

City of Alpine
Regular City Council Meeting
Tuesday, June 6, 2023
Minutes

1. **Call to Order & Pledge of Allegiance** – Mayor Catherine Eaves called the meeting to order at 5:30 P.M. The meeting was held at City Council Chambers located at 803 West Holland Avenue and via Zoom Videoconference in the City of Alpine, Texas. Mayor Eaves led the pledge of allegiance to the flags.

2. **Determination of a Quorum and Proof of Notice of the Meeting** –

City Council Members Present:

Mayor Catherine Eaves
Councilor Judy Stokes
Councilor Chris Rodriguez
Councilor Darin Nance
Councilor Martin Sandate
Councilor Rick Stephens

City Staff and Stakeholders Present:

Megan Antrim, City Manager
Geoffrey R. Calderon, City Secretary
Rod Ponton, City Attorney
Darrell Losoya, Chief of Police

Not Present:

Mayor Eaves announced that a quorum of the City Council was present at the City Council Chambers and City Secretary, Geoffrey Calderon, reported that the meeting agenda was posted by 2:00 P.M. on June 2, 2023.

3. **Public Comments** – (limited to 3 minutes per person) –

1. Oscar Cobos, Ward 5, addressed the City Council regarding Skyway Gardens Annexation, concerning status of employment opportunities, and about the executive session item concerning the City Attorney.
2. Karen Cantrell, Ward 1, addressed the City Council regarding the Skyway Gardens II Annexation and the need to pave Lechuguilla Road.
3. Cynthia Salas, Ward 5, addressed the City Council regarding public hearing items no. 2 and 3.

RESOLUTION 2023-06-02: On a motion by Councilor Sandate and seconded by Councilor Stokes to move item no. 3 out of Information or Discussion Items and accept the presentation by Dr. Alec Knight, the City Council unanimously voted to adopt the motion.

4. **Presentation by Dr. Alec Knight to discuss the need for backup electric generators and propane tanks for water wells. (M. Sandate, City Council)**

5. **Presentations, Recognitions, and Proclamations** –

1. Presentation to Eileen Rouke for her 7+ years of service to the City of Alpine on the Planning & Zoning Commission.

The Presentation of a Certificate of Honor and Recognition to Eileen Rouke for her 7+ years of service on the Planning & Zoning Commission was presented by Mayor Catherine Eaves and received by Eileen Rouke.

6. **Reports** – Copies of presentations displayed during the meeting are posted on the City website at www.cityofalpine.com/reports –

City Mayor Report

1. Update from Recent Meetings.
 - a. Alpine Housing Authority.
 - b. Alpine Business Association.
 - c. Alpine Historic Association.
2. Water Leak.
3. June 1st Budget Meeting Summary, Upcoming Dates, Format, Council Budget Worksheets.
4. Dedication to partnerships, for example, with the County.

City Attorney Report –

1. Municipal Court Update.
2. Skyway Gardens progress report.
3. Daugherty well Memorandum of Understanding.
4. Holguin matter update.
5. Sale of surplus city streets.

City Manager Report –

1. Current Projects – Pueblo Nuevo, Airport Lighting, Gas Rectifier, HOT Nonpayment.
2. Legislative Update.
3. Update on City Manager Expectations.

City Staff Updates – None.

Mayor Eaves called a short recess (6:33 P.M.)

The meeting resumed (6:38 P.M.)

7. **Public Hearings** –

Open (6:39 P.M.)

1. Public Hearing to obtain citizens views and comments regarding the first reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas.

Public Comments: None.

2. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-06-01 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6390, to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales.

Public Comments: Cynthia Salas, Ward 2.

3. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-06-02 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6410,

to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales.

Public Comments: None.

4. Public Hearing to obtain citizen views and comments regarding Short Term Rental Special Use Permit 2023-06-03 for a property located at 610 N. Phelps St.

Public Comments: Karen Cantrell, Ward 1.

Close (6:43 P.M.)

8. **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.) –

1. Approval of May 16, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)
2. Approval of Richard Portillo to the Place 1 position on the Planning & Zoning Commission. (J. Stokes, City Council)
3. Approval of Herman Acosta to the Place 5 position on the Parks and Recreation Board. (R. Stephens, City Council)
4. Approval of Special Use Permit 2023-06-03, a Short Term Rental Special Use Permit for a property located at 610 N. Phelps St. The record property owners are Alex Fleming, Charles Fleming, and Cheryl Fleming. The property ID of the subject property is 38714. (G. Calderon, City Secretary)
5. Approval of April 2023 City Attorney Invoice. (M. Antrim, City Manager)

Councilor Rodriguez requested that item no. 5 be discussed separately.

Councilor Stokes requested that item no. 3 be discussed separately.

RESOLUTION 2023-06-03: On a motion by Councilor Stokes and seconded by Councilor Sandate to approve items no. 1, 2, and 4, the City Council unanimously voted to adopt the motion.

RESOLUTION 2023-06-04: On a motion by Councilor Stephens and seconded by Councilor Sandate to approve Herman Acosta to the Place 5 position, the City Council unanimously voted to adopt the motion.

RESOLUTION 2023-06-05: Councilor Rodriguez moved to amend the City Attorney invoice by removing a total of \$820 for the items that had to deal with the Daugherty well, with Councilor Stephens seconding the motion. Councilor Rodriguez and Councilor Stephens voted to adopt the motion. Councilor Sandate and Councilor Stokes voted against the adoption of the motion. Councilor Nance abstained from voting, resulting in a tie vote. Mayor Eaves voted against the adoption of the motion and the motion was lost.

RESOLUTION 2023-06-06: Councilor Stokes moved to approve the City Attorney invoice in full with Councilor Sandate seconding the motion. Councilor Stokes and Councilor Sandate voted in favor of adopting the motion. Councilor Rodriguez and Councilor Stephens voted against the

adoption of the motion. Councilor Nance abstained from voting, resulting in a tie vote. Mayor Eaves voted affirmatively to break the tie and the motion was adopted.

9. Information or Discussion items –

1. Discuss updates and options regarding potential vacation, abandonment, and/or sale of City property to Jonathan Rutledge. (J. Stokes, City Council)
2. Discuss speed limit changes and the addition of a stop sign in Ward 1. (J. Stokes, City Council)
3. ~~Presentation by Dr. Alec Knight to discuss the need for backup electric generators and propane tanks for water wells. (M. Sandate, City Council)~~

Information or Discussion Item No. 3 was presented at the beginning of the meeting.

4. Discuss changes to the City Council agenda to allow residents to make comments either at the beginning of the meeting, or at the time a particular topic of interest is being discussed. This approach maintains the City Council schedule, while at the same time allowing residents to make their comments at the time Council will discuss a topic. (R. Stephens, City Council)
5. Discuss the current Board and Commission membership aimed at ensuring that boards and commissions are filled. Also, discuss the potential need for the Airport Advisory Board and Transportation Committees that were disbanded. (R. Stephens, City Council)

The Mayor called a 5-minute recess (7:47 P.M.)

The meeting resumed (7:52 P.M.)

6. Discuss the status of the Skyway Gardens Housing development and actions necessary for resolution of the key issues. (R. Stephens, City Council)
7. Discuss key improvements to the wastewater treatment plant and an update on the amount of effluent water that is being provided to the golf course and/or to other uses. (R. Stephens, City Council)
8. Discuss the planned paving for this paving cycle and ensure that the City website is updated to reflect the plan. (R. Stephens, City Council)
9. City Manager:
 - i. Provide the list by major department of the current headcount funded and actual headcount.
 - ii. Discuss strategy for filling Finance Director, Utilities Director, and Parks Position along with any other key positions. (R. Stephens, City Council)

10. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items are limited to 10 per meeting.) –

1. Approve the first reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas; Approving a service plan for the annexed area; Approving a development agreement between the developer and the City; Providing findings of fact; Providing cumulative and severability clauses; Providing an effective date. (M. Antrim, City Manager)

RESOLUTION 2023-06-07: Councilor Stephens moved to approve, with Councilor Stokes seconding the motion. Discussion ensued.

RESOLUTION 2023-06-08: On a motion by Councilor Stephens and seconded by Councilor Stokes to extend the meeting past 9:00 p.m. if necessary, the City Council voted to adopt the motion with Councilor Rodriguez abstaining.

RESOLUTION 2023-06-09: Councilor Stephens moved to amend the original motion to take into account all of the edits that were just discussed including the recommended changes in Exhibit “A” and Exhibit “B” as documented by the City Secretary. Councilor Stokes seconded the motion and all City Council members voted to adopt the motion, excluding Councilor Rodriguez who abstained from voting. All City Council members subsequently voted to adopt the original motion as amended, excluding Councilor Rodriguez who abstained from voting.

2. Approve Resolution 2023-06-01, a resolution amending Appendix C: Animal Services Fees; Setting rates and fees for Animal Services within the City. (M. Antrim, City Manager)

RESOLUTION 2023-06-10: On a motion by Councilor Stokes and seconded by Councilor Stephens to approve, the City Council unanimously voted to adopt the motion.

3. Approve Special Use Permit 2023-06-01 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6390, to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales. The property in question is located at 708 N 5th Street. The record property owner is WTG Fuels Inc. The Parcel ID No. is 12925. (M. Antrim, City Manager)

RESOLUTION 2023-06-11: On a motion by Councilor Stokes and seconded by Councilor Stephens to approve, the City Council unanimously voted to adopt the motion.

4. Approve Special Use Permit 2023-06-02 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6410, to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales. The property in question is located at 2705 E Highway 90. The record property owner is WTG Fuels Inc. The Parcel ID No. is 13376. (M. Antrim, City Manager)

RESOLUTION 2023-06-12: On a motion by Councilor Stephens and seconded by Councilor Stokes to approve, the City Council unanimously voted to adopt the motion.

5. Approve the Fiscal Year 2023-2024 Administrative Cost Agreement for the Far West Texas Water Plan. (M. Antrim, City Manager)

RESOLUTION 2023-06-13: On a motion by Councilor Stephens and seconded by Councilor Stokes to approve, the City Council unanimously voted to adopt the motion.

6. Approve Memorandum of Understanding with Stephen F. Daugherty to initiate discussion with TCEQ in regards to possible use of Daugherty Well 1. (M. Antrim, City Manager)

RESOLUTION 2023-06-14: On a motion by Councilor Stokes and seconded by Councilor Sandate to approve, the City Council unanimously voted to adopt the motion.

City Attorney Rod Ponton tendered his resignation to the City Council.

11. City Council Member Comments and Answers – No discussion or action may take place.

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, Pursuant to Texas Government Code 551.071 (consultation with an 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).

RESOLUTION 2023-06-15: On a motion by Councilor Stokes and seconded by Councilor Stephens to move the executive session item out of executive session and into open session, the City Council unanimously voted to adopt the motion.

12. Pursuant to Texas Government Code 551.074 - Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Attorney Rod Ponton. (M. Antrim, City Manager)

RESOLUTION 2023-06-16: On a motion by Councilor Stokes and seconded by Councilor Stephens to accept the resignation, the City Council unanimously voted to adopt the motion.

13. Executive Session –

~~1. Pursuant to Texas Government Code 551.074 – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Attorney Rod Ponton. (M. Antrim, City Manager)~~

14. Action – Executive Session –

~~1. Action, if any, concerning the deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Attorney Rod Ponton. (M. Antrim, City Manager)~~

There being no further business, the meeting was adjourned.

15. Adjourn. (9:21 P.M.)

APPROVED:

ATTEST:

Catherine Eaves, Mayor

Geoffrey R. Calderon, City Secretary

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, in a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com/agenda pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on June 2, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. 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 Office of the City Secretary at (432) 837-3301, option 1, or email city.secretary@cityofalpine.com for further information.

Geoffrey R. Calderon, City Secretary