

**City of Alpine
Regular City Council Meeting
Tuesday, December 9th, 2014
5:30 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the meeting to order. Chris Rodriguez gave the invocation and Mayor Rangra the pledge of allegiance to the flags.**
- 2. Determination of a quorum and proof of notice of the meeting –Mayor Rangra, Councilors Bermudez, Salas, Fitzgerald, Gonzales and Stephens were present. The meeting notice had been posted on December 5th, 2014 at 3:00 P.M.**
- 3. Presentations, recognitions and proclamations – None**

4. Reports –

City Mayor's Report - Mayor Rangra Pro Tem Mayor Councilor Bermudez for taking his place and doing a fantastic job while he was gone. He said he was glad to be home.

City Manager Report –

City Manager Zimmer said he and Mayor Rangra worked on the RFP's for the TDA Grant for \$168,000 for Centennial Park and decided to recommend Grantworks for the Administrative portion and Parkhill for the Engineering portion. He said they only had one vendor submit for the administrative RFP and that was Grantworks. He said they scored very high, 91 out of 100 average. He said they have represented the City of Alpine in the past and done reputable work for us. He said on the Engineering side, three vendors submitted, Kleinman Consultants, WTC Engineering and Parkhill, Smith and Cooper out of El Paso. He said they did select Parkhill, Smith and Cooper. He said they had good references. He said Parkhill, Smith and Cooper also does Airport engineering and they will bid when we get to the Airport Renovation project.

He said concerning the land auction, this past week, 3 of the 6 properties sold. He said the gross sales were \$17,442. He said Molly has prepared the deeds for the Mayor to sign. He said the next auction will be for materials.

City Manager Zimmer said in the last couple of weeks we have had quite a bit going on with Art Walk, Mountain Country Christmas and the Christmas

Variety Show. He said all those who attended shared their output with him and it has been very positive. He said through the rest of December, we have the BrianTate Wilson Memorial Basketball Tournament at the High School coming up later in the week and then from the 16th through the 18th will be the live Nativity at Kokernot Lodge.

He said concerning recycling, this past weekend, we had another drop off at the recycling center. He said we filled up 2 40-yard rollofs. He said we also had about 1.8 tons of metal diverted from the landfill. He said we also gave people that one time opportunity to bring their tires out. He said we received about 100 more tires. He said that is part of that grant we received through the local COG here. He said Patsy is working on a write up for our website and local media about illegal dumping and availability of the City Yard for tree limbs and metal. He said we are trying to ensure that we are keeping that out in front of the citizens. He said she will also talk about our next bulky pickup in January. He said Christmas tree disposal and cardboard dumpsters at City Hall are also items that she is having to work pretty hard on right now. He said another element from a proactive standpoint is the limb shredding and glass crushing. He said he showed up at the recycling center on Saturday and they were out of wood chips. He said it is almost cultural. He said people are really going out there and using them. He said that is a good thing. He said we are having to devote more effort and energy to shredding.

He said concerning the public works update, we completed the seal coats and are taking off the excess gravel. He said they are doing pot hole repair and through that is how they develop their list of target streets for this next year. He said they are also continuing to have the parks team work on proactive projects. He said a lot of that is sign painting and general maintenance at the city parks.

The City Manager said concerning law enforcement the stats are down a little bit in our calls for service and 911 calls.

He said concerning Code Enforcement they are down on activity in that Department as well, for permits issued specifically was down. He said this is a good opportunity for Robert to get out and complete some of his continuing education training. He said the International Property Maintenance Code class he was at this past week is important since the City adopted that code a couple of weeks ago. He said Robert is working with the Planning and Zoning Commission. He said they have gone through the first 19 sections of our zoning ordinances. He said he has been participatory in the discussions there so when they get into the next group of articles, he will be at the meeting but will stand back and let the Planning and Zoning Commission make the recommendations.

City Manager Zimmer said concerning water and sewer, they had a main water leak at Sunny Glen yesterday. He said there was low pressure for the users in the area. He said we were back in full service by 2:30 PM. He said that is good in a residential area because most people are at work so the impact was minimal. He said there was a crack in the pipes so one of two things happened. He said it was either due to the fluctuation of the temperature or just the way our pumping mechanisms work with the start and stop. He said we are getting very close to having the aerator put in the wastewater treatment plant. He said we just have to enable the control box and also we are on a real tight schedule building that new facility at the old Marathon Highway lift station.

He said concerning the HR/Finance Department, they have been working on some federal labor standards act training for the first three months of this next calendar year. He said we really need to beef up our knowledge with our staff. He said that they continue to use the Texas Municipal League (TMLIRP) risk pool website for other training topics. He said they are beginning our audit preparation and material documents for Gibson and Ruddick this week. He said we have our first set of documents requested from them. He said we are looking at basically starting a month earlier this year so hopefully we will get the output sooner than we did last year. He said this past week we received a \$4,600 bill from the Affordable Care Act. He said it was not something that we were anticipating this year. He said there will be a second invoice that will be received in February.

Councilor Bermudez asked for the street addresses for the land auction and who bought what.

City Staff Updates – None

5. Citizens Comments (on agenda items) – (limited to 3 minutes) –

Carl Fleming said he had a question on the land action on Executive Session Item C. He asked why the description of the land was not given to the public on the west side of town.

Oscar Cobos said his comment was on item 13. He said he was not in total agreement with an FBO for the Airport. He said we have had bad experiences with other FBO's.

6. Public Hearings –

A. Public Hearing to obtain citizens views and comments concerning second and final reading of Ordinance 2014-11-04, for stop signs placement on Means and Avenue H, in the City of Alpine, Texas. (E. Zimmer, CM) – There was no public comment.

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.)

A. Approve Accounts Payable. (E. Zimmer, CM)

B. Approve Council Minutes of October 21st, and November 4th, 2014. (A. Rangra, Mayor)

Motion was made by Councilor Stephens to approve the Consent Agenda as a whole, by Resolution 2014-12-01. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.) –

A. Income Statement, Budget Variance and Specific Activity Report Read-Out. (E. Zimmer, CM) – City Manager Zimmer said the Council was provided with reports from the first 2 months of the Fiscal Year. He said we are doing well on the government fund this year as compared to last year. He said things are still obviously very tight because the ad valorem tax does not start coming in until the January time frame. He said water and sewer and sanitation looked a little bit stronger on your backup income statement material. He said he showed the TDS anticipated spend for sanitation. He said the Airport showed the net income as a loss. He said that had to do with the timing of the fuel purchases. He said we still had 4,953 gallons of fuel at the end of November. He said the sale value of that is \$24,000 to \$26,000. He said the revenue at the Airport is tied to fuel sales. He said go back and look at all the previous fiscal years and where we would end the year without taking into account the number of gallons that were still in stock. He said we have not historically detailed this in the past but he thinks this information will be beneficial to Gibson and Ruddick as they are doing the audit. He said he was pleasantly surprised by the Sales Tax Revenue which is up. He said we had early year expenses with some of our memberships and the software renewals that we have to pay. He said one other item he noted on there was the aerator and the Marathon Lift Station renovations that we are doing.

He said concerning the Budget Variance Report, there is not a lot to

report on that early in the year. He said there is a specific activity report in the packet which shows our checking accounts and what our balances are in our checking accounts. He said the key things are the dollars tied to water, sewer and sanitation. He said we moved those over to the I & S fund to basically handle our debt payment that is coming up in the end of February, early March, time frame. He said if we look backwards for a year, one of the early challenges was if we were going to be able to make our debt service payment in March. He said he thinks what our team feels the best about right now is that we are moving those dollars over to cover a majority of that debt payment already and it is only December. He said that is a good sign of continued financial health and growth within the city. He said we did have a good last couple of days on the ad valorem checks so some of that is coming in this month.

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)

9. Discuss and Consider equipment location changes at Kokernot Park and Baines park along with changes to make maintenance easier at American Legion Park. (E. Zimmer, CM) – City Manager Zimmer said there was a Resolution in 2006 which required that any changes to structures in any park would need to be reviewed with the Council before action was taken on the facilities. He said the Friends of the Parks, Dr. Ekta Escovar, has purchased an ADA compliant swing with funds raised by the Friends of the Parks group. He said the plans have been reviewed overall with the Parks and Recreation Board previously and now need to be reviewed by the Council. He said the plans seem to be appropriate and well thought out. He said this group has raised the money to start benefitting the City of Alpine. He said “Hats Off” to this group. He said the mowing at American Legion park only takes one and one half hours now. He said previously it took an hour and one half to 15 hours for hand weed eating. He said we will start mowing every 2 to 3 weeks. He said this lowers the work time for the workers. Councilor Bermudez asked if there was any way to help the American Legion Park look cleaner. Councilor Fitzgerald said we need to simplify this for the future. Councilor Gonzales said he was pleased to see the swings going in. He also asked where the swings were going in at Kokernot Park. Dr. Escovar said the Friends group had the money to purchase both swings. Councilor Gonzales thanked Dr. Escovar and Mayor Rangra also thanked Dr. Escovar. Motion was made by Councilor Salas, by Resolution 2014-12-08, to authorize the equipment location change at Kokernot Park and Baines Park along with the other changes. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

10. Discuss and Consider adopting: (in relation to requirements for receipt of

2014/2015 TDA Grant.) –

- A. Resolution 2014-12-02, to adopt a resolution to designate Grantworks for administration and Parkhill, Smith and Cooper for the engineering service providers for the 2014 Texas CDBG Fund contract 7214000.**
- B. Resolution 2014-12-03, to designate authorized signators for the 2014 Texas CDBG program contract 7214000.**
- C. Resolution 2014-12-04, to adopt Section 3, Local Opportunity Plan: the state requires all grant recipients to adopt a plan to encourage employment opportunities and contracting with Section 3 residents and businesses.**
- D. Resolution 2014-12-05, to adopt Excessive Force Policy regarding the use of excessive force during nonviolent civil rights demonstrations.**
- E. Resolution 2014-12-06, to adopt Complaint and Grievance Procedures related to the TxCDBG Program.**
- F. Proclamation (By Resolution 2014-12-07), declaring April as Fair Housing Month.)**

(E. Zimmer, CM) – Jerry Carvajal said this is the basic start up regulations. He said it has been four years since we have done this. Councilor Stephens said on Item C – Section 3, how do we know that our citizens are under the low to moderate income. Jerry said 45% of our citizens fall under that moderate income. He said he was not sure about the businesses. Jerry said Plumbco had worked on the construction and participated in the past. He said he was very confident that Parkhill would be able to comply. The City Manager said the staff was recommending Grantworks for the administration of the grant and Parkhill for the engineering.

For item A, Resolution 2014-12-02, Motion was made by Councilor Bermudez and seconded by Councilor Salas. Motion unanimously carried.

For item B, Resolution 2014-12-03, Motion was made by Councilor Fitzgerald and seconded by Councilor Salas. Motion unanimously carried.

For item C, Resolution 2014-12-04, Motion was made by Councilor Gonzales and seconded by Councilor Stephens. Motion unanimously carried.

For item D, Resolution 2014-12-05, Motion was made by Councilor Salas and seconded by Councilor Bermudez. Motion unanimously carried.

For item E, Resolution 2014-12-06, Motion was made by Councilor Stephens and seconded by Councilor Bermudez. Motion unanimously carried.

For item F, Resolution 2014-12-07, Motion was made by Councilor Bermudez and seconded by Councilor Fitzgerald. Motion unanimously

carried.

11. **Discuss and Consider the second and final reading of Ordinance 2014-11-04, for stop signs placement on Means and Avenue H, as recommended by Chief Scown. (E. Zimmer, CM)** – Motion was made by Councilor Gonzales, by Resolution 2014-12-09, to approve the second and final reading of Ordinance 2014-11-04, for stop signs placement on Means and Avenue H, as recommended by Chief Scown. Motion was seconded by Councilor Salas. Motion unanimously carried.

12. **Discuss and Consider layout changes at Civic Center. Changes to include eliminating step ups, increasing lights and widening back entry. (E. Zimmer, CM)** – The City Manager said we have been asked to change the layout by vendors and add a row of lights that will be on a separate current. He said if more lights are needed, we will add other lights. He said we need to widen the back door. He said we will have a car show in August of this year and this will create an open venue for additional events. He said we are doing this with our public works staff and we have it in the budget. He said the construction will begin immediately following the stock show. He said it may take 4 weeks to complete the project. Motion was made by Councilor Fitzgerald, by Resolution 2014-12-10, to approve the layout changes at the Civic Center. Changes include eliminating step ups, increasing lights and widening the back entry. Motion was seconded by Councilor Bermudez, Motion unanimously carried.

13. **Discuss and Consider authorizing City Manager to initiate an RFP for a private Fixed Base Operator (FBO) for Alpine Casparis Airport. Responses will be reviewed by city's Airport Advisory Board and City Staff prior to a final recommendation for selection to the City Council. (E. Zimmer, CM)** – The City Manager said he and Mary Carmen had visited with several other FBO's. He said a successful FBO would drive participation and sales tax dollars. He said the Airport Advisory Board agreed positively to submit an RFP for an FBO. He said it is a healthy opportunity to look at this. Councilor Fitzgerald said we should throw it out there to see if anyone is interested. Councilor Stephens said as a pilot, it is the right thing is to go and see if someone is interested. Councilor Gonzales said the City Manager hired an Executive Assistant to work with the Airport. The City Manager said Mary Carmen is working through the Capital Improvement process. He said that will continue to be our key responsibility. He said we will still be involved. He said when you hire an FBO you don't just walk away. Councilor Gonzales also said there were fuel trucks for sale in Marfa. He said that might be something we might want to look at. Motion was made by Councilor Stephens, by Resolution 2014-12-11, to authorize the City Manager to initiate an RFP for a private Fixed Base Operator (FBO) for Alpine Casparis Airport. Motion was seconded by Councilor Fitzgerald. Mayor Rangra said we have had FBO's before. He said he thought we

should get out of the business of managing the airport. He said he hopes this time we will get better responses. Oscar Cobos asked if the Airport Board would be dissolved if this occurred. He asked how much this would be advertised and if the city had someone in mind. Motion carried unanimously.

14. Council Members Comments –

Councilor Stephens – said congratulations to the Parks Board for doing a great job. He said he thinks that is a model for the city and he wants to commend them

Councilor Gonzales – said this had been a good meeting and he was looking forward to the rest of the agenda.

Councilor Fitzgerald – complimented Dr. Escovar and said it was good to have the citizens groups who contributed to help the city.

Councilor Salas – thanked Dr. Escovar for her help, in and out of the office. She also thanked everyone else for coming.

Councilor Bermudez – said she had nothing to say.

Mayor Rangra – said this was the last meeting of the year. He said Merry Christmas and Happy New Year and thanks for coming.

Motion was made by Councilor Fitzgerald and seconded by Councilor Gonzales to enter into Executive Session. Motion unanimously carried. Council will convene in open session after the Executive Session.

15. Executive Session – Pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney regarding pending litigation) and 551.072 (Deliberations about real property).

A. Armstrong Litigation update regarding pending litigation, John D. Armstrong. Plaintiff vs. the City of Alpine, Texas, Defendant , in the District Court of Brewster County, Texas, 394th Judicial District – (E. Zimmer, CM)

B. Scown Litigation update regarding pending litigation. Civil Action No. PE-14-CV-00057-RAJ; Emily Livingston Scown and Barbara Scown vs. The City of Alpine, Texas: In the United States District Court for the Western District of Texas, Pecos Division, and Cause No. 2014-04-B0564-CV; Emily Livingston Scown and Barbara Scown vs. The City of Alpine, Texas: in the 394th Judicial District Court of Brewster County, Texas – (E. Zimmer, CM)

C. Discuss and Consider land exchange, concerning old city landfill and property west of town. (J. Gonzales)

16. Action – After Executive Session –

Council reconvened in open session at 7:55 PM.

A. Action, if any, concerning pending litigation (Armstrong) – (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald to take no action on this item. Motion was seconded by Councilor Salas. Motion unanimously carried.

B. Action, if any, concerning pending litigation (Scown) – (E. Zimmer, CM) – Motion was made by Councilor Gonzales to take no action on this item. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

C. Action, if any, concerning land exchange. (J. Gonzales) – Motion was made by Councilor Gonzales, by Resolution 2014-12-12, to obtain additional information to assess the opportunity to swap the old city landfill with land that would be advantageous to the city. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

17. Adjournment – Motion was made by Councilor Fitzgerald and seconded by Councilor Bermudez to adjourn the meeting. Motion unanimously carried. 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 3:00 P.M. on December 5th, 2014, 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.

Dr. Avinash Rangra, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 3:00 P.M on December 5th, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary