

**STATE OF TEXAS
CITY OF MARFA
COUNTY OF PRESIDIO**

The City Council of the City of Marfa met for a Public Hearing and Regular Meeting on Tuesday, December 12, 2023, in person at 6:00pm in the Casner Room, located at Marfa's City Hall, 113 South Highland Ave, Marfa Texas 79843. Those in attendance were Mayor Baeza, Council Member Pallarez, Council Member Morrison, Council Member Cash, Mayor Pro Tem Lara, and Council Member Acreman.

1. Call the Meeting to order and establish a quorum.
 - Mayor Baeza called the meeting to order at 6:00pm and established a quorum with all members present.
2. Pledge of Allegiance.
3. Citizen Comment Period.

At this time, any person may address the Council for a limited time concerning any matter and should limit their remarks to a period of three minutes. The Council is not allowed to take action on any subject presented, nor is the Council required to provide any response. As allowed in Texas Attorney General Opinion KP-0300, all public comments should be presented during this citizen comment period.

Minutes:

4. Adopt and approve Minutes from previous City Council Meetings.
 - November 1, 2023 – Council Member Pallarez made a motion to approve the minutes from November 1, 2023, as presented. Council Member Morrison seconded the motion. All were in favor. Motion carried. 5-0.
 - November 14, 2023 – Mayor Pro Tem Lara made a motion to approve the minutes from November 14, 2023, as presented. Council Member Morrison seconded the motion. All were in favor. Motion carried. 5-0.

Financial Reports:

5. Discussion with action as appropriate to approve Accounts Payable Reports.
 - Council Member Acreman made a motion to approve the AP Reports as presented. Mayor Pro Tem Lara seconded the motion. All were in favor. Motion carried. 5-0.
6. Discussion with action as appropriate to approve Revenue & Expenditure Reports.
 - Council Member Pallarez made a motion to approve the Revenue &

Expenditure reports as presented. Council Member Acreman seconded the motion. All were in favor. Motion carried. 5-0.

First Readings and Public Hearing:

7. Ordinance No. 2023-12:

- *AN ORDINANCE CLOSING, VACATING, AND TRASFERRING 189 SQUARE FEET OF LAND FROM A PORTION OF A 20 FOOT ALLEY RIGHT-OF-WAY ADJACENT TO LOT 5, BLOCK 38, THE ORIGINAL TOWN OF MARFA PLAT, PRESIDIO COUNTY, TEXAS, ACCORDING TO THE MAP AND PLAT THEREOF RECORDED IN VOLUME 21, PAGE 640, MAP AND PLAT RECORDS OF PRESIDIO COUNTY, TEXAS MUNICIPALLY KNOWN AND NUMBERED AS 400 E. SAN ANTONIO ST. MARFA, TEXAS TO LA BANDA MARFA, LLC.; PROVIDING FOR A PUBLIC HEARING; FINDING IT IS IN THE BEST INTEREST OF THE PUBLIC TO CLOSE AND SELL THE ENCROACHMENT AREA FOR FAIR MARKET VALUE IN ORDER TO RESOLVE THE ENCROACHMENT ISSUES; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY TO LA BANDA MARFA, LLC.*

- o Mayor Pro Tem Lara made a motion to approve the first reading of Ordinance No. 2023-12. Council Member Acreman seconded the motion. All were in favor. Motion carried. 5-0.

Second Readings, Public Hearing and Adoptions:

8. Second reading of Ordinance 2023-10:

- *AN ORDINANCE OF THE CITY MARFA, TEXAS REPEALING ORDINANCE NO. 2022-02 JUVENILE CURFEW ORDINANCE; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.*

- o Council Member Pallarez made a motion to approve the second reading and adoption of Ordinance 2023-10. Council Member Morrison seconded the motion. All were in favor. Motion carried. 5-0.

Old Business:

9. Discussion with action as appropriate to cancel the second reading and adoption of Ordinance 2023-11 to allow for the establishment of liens to collect past due utility bills. The City adopted Ordinance No. 08-01 on January 31, 2008, which has already granted the City the right. A new Ordinance is unnecessary.

- Council Member Pallarez made a motion to cancel the second reading and adoption of Ordinance No. 2023-11. Council Member Cash seconded the motion. All were in favor. Motion carried. 5-0.

10. Discussion with action as appropriate regarding reclassification of compensation from hourly to salaried personnel for all City Department Heads.

- City Manager Roane explained that finding salary data from other cities that matches the workload and exact positions the current employees hold was proving to be close to impossible. She asked for Council to direct her on what they would like to see.
- Mayor Pro Tem Lara made a motion to reclassify the positions to salary and authorize the City Manager, Mayor, and Finance Director to review the budget and come up with an appropriate solution. Council Member Morrison seconded the motion. All were in favor. Motion carried. 5-0.

11. Discussion with action as appropriate regarding amendment(s) to the Employee Handbook pertaining to On-Call Pay.

- Council Member Morrison made a motion to table Item #11 to a regular meeting in January 2024. Mayor Pro Tem Lara seconded the motion. All were in favor. Motion carried. 5-0.

New Business:

12. Discussion only concerning a production permit from the Presidio County Underground Water Conservation District.

- Trey Gerfers, General Manager of the Presidio County Underground Water Conservation District (PCUWCD) stood to explain why a Production Permit from the District is a good idea for the city, how the permit could protect the city in the future, and how the city would benefit from the permit vs. its current exemption through the Midland Exemption. Council Member Acreman asked Mr. Gerfers what kind of water use restrictions would be imposed on the city if an agreement was made. Mr. Gerfers reassured Council Member Acreman and the rest of Council that no real restrictions would be imposed due to the way allowable usage is calculated using a decade's worth of data. Mayor Baeza asked what the penalties would be if the city went over the permitted amount of water. Mr. Gerfers again reassured everyone that the city shouldn't ever go over due to the calculation formula. Ruby Garcia, former General Manager of the PCUWCD addressed Council to express his lack of support at this time for the city's participation in a Production Permit from the district. Discussion only.

13. Discussion with action as appropriate to authorize Presidio County Appraisal District to retain the City's portion of surplus funds from their FY22/23 budget in the amount of \$2,162.00 to purchase requested items.

- Cynthia Ramirez stood to address the Council and explained the details of the request from the Appraisal District. She expressed the need for new computers throughout the office as well as the entire county participating in a Homestead Audit.
- Council Member Acreman made a motion to authorize the Presidio County Appraisal District to retain the City's portion of surplus funds in the amount of \$2,162.00. Council Member Cash seconded the motion. All were in favor. Motion carried. 5-0.

14. Discussion with action as appropriate to select an Engineering Firm from the responses received to the RFQ for Engineering Services.

- Council Member Cash made a motion to select *Jacob | Martin* from the responses received. Council Member Morrison seconded the motion. All were in favor. Motion carried. 5-0.

15. Discussion with action as appropriate regarding draft ordinance amendment prepared by the City Attorney in response to the report presented by the Planning and Zoning Commission on November 1, 2023, and setting dates for First Reading, Public Hearings, and adoption. (Sylvia Borunda Firth, City Attorney)

- City Attorney Firth explained to Council that due to a clerical error during the posting requirement process, this item was not ready to have any dates set, yet. She went on to explain the changes she made to the 6 items as directed by Council as well as the multiple ways the current 80+ page Ordinance intertwines with itself.
- Council Member Acreman spoke on his interpretation of the Ordinance in its current state. He raised his concerns with the updated draft that had been provided by City Attorney Firth. Council Member Acreman argued the importance of referencing the proper language being used in all amendments so that the Ordinance can move toward being more correct for current Marfa property use(s).
- City Attorney Firth agreed and disagreed with Council Member Acreman's points and argued that specific reference to "duplex's" should stay as proposed due to its reference throughout the Ordinance in several sections.
- Mayor Pro Tem Lara asked City Attorney if she'd approved the proposed amendments brought forward by Council Member Acreman. She said she had reviewed the amendments and agreed to some of the changes Council Member Acreman is requesting. Council Member Acreman reminded everyone that he is open to other suggestions and/or language references. Council Member Acreman requested the caption language for the Ordinance Amendment and Notice to the Public be changed to reflect all six items that were originally recommended by the Planning and Zoning Board.
- Council Member Acreman made a motion to direct the City Attorney to change the caption language for the Ordinance amending Ordinance No 02-04 to reflect the six items that were presented to Council by the Planning and Zoning Commission. Namely that this would be for the purpose of restricting the construction of more than one kitchen in houses within the R-1 single family residential district; making allowable home occupations less restrictive; reducing setbacks for corner lots; clarifying buildable lot sizes to match the existing plats within the city; allowing residential use of properties zoned industrial; allowing co-use of commercial properties as both businesses and residences. And so on with findings of fact, repealer, severability and effective date, declaring a violation of the ordinance, as amended, as a misdemeanor offense with maximum penalties of \$500 or \$2,000 per offense. And direct the City Attorney to redraft the amendment taking into consideration all aspects

- of the ordinance that may need to change in order to accomplish those six objectives. No second was made. Motion died for lack of a second.
- Council Member Cash made a motion to table this item to the January meeting and direct the City Attorney to make the changes with regard to eliminating the more restrictive development standards, making sure there is no reference back to multifamily development standards, and making certain that it is “co-use” in residential and commercial. Mayor Pro Tem Lara seconded the motion. All were in favor. Motion carried. 5-0.
 - Mayor Pro Tem Lara made a motion to bring the item back into open discussion so the Council could hear comments from Planning and Zoning commission chairman, Stephen “Chick” Raybourn. Council Member Acreman seconded the motion. All were in favor. Motion carried. 5-0.
 - Chick ask the City Attorney for clarification on a couple of the objectives presented for amendment.

16. Discussion with action as appropriate to authorize the purchase of a license plate reader in the amount of \$60,000 and authorize the City Manager, Amanda Roane, to sign any documents necessary.

- Council Member Pallarez made a motion to authorize the purchase as presented, in the amount of \$60,000, and to authorize the City Manager, Amanda Roane, to sign any documents necessary. Council Member Cash seconded the motion. All were in favor. Motion carried. 5-0.

The City Council reserves the right to adjourn into executive session at any time during the course of the meeting to discuss any matters listed above as authorized by the Texas Government Code Section 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), 551.086 (Economic Development).

Reports:

17. Mayor's Report – mayor Baeza reminded Council that the Marfa PD's event in partnership with the City of Marfa, Marfa ISD and the Marfa Food Pantry, Blue Santa is going to be held tomorrow, Friday, 12/15/23 at the USO. 6pm-8pm, pictures with Blue Santa. The dance will start at 8pm with live music from DJ La Unica. This event is a Christmas Party for the public.
18. City Manager's Report – City Manager Roane announced to Council that the City of Marfa Christmas luncheon for employees and their families will be held on Thursday 12/21/23. She also reminded Council that the upcoming approved Christmas holiday for employees is 12/22/23 through 12/26/23 and New Year Holiday is 12/29/23 through 1/1/24. Additionally, she said that she and Kelly Perez would be traveling to Denton, Tx on January 10–12, 2024 to attend the TMCA Election Law Seminar.
19. Police Chief's Report – Chief Carrillo announced that the newly hired Animal Control Officer Juan Avila would be attending the Animal Control certification

class and testing on 12/19/23.

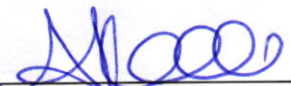
20. Council Members' Comments – None.

21. Adjourn – Mayor Pro Tem Lara made a motion to adjourn the meeting. Council Member Morrison seconded the motion. All were in favor. Motion carried. 5-0. Meeting adjourned at 7:43pm



Manuel V. Baeza, Mayor

Attest:



Amanda Roane, City Manager