we all get passionate about a particular issue that we want to work but it is up to them to do the work and if we have an issue we can certainly look at changing the laws.

**C. Discuss local services from First Flight Air and Ground Ambulance. (R. Stephens, City Council)**

– Councilor Stephens stated that a month and a half ago he talked about air ambulance service to Alpine. He said since he has been on the City Council it has been an important element for us for a number of reasons. One has been the cost associated with the air ambulance service and the other is the availability of getting transportation out for those critically injured or critically ill. He said former Councilor Antrim took advantage of the air ambulance, and given where we live it is really important. The prior service that was here, as you recall, was Air Methods. He said we used to have a program that we could sign up for, for a fairly nominal fee from a stand point of less than \$100.00 a year. He said that ensured that there was not only insurance but that they would bill the insurance. Air Methods left because they had financial reasons. He said they packed up and left. After that another company came on board, Elite. He said they came in and provided no air ambulance service but ground service and that was principally tied to what went on with the Energy Transfer Partners because they needed service and contracted with Elite. He said they also contracted with the hospital. Subsequent to that, and while Elite was here, another organization came in, called First Flight Air. He said they came in to also provide competitive air and ground ambulance service. It was worthwhile to ask First Flight Air to come in and share with us a little bit about what they offered for a couple of reasons. He said one, we all are dependent and if we have an emergency health issue we have to get out of here and we need air transportation. He said as we all know just to get to Midland/Odessa it is 2 ½ hours. He said El Paso is 3 ½ hours. He said we have great medical support here with Big Bend Regional Medical Center, but that is a potential challenge. He said First Flight has a contract with Big Bend Regional Medical Center and the hospital. When First Flight decided they wanted to base an aircraft here Councilor Stephens offered to provide a hanger. He said First Flight rents one of the hangers from Councilor Stephens and that is important. He said there is no contract and no benefit that goes to him from having this discussion. He said this is about the citizens of Alpine, wanting to make sure that First Flight had an opportunity to share information with the council and citizens. He said there is a ribbon cutting at the airport tomorrow and Denny and Shelly O'hara will share what is going on and invite the Council to ask any questions

**D. Quarterly Readout – EMS West Texas Ambulance. (J Horry, Interim City Manager)** –

Paramedic Mike Scudder gave the Council the 3<sup>rd</sup> quarter report for July, August, and September. Total calls were 152. City transports were 98, City no transport were 28, out of city

transports 21, and out of city no transports 5.

**E. Quarterly Readouts – Brewster County Appraisal District. (R. Stephens, City Council)** - The Brewster County Appraisal District has representatives from the County, the City, the AISD and the Hospital District. Terlingua, Marathon and other districts actually have taxes that they charge us as residents based upon where we live. As a reminder, we live within the City of Alpine which we all do for a dollar that goes into our taxes. About \$1.21 goes to the school board, \$0.37 goes to the City, \$0.17 goes to the County, and \$0.06 goes to the Hospital District. For those of you who recently got your tax bill, as we all have, you can watch what goes on in the appraisal district and the process they go through. He said they are getting ready to go out and appraise our property again. He said they hit all of us within the city, our property, whether it is residential or commercial. He said the budget is in place.

**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, own a business or property in the city limits of Alpine, will be allowed to speak if there is time available.) -

**8. Discuss and consider approving the Ad Valorem Tax Collection Agreement with Brewster County. (J Horry, Interim City Manager)** – Motion made by Councilor Stephens, by Resolution 2017-11-03 to approve the Ad Valorem Tax Collection Agreement with Brewster County. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

**9. Discuss and consider taking action, if any, regarding changing normally scheduled meeting on January 2, 2018. (J Horry, Interim City Manager)** – Motion was made by Councilor Fitzgerald, by Resolution 2017-11-04 to change the normally scheduled meeting to January 4, 2018. Motion was seconded by Councilor Stephens. Motion unanimously carried.

**10. Approve Resolution for temporary closing a Portion of 5<sup>th</sup> Street (Hwy 118) between Holland and Ave E for Art walk on November 17<sup>th</sup> and 18<sup>th</sup>, 2017 and agreement. (J Horry, Interim City Manager)** – Motion was made by Councilor Olivas, by Resolution 2017-11-02 to approve the temporary closing of a portion of 5<sup>th</sup> Street (Hwy 118) between Holland and Ave E for Art walk on November 17<sup>th</sup> and 18<sup>th</sup>, 2017 and also approve the agreement. Motion was seconded by Councilor Curry. Motion unanimously carried.

**11. Discuss and consider approving the City of Alpine Ethics Policy, also applying to the Mayor, City Council, and Boards & Commissions. (R. Stephens, City Council)** – Motion was made by Councilor Stephens, by Resolution 2017-11-05 for the City Council to approve the City of Alpine Ethics Policy as written and as Council has approved. Motion was seconded by Councilor Olivas. Motion unanimously carried.

**12. Discuss and consider approving second and final reading of Ordinance 2017-10-04 concerning Johnny Carpenter zoning change request from C-2 to R-1 to allow the expansion of the Carpenter Addition to the North. Property Identification/Street address is North/West corner of Enfield Road and the North/East corner of Cherry Lane, Alpine, Texas. Legal Description is Carpenter Addition,**

4.04 Acres out of a 19.04 Tract, Survey 98, Block 9 G.H. & S.A. Ry., Agent is Johnny Carpenter.(J. Horry, Interim City Manager) – Motion was made by Councilor Stephens, by Resolution 2017-11-06 to approve the second and final reading of Ordinance 2017-10-04 for a zoning change request from C-2 to R-1. Motion was seconded by Councilor Olivas. Motion unanimously carried.

13. Discuss and consider approving the second and final reading of Ordinance 2017-10-03 concerning Johnny Carpenter’s request for a zoning change from R-3 to C-2 to allow for the expansion of Carpenter Addition. Property Identification/Street address is 2102 Highway 118 North, Alpine, Texas 79830. Legal description is 0.9329 Acres out of a 2.50 Acre Tract described in Volume 17, Page 7332, Survey 98, Block 9 S.G. & S.A. Ry. Agent is Johnny Carpenter. (J Horry, Interim City Manager) – Motion was made by Councilor Olivas, by Resolution 2017-11-07 to approve the second and final reading of Ordinance 2017-10-03 for zoning change from R-3 to C-2. Motion was seconded by Councilor Stephens. Motion unanimously carried.
14. City Councilmember Comments and Answers – No discussion or action may take place.

Councilor Curry – Glad everyone came out and thanks to the First Flight guys coming out and answering questions

Councilor Olivas – Just he wanted to comment, as the representative for Ward 2, and for the residents, an expression of gratitude to Mr. Lancaster for serving on the Parks & Recreation Board. He said at the same time he wanted to announce that Martha Sanchez will be basically filling this vacancy on the Board.

Councilor Fitzgerald – Said he wanted to thank everyone for coming and Ward 3 is well represented. He said it is great to be back after a month of physical therapy all morning and occupational therapy all afternoon. He said it is great to be back.

Councilor Escovedo – Said she is glad Councilor Fitzgerald is back and she is glad that Martha Sanchez was appointed to the Parks & Recreation for Ward 2. She is also glad everyone came to the meeting. She said she also wanted to thank Oscar for his points made because those are very important for everyone to know.

Councilor Stephens – Said thanks everyone for being at the meeting. He also wanted to thank those who serve on our Boards & Commission. He said there are 6 Boards & Commissions and without those it is kind of tough to get our work done. He said he looks forward to seeing everyone at the next meeting to continue with the discussions.

Mayor Ramos – Thanked everybody for being at the meeting. He said we have had some good turn outs the last few months which is fantastic. He said also don’t forget First Flight tomorrow and also Art Walk starts next week. He said this was just a friendly reminder and thank you very much.

15. Executive Session – None

16. Action After Executive Session – None

17. ADJOURNMENT – There being no further business, 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 1:30 P.M on November 3, 2017, 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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Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 1:30 P. M. on November 3, 2017, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Cynthia Salas, City Secretary