

City of Alpine
Workshop &
Regular City Council Meeting
Tuesday, December 5, 2023
Minutes

WORKSHOP – 4:30 P.M.

1. **Call to Order** – Mayor Catherine Eaves called the meeting to order at 4:30 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.

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
Andrew Devaney, Interim Director of Utilities
Johnny Marquez, Utilities Manager

Others Present: Approximately 8 other attendees.

Not Present: None.

2. **Workshop –**

1. Jacob | Martin – Feasibility Study (Skyway Gardens) Update.
2. Jacob | Martin – Current Water Projects Update.
3. Kurt Grant – Communities Unlimited – Water Rate Presentation

3. **Adjourn. (5:18 P.M.)**

REGULAR MEETING – 5:30 P.M.

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
Joey Delgado, City Attorney
Darrell Losoya, Chief of Police
Andrew Devaney, Director of Building Services
Abel Hinojos, Airport Supervisor

Not Present: None.

Others Present: Approximately 16 other attendees.

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 Friday, December 1, 2023.

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

1. Karen Cantrell, Ward 1, addressed the City Council regarding the Texas Disposal Contract Amendment listed in executive session.
2. Mike Atwood, Ward 4, addressed the City Council in opposition of action item no. 1.
3. Jenny Hatch, Ward 5, addressed the City Council in support of action item no 1.

4. **Presentations, Recognitions, and Proclamations** – None.

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

City Mayor Report.

City Attorney Report – None.

City Manager Report –

- September 2023 Revenue & Expense Report.
- October 2023 Revenue & Expense Report.
- Airport Update.

City Staff Updates – None.

6. **Public Hearings** –

Open. (5:52 P.M.)

1. Public Hearing to obtain citizen views and comments regarding the first reading of Ordinance 2023-12-01, an ordinance approving Rezone Application 2023-10-01-A; Amending the official zoning map of the city by rezoning the property located at 401 W. Sul Ross and legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, Envelope 184, Plat Records of Brewster County, Texas, from R-2 Two-Family District to C-0 Office Services District. The Planning & Zoning Commission has recommended denial of this zoning change.

Public Comments: Matt Walter, Ward 4; Cynthia Salas, Ward 2; Thomas Robinson, Ward 1.

2. Public Hearing to obtain citizens views and comments regarding the first reading of Ordinance 2023-12-02, an ordinance amending Appendix C - Zoning, Article I - Schedule of Districts, Section II - R-1 One Family District to the Alpine Code of Ordinances; Repealing the requirement that beauty salons are not an acceptable use in a residential area by approved special use permit; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. The Planning & Zoning Commission has recommended approval of the ordinance.

Public Comments: Cynthia Salas, Ward 2.

3. Public Hearing to obtain citizen views and comments regarding Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District. The Planning & Zoning Commission has recommended approval of this replat.

Public Comments: None.

4. Public Hearing to obtain citizen views and comments regarding Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District. The Planning & Zoning Commission has recommended approval of this replat.

Public Comments: None.

5. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-11-03, a short term rental Special Use Permit allowing a short term rental to be established at 202 N 4th St. The property owner of record is Karl Brauch. The Parcel ID of the subject property is 11906.

Public Comments: None.

6. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-11-04, a short term rental Special Use Permit allowing a short term rental to be established at 1004 W. Del Rio St. The property owner of record is Justin Tallant and Colleen West. The Parcel ID of the subject property is 30379.

Public Comments: Guy Fielder, Ward 5.

7. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-11-05, a special use permit for the purpose of allowing the applicant, Lowe's Market #178, to obtain a Wine-Only Package Store Permit (Q) from the Texas Alcoholic Beverage Commission to operate a grocery store with alcohol sales. The property in question is located at 104 N. 2nd Street. The record property owner is Porter & Company, LTD. The property ID of the subject property is 11792.

Public Comments: None.

8. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-11-06, a short term rental special use permit allowing a short term rental to be established at 401 E. Ave A. The property owner of record is Richard K Zimmer Etux. The Parcel ID of the subject property is 11097.

Public Comments: None.

9. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-11-07, a short term rental special use Permit allowing a short term rental to be established at 907 E. Nations. The property owner of record is Mark Ofenstein. The Parcel ID of the subject property is 11054.

Public Comments: Alex Schmidt, Ward 5.

Close. (6:08 P.M.)

7. **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 November 7, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)
2. Approval of the appointment of Kristal Baca to the Place 3 position on the Parks and Recreation Board. (D. Nance, City Council)
3. Approval of Special Use Permit 2023-11-03, a short term rental Special Use Permit allowing a short term rental to be established at 202 N 4th St. The property owner of record is Karl Brauch. The Parcel ID of the subject property is 11906. (G. Calderon, City Secretary)
4. Approval of Special Use Permit 2023-11-04, a short term rental Special Use Permit allowing a short term rental to be established at 1004 W. Del Rio St. The property owner of record is Justin Tallant and Colleen West. The Parcel ID of the subject property is 30379. (G. Calderon, City Secretary)
5. Approval of Special Use Permit 2023-11-06, a short term rental Special Use Permit allowing a short term rental to be established at 401 E. Ave A. The property owner of record is Richard K Zimmer Etux. The Parcel ID of the subject property is 11097. (G. Calderon, City Secretary)
6. Approval of Special Use Permit 2023-11-07, a short term rental Special Use Permit allowing a short term rental to be established at 907 E. Nations. The property owner of record is Mark Ofenstein. The Parcel ID of the subject property is 11054. (G. Calderon, City Secretary)
7. Approve Resolution 2023-12-01, a resolution approving the amended lease agreement between South Plains Community Action Association (SPCAA) and the City of Alpine for the use of property located at 607 W. Gallego Avenue, known as the Neighborhood Center. (M. Antrim, City Manager)

Councilor Nance requested that item no. 3 and item no 4 be pulled from the consent agenda to be discussed separately. Councilor Stokes and Councilor Stephens requested to pull item no. 6 from the consent agenda to be discussed separately.

RESOLUTION 2023-12-03: On a motion by Councilor Stephens and seconded by Councilor Stokes to approve the consent agenda items no. 1, 2, 5, & 7 as presented, the City Council unanimously voted to adopt the motion.

RESOLUTION 2023-12-04: On a motion by Councilor Stokes and seconded by Councilor Stephens to table item no 3, discussion ensued.

Minutes: 12-05-2023

Approved: 1-02-2024

RESOLUTION 2023-12-05: Councilor Stokes moved to amend the original motion to postpone item no. 3 instead of tabling the item. Councilor Stephens seconded the motion. The motion was unanimously adopted by the City Council.

RESOLUTION 2023-12-06: On a motion by Councilor Stephens and seconded by Councilor Stokes to postpone approval of Special Use Permit 2023-11-04, the City Council unanimously voted to adopt the motion.

RESOLUTION 2023-12-07: On a motion by Councilor Stephens and seconded by Councilor Stokes to postpone item no. 6, the City Council unanimously voted to adopt the motion.

The Mayor called a ten-minute break. (6:23 P.M.)

The meeting resumed. (6:33 P.M.)

8. Information or Discussion items –

1. County Liaison Commissioner's Court Report. (J. Stokes, City Council)
2. Presentation by Andrew Devaney, Building Official, regarding zoning changes within residential zones. (J. Stokes, City Council)
3. Discuss proposed parking changes to the short term rental ordinance. (J. Stokes, City Council)

Public Comment: Guy Fielder; Ward 5.

4. City Council discuss the annual goals and objectives for the City Boards and Commissions. (R. Stephens, City Council)

Public Comment: Matt Walter, Chair of the Planning & Zoning Commission; Cynthia Salas, Ward 2.

9. 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 2023-12-01, an ordinance approving Rezone Application 2023-10-01-A; Amending the official zoning map of the city by rezoning the property located at 401 W. Sul Ross and legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, Envelope 184, Plat Records of Brewster County, Texas, from R-2 Two-Family District to C-0 Office Services District. The Planning & Zoning Commission has recommended denial of the zoning change. (M. Antrim, City Manager)

RESOLUTION 2023-12-08: On a motion by Councilor Stokes and seconded by Councilor Nance to approve the zoning change designation for 401 W. Sul Ross, from R-2 Two Family District to C-0 Office Services District, and moved that the Council makes a finding that C-0 Office Services District is a less intensive, and more appropriate, zoning district than the applied for C-2 Business District, the motion failed 3 to 2 with the City Council voting in the following manner:

For: Councilor Stokes, Councilor Nance.

Against: Councilor Rodriguez, Councilor Sandate, Councilor Stephens.

2. Approve the first reading of Ordinance 2023-12-02, an ordinance amending Appendix C - Zoning, Article I - Schedule of Districts, Section II - R-1 One Family District to the Alpine Code of Ordinances; Repealing the requirement that beauty salons are not an acceptable use in a residential area by approved special use permit; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. The Planning & Zoning Commission has recommended approval of the ordinance. (M. Antrim, City Manager)

RESOLUTION 2023-12-09: On a motion by Councilor Stephens and seconded by Councilor Sandate to approve the first reading of Ordinance 2023-12-02, an ordinance amending Appendix C – Zoning, the motion was adopted 3 to 2 with the City Council voting in the following manner:

For: Councilor Stokes, Councilor Sandate, Councilor Stephens.

Against: Councilor Rodriguez, Councilor Nance.

3. Approve the first reading of Ordinance 2023-12-03, an ordinance amending the City of Alpine FY 2023-2024 Budget; Providing Repealing and Severability Clauses; A Texas Open Meetings Act Clause; and Providing an Effective Date. (M. Antrim, City Manager)

RESOLUTION 2023-12-10: On a motion by Councilor Stephens and seconded by Councilor Rodriguez to approve the first reading of Ordinance 2023-12-03, an ordinance amending the City of Alpine 2023-2024 Budget, the City Council unanimously voted to adopt the motion.

The Mayor called a ten-minute break. (7:55 P.M.)

The meeting resumed. (8:05 P.M.)

RESOLUTION 2023-12-11: On a motion by Councilor Rodriguez and seconded by Councilor Stephens to move action item no. 5 on the posted agenda to be considered prior to action item no. 4, the City Council unanimously voted to adopt the motion.

4. Approve Special Use Permit 2023-11-05, a special use permit for the purpose of allowing the applicant, Lowe's Market #178, to obtain a Wine-Only Package Store Permit (Q) from the Texas Alcoholic Beverage Commission to operate a grocery store with alcohol sales. The property in question is located at 104 N. 2nd Street. The record property owner is Porter & Company, LTD. The property ID of the subject property is 11792. (M. Antrim, City Manager)

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

5. Approve Resolution 2023-12-02, a resolution authorizing participation with the cities served by AEP Texas; Authorizing the hiring of legal counsel; Finding that the City's reasonable rate case expenses shall be reimbursed by the company; Finding that the meeting at which this resolution is passed is open to the public as required by law; Requiring notice of this resolution to legal counsel. (M. Antrim, City Manager)

RESOLUTION 2023-12-13: On a motion by Councilor Stephens and seconded by Councilor Rodriguez to approve the item as read by the City Manager, the City Council unanimously voted to adopt the motion.

6. Approve Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District. The Planning & Zoning Commission has recommended approval of this replat. (M. Antrim, City Manager)

RESOLUTION 2023-12-14: On a motion by Councilor Stephens and seconded by Councilor Sandate to approve the item as read by the City Manager, the City Council unanimously voted to adopt the motion.

7. Approve Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District. The Planning & Zoning Commission has recommended approval of this replat. (M. Antrim, City Manager)

RESOLUTION 2023-12-15: On a motion by Councilor Stephens and seconded by Councilor Sandate to approve the item as read by the City Manager, the City Council unanimously voted to adopt the motion.

RESOLUTION 2023-12-16: On a motion by Councilor Stephens and seconded by Councilor Stokes to take the meeting past 9:00 p.m., the City Council unanimously voted to adopt the motion.

10. City Council Member Comments – No discussion or action may take place.

NOTICE: The City Council reserves the right to reconvene, recess, realign, change the order of business, or adjourn into Executive Session at any time during the course of the meeting prior to adjournment, to discuss any item listed above, as authorized by 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 551.087 (development).

RESOLUTION 2023-12-17: On a motion by Councilor Stephens and seconded by Councilor Stokes to move into executive session, the City Council unanimously voted to adopt the motion. **(8:29 P.M.)**

11. Executive Session –

Consultation with Attorney § 551.071, Texas Government Code

1. City Attorney Update:

- a) AEP Franchise Agreement, including potential impact of pending rate case before the Public Utility Commission.
- b) Customs and Border Protection Hangar Lease Renewal.
- c) Texas Disposal Systems Performance and Request to Amend Contract.
- d) Pending Public Information Requests and Attorney General Responses.

(M. Antrim, City Manager)

12. Action – Executive Session –

RESOLUTION 2023-12-18: On a motion by Councilor Stephens and seconded by Councilor Nance to close the executive session, the City Council unanimously voted to adopt the motion. **(9:23 P.M.)**

1. Action, if any, concerning the review of cases currently in work by the City Attorney. (M. Antrim, City Manager)

RESOLUTION 2023-12-19: Councilor Stephens moved to:

1. Take no action on City Attorney Update items C and D.
2. In regard to the AEP franchise agreement that the City Council authorize the City Manager to work with AEP and the Attorney to negotiate an agreement that minimizes the rate that would be presented before the residents at the statutory minimum and that the City Manager negotiate any additional items that would be of benefit to the city at no cost from AEP, for example, to include the movement of utility poles and other items of benefit to the city.
3. And that number 3 of this action item that the City Manager be given authority to work with the City Attorney to negotiate a customs and border protection hangar lease agreement renewal that provides the minimum term appropriate and increases the rate to a minimum of market rate for lease of that hangar during that period.

The motion was seconded by Councilor Rodriguez, and the City Council unanimously voted to adopt the motion.

There being no further business, the meeting was adjourned by Mayor Eaves.

13. Adjourn. (9:26 P.M.)

APPROVED:

ATTEST:

Catherine Eaves, Mayor

Geoffrey R. Calderon, City Secretary

Minutes: 12-05-2023

Approved: 1-02-2024

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 Friday, December 1, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL OF OFFICE,
this _____ day of _____ 2024.

Geoffrey R. Calderon, City Secretary