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News Notes

400-foot tower proposed for south Brewster County

By JIM STREET

TERLINGUA – Opposition has arisen to a second communications tower proposed for the Terlingua area, and like a proposal a year ago, the main opposition is to its height.

On January 10, Bridger Tower published a public notice in The Big Bend Sentinel that it proposed the construction of a guyed telecommunications tower at a leased area and provided coordinates of 29° 19' 56.2" N, 103° 40' 01.2" W.

Amber Harrison, who led the opposition to the height of the tower last year, said that area is near the site of the annual Terlingua CASI Chili Cook-Off.

Andrew Smith of RESCOM Environmental Corp. at Petoskey, Michigan, was the only contact provided in the notice.

He told the Sentinel that the only thing he was told was that it would be 400 feet tall and built at the "chili cookoff site, whatever that means."

He said his role was to search for historical or architectural problems with the proposed site.

Harrison said of the 260-foot tower that was proposed last year and because it was more than 200 feet above the ground, it had to have red lights installed.

The Federal Aviation Administration requires lighting of structures more than 200 feet tall to warn low-flying aircraft crews of the potential conflict.

Harrison said the earlier proposal was later reduced to less than 200 feet because of the opposition.

She said the lighting was a problem because the area subscribes to Dark Skies standards to protect the night skies for scientists at McDonald Observatory.

It is more than 120 miles north of Terlingua but McDonald officials proudly say the entire seven-county area around the observatory has among the darkest skies in the world for optimal study of the universe, and they need to keep it that way.

In addition, nearby Big Bend Ranch State Park has been designated an International Dark Sky Sanctuary by the International Dark-Sky Association (IDA), a designation given to areas that protect the environment from artificial light. And while Big Bend National Park, also nearby, doesn't have that designation, the park works hard to maintain its pristine environment.

The notice said members of the public interested in submitting comments on the possible effects on historic properties included in, or eligible for, inclusion in the National Register of Historic Places could send their comments to Smith at P.O. Box 361, Petoskey, MI 49770 or call 260-385-6999.

Trump to hold rally in El Paso on Monday

EL PASO - President Donald Trump's campaign on Wednesday said that he will have a rally in El Paso on Monday, an announcement that comes hours after the he referenced the city in his State of the Union speech to support his push for a border wall, according to the El Paso Times.

The event is scheduled for 7pm
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La Frontera Publications Inc.



(staff photo by Robert Halpern)

The homage to Giant roadside art installation west of town on the Wyatt Ranch has been updated with a new, larger Leslie Benedict, portrayed by Elizabeth Taylor in the iconic Texas movie filmed in Marfa in 1954.

One resident's voter registration revoked Brewster County demands some residents must prove citizenship in state voter probe

By ABBIE PERRAULT

ALPINE - On January 25, Texas Secretary of State David Whitley mailed county election officials across Texas a list of names that the Texas Department of Public Safety (DPS) had identified as non-citizens who were allegedly illegally registered to vote in Texas.

Whitley wrote, "Through this evaluation, the Texas Secretary of State's office discovered that a total of approximately 95,000 individuals identified by DPS as non-U.S. citizens have a matching voter registration record in Texas, approximately 58,000 of whom have voted in one or more Texas elections."

Three days after the list was sent, Alexandra Moldovan of Alpine received a letter from Brewster County, entitled: "Notice to registered voter for proof of citizenship." It went on to read in English and Spanish, "Your registration status is being investigated because there is reason to believe you may not be a United States citizen." It explained

that her citizenship was in question either because she had been disqualified from jury duty or she had lawfully acquired a driver's license from the DPS while not holding non-citizen status, and yet, was on the Texas voter rolls.

Moldovan, however, is a United States citizen. Born in Romania, she moved to the United States in 2010, received a Texas Drivers License in 2015, and became a naturalized US citizen in September 2017. She registered to vote at her naturalization ceremony where she became a citizen, and has the right to vote as a naturalized US citizen.

Now she is being asked by Brewster County to verify her citizenship and prove her right to vote. Essentially, Moldovan must now produce evidence that she is innocent, and that she did not commit the second-degree felony of illegally voting in a Texas election.

When asked about receiving the notice, Moldovan said, "It was intimidating and it was unpleasant."



Dan Bennack and Alexandra Moldovan

She added, "When I got my citizenship, my understanding was that I got full rights like everyone born in this country. Whatever treatment everybody else gets, I get also. If my neighbors didn't get a letter, I shouldn't get a letter. It's very simple. Why do I have to prove my citizenship? I'm doing my part in the community, I'm paying taxes, building a business, serving my community where I can, helping out, so I shouldn't have to go through this."

When the DPS data of non-citizens

(Continued on page 3)



(Architectural elevation drawings courtesy of Carlos Jimenez Studio)

The new dwelling as conceived, in top drawing. The former Vizcaino Dry Goods business in bottom drawing.

East El Paso Street to get three-story dwelling

By kb THOMASON

MARFA - Construction on the foundation of a structure has begun at 110 East El Paso Street, the former Vizcaino Dry Goods store.

What was once the unfastened frontage and "floating" remains of a 1910 building, is now a yawning cavity and future site for a brand new 4,600 – square foot infill building.

Carlos Jiménez Studio, an award winning, internationally recognized firm based in Houston, is behind the design and development of the project. Jiménez, whom is familiar with building in Marfa, is the designer behind the Hotel Saint George, the Crowley Theater addition, and the former Crowley house off Pinto Canyon road. As principal and lead designer, he is actively involved in all stages of design for each project – from the initial phase through development, planning, and construction to completion.

This is not the first time a "shotgun" style building has assimilated into the ever-evolving façade of East El Paso Street. George Sacaris, renovated a 300-square-

foot building and uses it as a weekend retreat.

"Infill" refers to rededication of land; usually open space in an urban context, to new construction or the development of vacant parcels within previously built areas. These areas are already served by public infrastructure, such as transportation, water, wastewater, and other utilities. According to Jiménez as well as sketches of the project and a synopsis of the plan as listed on his website, the J & J Phillips infill structure is designed to fit within the two lateral existing buildings, which poses quite a different assessment than a corner building, like the Hotel Saint George.

"Located in the same block as the Hotel Saint George and overlooking the Saint George Hall, the 4,600-square-foot building is a narrow, linear structure sub-divided into three distinct zones: 1: a three-story unit, facing El Paso Street, houses a ground floor multipurpose front space and living accommodations above, 2: an intermediate courtyard, and 3: a two-story unit,

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Austin promoter planning festival near Marfa next year

By the Sentinel staff

MARFA - C3 Presents, a subsidiary of Live Nation that puts on large music festivals like the Austin City Limits Music Festival and Lollapalooza, is organizing a festival of some kind near Marfa, with plans to host 5,000 visitors in its first year in 2020.

At last Thursday's city council meeting, Mayor Ann Marie Nafziger explained that she'd had a cursory meeting with the festival organizers, who say they will hold the festival on a private ranch north of town, located across the Fort Davis highway from the Marfa Municipal Airport, and that attendance would be held to 5,000 festivalgoers the first year.

The property is believed to be the Catto-Gage Ranch, according to a Highland Soil & Water Conservation District map of Presidio County ranches.

Nafziger said the Austin-based entertainment company plans to give 10 percent of ticket sales to a community organization, and that they are interested in the money going either to Marfa schools or city parks.

And that's pretty much what the public knows about this planned event at the moment. Already, some opposition is arising.

Reached for comment, C3 Presents Director of Publicity Sandee Fenton provided this statement: "We are in the very early stages of developing an art-focused festival on private land just outside of Marfa city limits. We look forward to engaging the surrounding communities and working with local officials as we continue to work out the details."

Presidio County Judge Cinderella Guevara said this week that the organizers haven't reached out to her.

C3 Presents is a company founded in Austin and helmed by three men named Charles or Charlie: Charles Walker, Charles Jones, and Charles Atal, who is on the Ballroom Marfa Board of Trustees, according to Ballroom's website.

The company works on a large scale. The Austin City Limits Music Festival now draws around 450,000 festival-goers over two weekends, up from the 42,000 who attended its inaugural 2002 event. Lollapalooza brings 160,000 attendees to its Chicago event.

There is already a small grassroots opposition from some Marfa residents, who are wary of another busy weekend in Marfa, especially if it coincides with an event weekend like the Marfa Lights Festival, as has been rumored.

C3 festivals are much like the other large banner US music festivals, with large stages, elaborate productions, and big name music acts.

Though the organizers have been planning the event since last year, the company has remained tight-lipped with details.

Those who already are opposing it want to know how the festival will impact Marfa residents, including public safety, fuel sales during that weekend, sanitary concerns, and just the crush of festival-goers twice the population of Marfa.

And other than a donation to one of Marfa's causes or the school district, opponents want to know how the festival will benefit its businesses and residents.



(staff photo by Robert Halpern)

The Marfa City Council denied a request by Big Bend Title Co. to rezone this property from single-family residence to commercial.

Marfa council updates zoning map for first time in six years

By ABBIE PERRAULT

MARFA - City Council showed a united front at last Thursday's council meeting. The four present council members voted unanimously on eight of the nine segments in the rezoning proposal brought by the Planning and Zoning Commission.

The council's unanimous votes upheld priorities of saving residential properties from commercialization, and preventing up-zoning from single family to multifamily residences without holdbacks for affordable housing. Council members hoped that Marfa's workforce will be able to afford living in Marfa going forward.

The votes from Thursday night were "a good first step," according to Councilmember Manny Baeza.

Before the vote, Councilmember Buck Johnston emphasized that her priority was to preserve housing stock in Marfa. She asserted that she would not vote to up-zone any lots from single-family to multifamily housing, unless it included deed stipulations that some of the multifamily units would be deemed "affordable."

In Texas, affordable housing can only be created if cities withhold rezoning of lots until the developer agrees to a restrictive covenant where a certain percentage of housing units are designated as affordable for low-income residents. By up-zoning a lot before securing that agreement, the city would be "getting rid of our bargaining tool," according to Johnston.

As a counterpoint, Peter Stanley, the chair of the Planning and Zoning Committee, pointed out that creating "more housing stock can stabilize the cost of housing." By up-zoning to multifamily, the city would be creating more units of housing. A more saturated housing market could cause prices

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the jump page

East El Paso Street

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at the back of the property, contains a single car garage and an area for guests above", according to plans.

Eighteen feet wide, 32 feet high and built of concrete masonry units faced with common bricks (which will be painted a light white / grey to maintain a consistency with the facade of the block and the palate of the neighboring structures), the J & J Phillips project is a study in urban economy while balancing private and public circumstances at this active section of Marfa.

The "private project" seeks to resolve a particular way of living and existing in the context of "downtown Marfa," explained Jimenez.

A gesture towards "participation with the livelihood of East El Paso Street "echos through the 5-foot setback of the building's main facade from the street itself. This is intended to invite conversations with the public, by way of steps, for passerby traffic to engage, to sit perhaps, and to exist - nonetheless - within the context of a very private structure. Public and private as two parts in a complex moving organism that makes up the texture of a town like Marfa, where the play of and with the duality is an ongoing conundrum."

Urban in its street configuration, the space, as a residence, is also a highly private interior world, opened to vantage views of the town and to the incomparable skies of Southwest Texas.

Referencing notes from the lessons learned through the process of conceptualizing and actualizing the Hotel Saint George, Jimenez sought to "understand the scale" of this particular section of a "main street" in Marfa, prominent with relation to its distance from the railroad. Jimenez explained this he didn't want "overtake" the already existing landscape, but instead, wanted



The former site of the Vizcaino Dry Goods store ready for new construction.

to create something that would contribute to and enrich the existing conversation.

For the hotel, he leant focus to simple geometric shapes not intended to evoke a "look at me" response. Instead he preferred to approach a mentality of space that encourages disappearance - allowing the inhabitant to enjoy the reality of a particular condition. The uniquely different latitudes of experience; for example, balcony vantage points; allow a view "private" in its vastness.

In this way, he carries the ambitions of the hotel, with an emphasis on "windows as telescopes" through to the East El Paso Street multi-use space and residence.

It has been one year and three months since the project was conceptualized, and since breaking ground, Jimenez elaborated on the

challenges that needed to be addressed.

The original structure was unable to be preserved in its previous totality, as it was "disintegrating and in bad shape."

The previous structure sat between two functionally existing buildings almost solely "as a front", and although undeniably an important place, it was left to develop too many issues.

Like being on an archeological dig, Jimenez said, he discovered a rather curious support structure, pilasters added to the floating and non-individual walls along with various debris in the soil due to previous building styles that didn't begin with very strong regulations or sound structures.

For this reason the build is delicate, he explained, and overall, he desires to maintain elements of the

original design in attempt to extrapolate the essence of the original building.

"We believe that architecture transforms, delights, and achieves its meaning through its gradual unfolding in time and place," Jimenez's statement proclaims. "Beginnings are the difficult to measure" he noted, "though I expect the project to be completed in about one year, later citing local Joey Benton as the project's contractor.

Through a responsible architecture that expresses its building methods and materials, Jimenez emphasized an importance toward a new future of a "build it well" mentality, more durable modalities and the opportunity to provide another frame of reference to the town's building practices.

Civil rights groups sue Texas officials over attempted voter purge

GALVESTON - The American Civil Liberties Union of Texas, the national ACLU, the Texas Civil Rights Project, Demos, and the Lawyers' Committee for Civil Rights Under Law on Monday filed a lawsuit against the Texas Secretary of State David Whitley and Director of Elections Keith Ingram for the creation and rollout of a flawed voter purge list that discriminates against naturalized citizens.

The lawsuit also includes election officials from Galveston, Blanco, Fayette, Caldwell, and Washington counties for sending out notices threatening to cancel voter registrations based on the list.

The lawsuit claims that Texas officials created and sent a flawed advisory to counties that flagged tens of thousands of registered voters for citizenship reviews, despite knowing that the list included naturalized citizens eligible to vote.

"The right to vote is sacrosanct. Yet, the Texas Secretary of State has engaged in a sloppy exercise that threatens to unfairly strip people of the opportunity to participate in American democracy," said Andre Segura, legal director for the ACLU of Texas. "Even after we told Texas officials that this would happen, they doubled down on this failed experiment and left us with no other recourse but to take this to court. We look forward to ensuring that all eligible Texas voters can make their voices heard on election day."

"There is no question that Secretary Whitley released a flawed and inaccurate advisory that risks throwing thousands of eligible voters off the rolls," said Beth Stevens, Voting Rights Legal Director with the Texas Civil Rights Project. "Our lawsuit seeks to put the brakes on this voter suppression."



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Cattlemen applaud eminent domain reform legislation

AUSTIN - Robert McKnight Jr., president of the Texas and Southwestern Cattle Raisers Association (TSCRA), joined Rep. DeWayne Burns, Sen. Lois Kolkhorst and other prominent property rights advocates at a news conference to announce the filing of HB 991 and SB 421

The legislation was touted at the conference as a means to vastly improve the eminent domain process for thousands of Texans who are faced each year with the prospect of losing their private property through forced condemnation.

Eminent domain is a power granted to governments to seize private property for public use, usually thought of in relation to roads, schools or other such projects. In Texas, however, many private for-profit entities, such as pipeline and transmission line corporations, can use the same governmental power.

"I would like to thank Rep. Burns and Sen. Kolkhorst for their steadfast commitment to fixing an eminent domain system that is commonly abused and designed to favor private companies who subsidize their profits with the power of condemnation," said McKnight at the news conference. "Texans deserve better. We deserve an eminent domain process that is open and transparent, that is fair and respectful of our partnership in energy infrastructure, and that holds private condemnors accountable if they don't do it right."

McKnight, a Jeff Davis County rancher, and others at the conference stressed the importance of better transparency, ac-

countability and fairness in the eminent domain process, noting that for private entities, especially oil and gas pipelines, those virtues are practically nonexistent today.

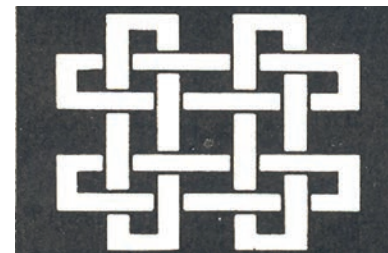
During the news conference, the bills' authors discussed some of the provisions that would accomplish those goals. Mandating a public meeting to ensure property owners understand the process and can have their question answered, stipulating minimum protections that must be present in the contact and holding condemnors accountable if they offer property owners less compensation than they are owed.

According to Rep. Burns, the bills have already received bipartisan support from legislators who represent both rural and urban Texas. Still, the legislation will face strong opposition from oil, gas and pipeline company lobbyists who like the advantages they currently enjoy.

"Texas' rapidly growing population and thriving energy industry are at crossroads that will determine the future of our state," said Rep. DeWayne Burns. "HB 991 will ensure Texas property owners are respected partners in building our critical infrastructure while preserving our strong tradition of property rights."

Sen. Kolkhorst also noted the broad support and that it is indicative of how widespread the problems are, and how seriously private property rights are taken in Texas.

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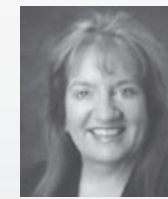
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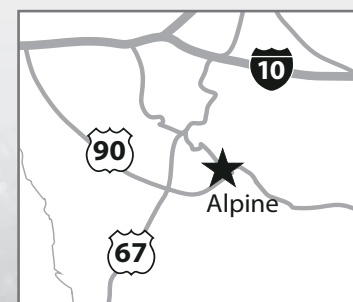
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Brewster County voter probe

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zens who legally obtained driver's licenses was compared to current voter rolls, the Secretary of State's office did not consider that many, like Moldovan, got licenses as non-citizens, and later went on to become naturalized citizens who legally registered to vote.

Moldovan said, "I am not required to go back to the Department of Public Safety and tell them that I am a citizen after I got a citizenship. They should update their databases."

In Brewster County, Election Administrator Lora Nussbaum received the Secretary of State's list, and took immediate action to notify those listed that they must verify their citizenship to avoid being purged from the voter rolls. It was only upon receiving further information from nonprofit voting groups that Nussbaum learned the notices were optional. Brewster County sent notices before the initial non-citizen list was revised and shortened.

In documents obtained by the Big Bend Sentinel from the Brewster County elections administrator through an open records request, the Secretary of State identified at least 16 Brewster County residents as possible non-citizens. The county sent notices, but the packet reveals that after more research, the county mailed a handful of letters rescinding the original notice once documentation of citizenship was found for some of the 16 listed as "non-citizens" by the state.

However, the county has also taken action to cancel at least one Brewster County voter's registration, and expunged them from the voter roll.

Whitley, the highest-ranking election official in Texas, immediately turned over the list of 95,000 names to Texas Attorney General Ken Paxton, who has the power to bring prosecutions of those illegally registered for felony crimes. The decision to turn over the list before those listed had first been verified as illegal voters has caused top Texas Democrats to question the entire process.

On January 28, the same day Moldovan received her notice from Brewster County, Nussbaum received a letter from a cohort of Texas nonprofits focused on voting rights. They detailed to county election officials that the

"responsibility for investigating whether a registered voter is eligible to vote is vested with the County Voter Registrar, not with the Secretary of State." They continued, "Further, any actions taken based on this list are likely to violate federal law."

Already, activist groups are filing lawsuits against the state. So far, the League of United Latin American Citizens (LULAC), the Mexican American Legal Defense and Educational Fund (MALDEF), Texas NAACP, League of Women Voters of Texas, Jolt Initiative, MOVE, and others have brought lawsuits. ACLU of Texas, ACLU national, and Texas Civil Rights Project are legally representing the groups.

The organizations allege that the state has violated the equal protections clause, putting an undue burden on citizens' voting rights, is discriminating against naturalized citizens, and LULAC alleges that the list is "voter intimidation and voter suppression of primarily Latino voters." The state has already admitted that they inadvertently included tens of thousands of US citizens in the original list of 95,000 names.

Presidio County Tax Assessor-Collector Natalia Williams, whose duties include voter registration, was unavailable for comment this week, but in neighboring Jeff Davis County, Sheriff and Tax Assessor-Collector William "Bill" Kitts still has not received any list or information from the Secretary of State. Sherriff Kitts said, "I know it's in the wind, but we haven't gotten any email or heads up or instruction on what to do." He added, "If it's not mandated it's not something that's on our top priority list."

As for Moldovan, she hasn't gone to the courthouse to prove her citizenship yet, and she's not sure if she will; she's still thinking about it.

She says, "It's easy enough to do in a small town like this, but it does take away time from my work, and whatever else I need to do. It's reinforcing a flawed system that's trying to pursue certain people. Why would I encourage that? I haven't made a decision about it."

Moldovan says, "They only have to search the federal database" to find her citizenship. "Today it's me, tomorrow it's maybe going to be someone of a different color. Things that were once inconceivable are now a practice."