

**City of Alpine  
Regular City Council Meeting  
Tuesday, July 15th, 2014  
6:00 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the meeting to order. Mr. Zimmer said the invocation and Mayor Rangra led the pledge of allegiance to the flags.**
- 2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra, Councilmembers Bermudez, Salas, Fitzgerald and Gonzales were present.**
- 3. Presentations, recognitions and proclamations –None**
- 4. Reports –**

**City Mayor's Report** - Mayor Rangra talked about a letter that he gave to the City Manager concerning the copper and lead concentration in water from TCEQ.

**City Attorney Report** – Barbara Quirk said she had been working with the City Manager on projects for the city, what is already on the agenda.

**City Manager Report** –

The City Manager said he had a road paving update. He said he had a chance to visit with Chris Weber today. He said he thought most people had seen the striping of roads. He said we will be doing that today and tomorrow and then they have a punch list of items to complete. He said once they complete those there is simple clean up. He said they will clean those up during the balance of this week and early next week. He said they hope to have the final inspection with their contractor next week. He said Mr. Weber wanted to communicate that he really appreciates the citizens patience here in Alpine. He said this is a very trying project for them. He said any time you go through the center of town, people have to mediate, so really he is very appreciative. He said work is productive in our local departments, Peach Street, 14<sup>th</sup> Street and then subsequently Hamlin. He said we did the final grade this past week. He said we have been paving Peach, 14<sup>th</sup> and Hamlin. He said one of the things that Hector wanted to make sure that he, as City Manager communicated to the people here, this evening, was that when we are paving, especially when we are doing the final grade, we do ask, when we put those cones out, that people absolutely honor that and stay off those roads. He said we got pushed back a week on this paving because we had to grade Peach Street, specifically, three times. He said we do ask, when they get those cones out, they are just about ready to lay out the asphalt and do the final pave. He said we will be moving on to Sul Ross Avenue next, once they complete the work, so we anticipate that in the next couple of weeks.

He said concerning the Parks update, the Dog Park Committee does have all the material at the Dog Park now. He said once our signs are in, we will

get those posted and have a grand opening. He said one of the things the Dog Park committee is really wanting to do is provide an educational grand opening to talk about the do's and don'ts. He said Alpine currently does not have a per se dog park so we are making sure we all kind of honor it and know the do's and the don'ts, clean up, and what to do with an aggressive dog. He said he thinks that will be really helpful. He said we are also looking at the fencing that is coming down over at the Alpine Elementary School. He said we requested to have that over at our 15 acre recycle center and then if we move forward with the Dog Park on the South Side, down off of Murphy Street, then we will have the lion's share of material to do that. He said he appreciates the willingness of the school on that. He said we also did get a swing set donation for Kokernot Park. He said those of you who have driven North and seen out at McElroy Ranch, the play set that was there, was donated by Rianna Harris. She and her husband are leaving and donated that for exclusive use at Kokernot Park. He said it gives us a few extra swings and a couple of slides for the kids. He said we do have another Park's Board meeting tomorrow at 4 P.M. and anyone interested is invited to attend. He said the meeting will be in the council chambers. He said we also have our first swim meet scheduled for the Kokernot Pool on July 26<sup>th</sup>. He said we will do some announcements on the radio. He said the pool will be closed from 10 to 12 that day. He said it is Saturday. He said we want to get kids in there and let them do a little competition.

He said concerning the water/sewer update, we have been averaging about 1.4 million gallons used daily. He said that is a little up from the last council meeting last week. He said we certainly hope that we get some of this rain in the next couple of days and that will settle down the usage a little bit. He said Musquiz Well 6 went down and Virgil told him this morning that we are repairing that. He said this week and last week we have been receiving approximately 450,000 gallons to the wastewater treatment plant per day. He said we continue to send approximately 10 tons of sludge to the landfill daily. He said a significant milestone at the wastewater treatment plant this past week is the race track. He said the original race track is 6 feet deep. He said when Virgil came on board in October it was full of sludge. He said this past week the staff was actually able to hit the concrete on the bottom. He said that is significant. He said the automation of the reuse water that is going to the tank there at Kokernot Park is another thing. He said we have been working for a few months on that and finally got the Scada functioning properly. He said what that does is allow us to actually automate the back fill of that tank. He said right now it is only the golf course that is using that water but we have some big plans in the future to put that on the soccer field and baseball field and part of that is having it automated so that it is not an individual having to turn it on and off. He said we are always watering the affluent at night. He said you have to do it at night so being able to automate so we can maximize and get more than 80,000 gallons. He said he really appreciates that getting done this week.

He said for those of you who attended our sewer workshop, a couple of commitments from Naismith were to post a executive summary and Tom Brown communicated that they had plans for Kokernot Heights sewer infrastructure. He said he reached out to Naismith on Wednesday but he has not heard back from them. He said the infrastructure plan, especially from Kokernot Heights are of interest to Virgil and him. He said he will report on where we are at with that at the next council meeting. He said concerning bulky trash pickup, those of you who have been putting items out in your front yard, last week, this week and next week, we are requesting that you get your items out to your front curb. He said if we could avoid putting those items next to the dumpsters, that is critical. He said TDS is working hard to get those picked up. He said for those of you who looked at the agenda, one of the items he has also requested is to move our Keep Alpine Beautiful Coordinator position to full time. He said this would be one of the elements that Patsy would pick up, is helping us monitor and manage and get through our bulky trash pickup and a lot of the illegal dumping issues that are going on around town. He said that is probably the number one call that he receives at City Hall, about branches, debris, and brush left next to a dumpster. He said we need to get an eye on it and track it down and he really needs a single point person to help facilitate that whether it is through TDS or through our public works team. He said he thinks Patsy is up to the task on that.

Tourism update – He said Viva Big Bend music fest will be next week. He said this year they have a couple of bonus days starting July 22<sup>nd</sup> an 23<sup>rd</sup> down in Lajitas. He said last year when Stewart went around and did a survey from the hotels and what drove the most business into the hotels, Viva Big Bend was listed as the biggest driver. He said we really anticipate the hotels to be filled and we are excited for the vendors here in town and the businesses here in town to be able to realize additional sales next week.

He said concerning the gas company, we are really focused on projects at Fort Davis this week. He said one of the main things that Randy Guzman shared with him this morning is that they identified a leak outside of the Fort Davis historic site and they are working to get that one resolved. He said with the work that is going on this week and next in Fort Davis we will meet our annual DIMP, our distribution integrity management plan requirements for the year. He said our gas department, through their work with TxDot, did not have any significant issues. He said we always worried when somebody is going to go down 10 inches that would affect our infrastructure, especially our gas. He said he is glad to report that we did not have any major issues there.

He said concerning the finance department, expense planning is well underway. He said we are targeting the first half of August for our initial budget workshops. He said this is the most critical thing that we will do this year, the formulation of our budget.

The City Manager said he thinks the reason most people are here this

evening is in support of him. (round of applause) He said this last week has been a trying week and most of you who know him know that he is very close to his wife and she is out of town and it has been a tough week. He said what he would tell everyone is that the support of the people here in the community...he said the word he has used with our staff is that it stunned him. He said he is very appreciative. He said he has lived by a simple rule in life and life is really about the positive impact that you make on other people. He said that is it. When all is said and done you have to really work hard every day. He said he has had the ability to visit with staff and share with them the progress that we have made in 8 months. He said they have made requests for him to reconsider and stay on as City Manager. He said his wife and he had no intention of leaving Alpine. He said when they moved back out west the goal was to live in a community where their kids could thrive and flourish. He said he has been absolutely tickled with the support of the school district, Steve White and his staff. He said we have all the great components here in Alpine. He said when the City Manager role came open last fall he saw it as an opportunity to take some of the skills and experience that he had developed over a period of time and be able to implement that in Alpine. He said for those of you who know him or his folks know that his formative years were spent here in Alpine. He said he had a lot of good friends and he knows a lot of people here. He said the commitment goes beyond just the element of work. He said it goes to an element of directing a community into a better path. He said as he has looked back through what we have done here, he feels very confident that we have accomplished those goals. He said he thinks he has been asked by numerous people to pull his letter of resignation and carry on and he said the question that came to him was what was it going to take. He said he said he was thinking back to the conversation that he had with his Dad three months ago. He said he told his father if he was just allowed to do his job and let him report to everyone monthly on what we were doing, we will get this city fixed and move forward for the next 10 to 15 years. He said he still believes that today. (round of applause) He said he is a numbers guy and believes in fiduciary responsibility. He said he believes in accountability on a department head level. He said he can tell everyone that he does not believe he would be following what he knows is right if he backed away. He said with that he would request that the council rescind his letter of resignation. (standing ovation and round of applause). He said he is very touched and he is a blessed man. He said we have a lot of exciting work in front of us here in Alpine. He said he is very touched with our staff and their ability to redirect and be good stewards and we will continue to honor that commitment. He said he looks forward to the appointment of Mr. Rick Stephens. He said not only the Ward 5 residents have a vested interest from a resident's standpoint but for those of you who know Rick and Elaine and their family know that he is a man of character and integrity. He said those are things that are critical as we think through the next 10 years here in Alpine. He said that concludes his

City Manager Report. (round of applause). Mayor Rangra said that he and the Council supported the City Manager and asked the citizens present to give the City Manager a round of applause. All the City Council and Mayor welcomed Erik back, told him they were glad that he made that choice and told him they were behind him.

City Staff Updates – None

**5. Citizens Comments (on agenda items) –**

Manfred Fritsche – said his comments were regarding item 8A. He said the item is not particularly clear and the City Manager provided them with some numbers at the last council meeting. He said all the funds were in positive territory which is to say that the Revenues are over the Expenditures and the total was 1.2 million dollars in positive territory. He said he was thrilled to hear that and thought that we had turned a corner. He said then he got a phone call from someone who was knowledgeable about internal city hall doings and he was informed that the number has no correlation to the overall health of the city finances. He said he termed it a “sham” and he mentioned particularly that our financial situation is still dire. He said he heard some of the salaries were outrageous at this time. He said the Utility Directors salary was mentioned. He said the public has never been informed as to what the pay scale is for that individual and he is wondering if when the city manager gets to item 8, if he can make a correlation between the positive number that he cited last council meeting and what is the overall health of the city finances. He said most of us in Alpine are not illiterate or innumerate and they would like to have the full picture. Mayor Rangra said item 8 is HOT funding guidelines. Mr. Fritsche said it was not clear to him on what it meant. Mayor Rangra said this has to do with Hotel/Motel funding guidelines. Mayor Rangra said he could not allow Mr. Fritsche to talk about this item any longer and he was sorry.

Sheila Ness – said her comment was on item 24B, the review of the City Manager. She said he was due to be reviewed in 6 months and it has now been 8 months. She said shame on the city for not reviewing him timely.

Charles Wilkes – said he would like to comment on item #18. He asked why a resignation was ever submitted by our City Manager. He said we have heard the City Council make promises to him tonight, that they would leave him alone and let him do his job. He said the only ones that can enforce those promises are us, the voters. He said we have a say here and we could issue some recalls and ask for some resignations. The Mayor said that item is no longer an action item since the City Manager rescinded his resignation.

Carl Fleming - said the City Council did not have to accept Mr. Zimmer’s resignation. He said Mr. Zimmer showed great depth in not resigning. He said he thinks the Mayor and City Council should apologize to Mr. Zimmer

and Mr. Clark.

**Brian Shugart** – said he was pleased that the City Manager rescinded his resignation. He said his comments were on item #13. He said this was to charge no fee for the location of gas lines on private residential properties. He said he brought this up a month or so ago and the City Manager urged the passage of ordinance 2014-07-01. He said thank you.

**Mark Gregory** – said it is not very often that you can catch someone who is highly successful in the private sector and who is willing to work in the public sector. He said people that are managers in the private sector are accustomed to taking assignments and doing them and not being interfered with. He asked that the council allow this true professional to run the city like a business. He asked the city to support this man and let him run the city like the city is supposed to be run.

**Rusty Herman** said he was a member of the Airport Board. He said the Vaisala contract (#11) for the Airport is extremely important. He said airplanes cannot come into our airport without that weather station. He said the weather status is very important. He asked the council to approve the contract for this.

**Mayor Rangra** said there is a perception. He said there was no pressure on anybody. He said the City Manager has complete freedom to do what he wants to do. He said it was a surprise and a shock to him to receive the email that all the council members received. He said he hoped that all the people who are here tonight keep coming to the meetings.

## **6. Public Hearings –**

**A. Public Hearing to obtain citizens comments and questions concerning Ordinance 2014-07-01, amending Ordinance 2012-03-02, to adopt a fee for locating gas lines on private residential properties. (E. Zimmer, CM) – There was no public comment.**

**B. Public Hearing to obtain citizens comments and questions concerning Ordinance 2014-07-02, abolishing the City of Alpine Municipal Court of Record and recreating the Alpine Municipal Court. (E. Zimmer, CM) – There was no public comment.**

## **7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) –**

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

**B. Approve Council Minutes of May 6<sup>th</sup> and May 15<sup>th</sup>, 2014. (A. Rangra, Mayor)**

**Motion was made by Councilor Bermudez, by Resolution 2014-07-11, to**

approve the consent agenda in its entirety. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

**8. Information or Discussion items –**

**A. HOT Funding Guidelines. (E. Zimmer, CM) – The City Manager said this time of year we get a lot of applications for hotel funding. He said this past year we anticipated revenues at about \$308,000. He said we have also established a reserve level on that. He said the thing that he observed last fall, at the first city council meeting he came to in September, he said it was a very lengthy meeting. He said it went on for two hours where we had applicants come in. He said he thought the best way to describe it was grovel for dollars. He said subsequent to that he had a lot of people come in and ask him if there was a different way that we could do this. He said people's two biggest fears in life are death and public speaking. He said we had folks that had significant projects they were trying to do here in Alpine. He said they did not feel real comfortable about getting up. He said in talking to staff, they really felt it would be better to bring these applications in and have staff entitle this for the council to review and approve. He said his thoughts would be more around a special meeting instead of trying to attach it to a normal scheduled council meeting. He said that way people will be available and we will focus only on that topic. He said first and foremost, we have to get these applications out. He said we have some folks coming in. He said we will do some advertisement on the radio with Ray and in the newspaper with Jim and make sure that people know to come and fill out those applications. He said the other critical item that we need to accomplish this year between the work of Stewart Ramser and Chris Ruggia is that they have been able to co-brand events that we have, in order to maximize the advertising dollars. He said really, it is so important with these hotel dollars to demonstrate Alpine and talk about Alpine and advertise bringing people here to Alpine. He said they are involved in an engagement that is critical so that we do not have 30 events out there that operate in their own island. He said they have the help and support of Chris and Stewart in putting together their advertising. He said he thinks what we will provide for the community is a good product and a good venue for them to come and talk to and then they can make a good recommendation to council. He said he does not anticipate the budget for the hotel approval process to coincide with our normal expense budgets. He said he thinks it is important that we continue to keep that separate. He said he wanted to have this on an information item so that not only the council would see strategically where Chris and Stewart help us but also for the public to know that they will have time to start coming in and getting applications. He said we have not changed the application at all. He said we updated a couple of names on it but the guidelines are in there and we provide those in**

the packets. He said we are working to encourage new events to come in and to stimulate some of the off weeks where maybe there is nothing going on in town. Councilor Bermudez asked if the committee went over the applications. The City Manager said the Council will see all of them. He said Chris and Stewart understand the applications and it alleviates the need for the people putting on the events, to stand up and report. He said we are being strict about the City of Alpine logo on advertising. He said if you do advertising and do not put the City of Alpine logo on it, you will not get reimbursed for the ad. He said that does not meet the guidelines.

Bernie Zelazny said he was representing the Alpine Dark Sky project. He said there was a project that he was working on right now and wondering if the Hotel Motel Tax would be appropriate to be utilized in checking some of the city's lights to warn dark sky lovers who come out here and also help get the City of Alpine designated as a dark sky community by the IDA. He said he was wondering if that would be an appropriate request to make. The City Manager said what we are doing is any time someone calls in they are directed to Stewart first to walk through that compliance section. He said sometimes he will get engaged with it. He said Stewart Ramser is a great asset. He said he is running VIVA Big Bend Music. He said he will be in Alpine for the next couple of weeks.

Joe Torres – asked if Stewart and Chris were reimbursed for their time. The City Manager said they do get reimbursed for their time. He said neither one of them is an employee of the city though. He said this current year's budget has about \$100,000 that is segmented for advertising and we do "pro" City of Alpine. He said Chris runs the Visit Alpine website and our facebook and our twitter accounts and is the primary interface with the primary advertising entities that we do work for. He said the amount or total that Chris and Stewart will make this year is less than \$40,000 combined. He said to hire a marketing type person to run full time for us that would have their skill sets would cost us significantly more than that. He said Chris oversees \$100,000 this year but does not get paid that amount. Joe said he still oversees who is going to qualify for Hotel/Motel tax money. Joe said one person should not dictate where the money should be spent, especially if they want to do their own advertising. The City Manager said the idea is not to trump what people are doing today, it is to compliment it. He said he would give an example, Kristin Cavness from the Kokernot 06 Baseball Team came to Stewart this year. She said she was approved for monies out of the hotel/motel fund but she was really having a hard time executing an advertising plan and she wanted him to help her. He worked with her to execute some good advertising and getting it in front of people that could be brought into Alpine for the baseball

games. He said another thing this year, Dona Roman from the Theatre of the Big Bend had received monies this year. He said she had asked for more than she received. He said she came to him and asked him if there was more that the city could do. He said what we did was take some of our advertising that we were going to do just for summer events and we added the Theatre of the Big Bend as an additional bullet point on it. He said in the years past that is not something that happened. He said by being able to do that we hit a publication that had 75,000 drops on it and another 75,000 people were able to see the Theatre of the Big Bend advertised. He said we are not trying to trump what anyone is doing, but we are trying to compliment it. He said his goal is to get more visibility for our local events. He said Stewart Ramser is absolutely marvelous at driving down rates with some of these magazines. He said we can add into that all the events that are occurring. He said usually there is not just a one event or two event timeframe here in Alpine. He said there is stuff going on every week. Joe (Magoo) said one time the Chamber of Commerce put all the events in Alpine in the Texas Monthly and had them all listed. He said that stopped. The City Manager said that is a great question. He said we had a good conversation with Abby Garza and Rick Kelly a couple of weeks ago and he asked them to really give us some more detail on what their request was going to be and how did they grow their visibility and one of the elements they talked about was essentially putting in a kiosk out in the front of the chamber.

Gwen Jamison – said she wants to put in a plug for Alpine. She said she loves Alpine. She said she has lived here for one year. She said she believed one way to attract tourists was to make our train station looking better. She said she is starting a team called “All Aboard Alpine” to try to make the train station the centerpiece in the retail area of Alpine.

**Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 15 per meeting.) –**

- 9. Discuss and Consider appointing Rick Stephens as Ward 5 Council representative effective immediately and have Municipal Judge Trook or the City Secretary swear him in, to be seated at this meeting of the Council, to begin his term of office, and represent Ward 5, with this meeting. (J. Fitzgerald) - Councilor Bermudez called for a point of order. She said her Reason is that maybe Councilor Fitzgerald has forgotten that back on the July 1<sup>st</sup> meeting, there was a vote to move the interview for this position to Executive Session. Councilor Fitzgerald said we did vote to do that and according to Robert’s Rules of Order it can be brought up again. He said he did have a yay vote. He said the reason that we did the executive session was that it was predicated that it was on the assumption that we would have**

**multiple candidates for this office. He said as it occurred there was before, and is now, only one candidate for this position and it is rather a moot point. He said Ward 5 has gone a long time without representation and there are some very interesting things coming up today and he feels that it is unfair to make those decisions when 20% of the city is not represented. He said there is no one else in contention, so what is the problem? Mayor Rangra asked City Attorney representative Barbara Quirk for her opinion on this item. She said the council does not need to discuss this in executive session if you do not want to discuss it in executive session. She said you can simply choose not to go into executive session on this item. She said however, if one of the council members wants to discuss it in executive session, maybe you should take a vote on whether or not you are going to go into executive session. She said the council member who wants to go into executive session should make a motion to go into executive session and then the Mayor can take the vote to see if the council will go into executive session or not. Councilor Bermudez made a motion to go into executive session. Councilor Gonzales asked if Barbara could repeat what she said because he was not sure that he understood. Barbara repeated that if one of the councilmembers wants to go into executive session you can take a vote on that. Councilor Fitzgerald asked what the point was. He said there is only one person and he is eminently qualified, as anyone can see from his resume. He said there is no one else and no discussion to be had. He said he does not see why we should have to discuss whether we should appoint this one person who has applied or not. (round of applause) Barbara said if none of the members want to go into executive session then the Mayor could just proceed with the action item. Councilor Bermudez said she was telling the council what Mick had already told us. Councilor Bermudez said this was a personnel issue. Councilor Fitzgerald said this was a non-issue since there were not multiple candidates to decide on. He asked what the point of executive session was? Motion was seconded by Councilor Gonzales. Rick Stephens said he was happy to have a discussion with the council in a public forum. He said he wanted to make sure the citizens of ward 5 were represented with their comments and that they were represented on the city council. (round of applause) He said he also wanted to ensure that Alpine continues to manage in a fiscally sound manner. He said he wanted to ensure that Alpine was a solid home for all the citizens of Alpine and the businesses, Sul Ross State University, the hospital, ISD and all other constituents who support the success of the city. (round of applause) Mayor Rangra said he appreciated Rick's comments. He said he had rules that he had to follow. Councilors Bermudez and Gonzales voted in favor. Councilors Salas and Fitzgerald voted against. Mayor Rangra said motion failed. Mayor Rangra said we move to open session. (round of applause) Rick Stephens moved to the podium for questions. Councilor Bermudez asked Mr. Stephens to tell a little bit about himself. Mr. Stephens told the council a little about his personal, educational, ethnic and employment history, as well as his service on**

*non-profit boards and commissions. (round of applause) Councilor Salas, Councilor Fitzgerald and Councilor Gonzales said they felt he was well qualified and they welcomed Mr. Stephens aboard. Motion was made by Councilor Fitzgerald, by Resolution 2014-07-12, to appoint Rick Stephens as the council representative for ward 5 effective immediately. Motion was seconded by Councilor Salas. Motion unanimously carried. (round of applause) City Secretary Molly Taylor swore in Rick Stephens as Councilmember for Ward 5. (round of applause) Rick Stephens was seated as Ward 5 representative on the City Council. Rick said thank you for allowing him to serve and that he looked forward to meeting all the residents of Ward 5, He said his e-mail address was [rickstephens@me.com](mailto:rickstephens@me.com) and his cell phone number is 714-262-5089.*

10. Discuss and Consider approving first reading of Ordinance for Council Meeting Rules of Procedure to amend Ordinance 2013-01-01. (C. Salas and J. Gonzales) - Councilor Salas said that she and Julian and Erik got together to work on this ordinance. Councilor Gonzales said he wanted to get confirmation of the start time. He said he did not remember that they said 5:00. Councilor Salas said she was the one who requested 5:00. She said she put in long hours with her work and she knew the City Manager also did and thought it would be easier to have the meeting at 5 so that everyone could get home a little earlier. Councilor Stephens said he did not know if some citizens who worked could get to the meetings at 5. Councilor Fitzgerald said he did not have a problem with the 5 PM starting time. Councilor Bermudez asked if a person had to have a written request before they spoke now. The City Manager said the idea was to put some structure around the agenda items that the people will come and speak to. He said they will come in before hand and put their name down and that will go to the Mayor and the Mayor would then call forward those folks so that there would be a little bit more order to that. He said that seemed to be a fairly typical way to do this. The City Manager said there would be two points to speak, at the beginning of the meeting and then comment at the end of the meeting. He said there has been a lot of discussion with the City Attorney and his staff about having people come up during the course of the meeting and speak on particular items. He said the whole premise of the council meeting is that it is a board meeting and the council is reviewing information and determining and discussing an item and then voting on it. He said it then becomes public information. He said with that being said, the normal process is to have the dialogue as you get to the information and action items to be amongst the council. Councilor Gonzales also commented about the City Secretary reading the motion for each item and making sure that the motion was correct. The City Manager said one of the other things that was articulated in the update for the ordinance was the necessity to have background information by 9 AM on Friday so that when the packets are put together that all the necessary presentation and back up materials are available for the councilors. He said we are working from a

staff perspective to get these booklets out by 1 PM on Friday afternoon to give the council as much time as possible to review the packets. He said having that information in by 9 AM is going to be critical. He said if the information is not in, then that agenda item will simply be delayed until the next council meeting. Mayor Rangra asked about the material in the yellow. The City Manager said the yellow indicates the changes. Mayor Rangra asked about the information and discussion items and action items. He said these said that citizens were not allowed to comment. The City Manager said that was correct. It was discussed that this was the first reading but changes could still be made before the second and final reading. Carl Fleming said he had a problem with the limiting of citizen comments. Manfred Fritsche said this ordinance would muzzle the public. He said you cannot anticipate the questions that are going to be asked. He asked where the press fit in for citizen comments. Rita Peale did not like the 5 o'clock meeting time. She said she was a working person and that did not give her enough time to come to the meeting after work. She said we would lose most of the turnout that we had. Motion was made by Councilor Gonzales, by Resolution 2014-07-13, to approve the first reading of Council Meeting Rules of Procedure Ordinance 2014-08-01 as written. Motion was seconded by Councilor Salas. Councilors Salas, Fitzgerald and Stephens voted in favor. Councilors Bermudez and Gonzales voted against. Motion carried.

11. Discuss and Consider approving Vaisala Contract for Airport. (E. Zimmer, CM) - The City Manager said this was a 3 year contract and that it was critical to the operation of the Airport. Councilor Fitzgerald said he served on the Airport Board and we have to have the AWOS. Motion was made by Councilor Fitzgerald, by Resolution 2014-07-14, to approve the Vaisala Contract for the Airport. Motion was seconded by Councilor Bermudez. Motion unanimously carried.
12. Discuss and Consider approving second and final reading of Ordinance 2014-07-02, abolishing the Municipal Court of Record and recreating the Alpine Municipal Court. (E. Zimmer, CM) – Motion was made by Councilor Gonzales, by Resolution 2014-07-16, to approve the second and final reading of Ordinance 2014-07-02, abolishing the Municipal Court of Record and recreating the Alpine Municipal Court. Motion was seconded by Councilor Salas. Councilor Bermudez said we have not had any court appeals for several years. Brian Garrison said you would only have to have a tape recorder for a court of record. Councilors Bermudez, Gonzales and Salas voted in favor. Councilors Fitzgerald and Stephens voted against. Motion carried.
13. Discuss and Consider approving the second and final reading of Ordinance 2014-07-01, amending Ordinance 2012-03-02, to adopt a fee for locating gas lines on private residential properties. (E. Zimmer, CM) – Motion was made by Councilor Fitzgerald, by Resolution 2014-07-17, to approve the second

and final reading of Ordinance 2014-07-01, amending Ordinance 2013-03-02, to adopt a fee for locating gas lines on private residential properties. Motion was seconded by Councilor Bermudez. The City Manager said this was a zero fee. Motion unanimously carried.

14. **Discuss and Consider approving aerator proposal for the sewer plant. (E. Zimmer, CM)** – Motion was made by Councilor Bermudez, by Resolution 2014-07-15, to approve the aerator proposal for the sewer plant. Motion was seconded by Councilor Gonzales. The City Manager said normally he would wait for the budget process for this however one of our aerators has gone down. He said Virgil has done some intensive research on how we best replace that aerator and how we ensure that we are upgraded. He said through that research he found a pair of aerators that will give us more functionality and more power. He said the aerators are pushing oxygen through the oxidation ditch and it is critical to functionality to allow for the breakdown. He said because this is a roughly \$62,000 price tag it is not something that we have in our annual budget this year. He said what we are proposing and looking at is a pricing plan through Government Capital where we would make three annual payments of \$22,359.11. He said the total financing cost would be roughly \$5,000 or about 8% over the life. He said we would make those three annual payments starting in the next fiscal year. He said this is mission critical right now. He said we have to get this aerator in there as soon as we can. He said he does not feel like we want to wait until September/October time frame. Councilor Gonzales asked if we are buying two of the same type of aerator. The City Manager said yes, they come in a pair. Virgil said we want to improve our ability to treat at the wastewater plant. He said the aerators at the waste water treatment plant run 24/7 and one of them has not been functioning. He said the new aerators are 25 horse power and they have an air injection that will put more oxygen in our oxidation ditch. He said one of the aerators is functioning properly and now we have the option to upgrade it if it fails. He said these two aerators will produce more oxygen. Virgil said all we will have to do is put the electrical to this. The City Finance Director, Megan Antrim, said she and the City Manager are recommending Government Capital for three year annual payments of \$22,359.11 for a total of \$67,077.33 for the two aerators, which is option 5. Motion unanimously carried.
15. **Discuss and Consider approving city staff recommendation for Electricity Contract. (E. Zimmer, CM)** – The City Manager said there were 6 firms that responded to the RFP. He said we interviewed all 6. He said there were two critical things that we thought about, and number one was responsiveness from the provider. He said we had a situation a few months ago where the runway lights at the Airport were turned off. He said it took at least two hours to get them back on. He said we need someone available 24/7 in case a mishap occurs. He said we narrowed the list down to three providers and those were ADK, Green Mountain and Cavallo. He said we finally chose

Cavallo, because we felt that LuAnn and her team would provide us with world class service. He said she had the best prices too. He said Megan, Molly and he reviewed these proposals and we really feel that we made the best selection. He said Megan does have some experience working with her in the past as does Molly. Motion was made by Rick Stephens, by Resolution 2014-07-18, to approve Cavallo, which is the staff recommendation for the Electricity Contract for the City of Alpine. Motion was seconded by Councilor Fitzgerald. Councilor Fitzgerald said it seems to him that we have a firm here who has the best price and we have two people with the city management of the city that have prior experience with these people. He said this seems to be the choice. He said good price, good recommendations and references. Motion unanimously carried.

16. Discuss and Consider approving 180 day plan covering July, 2014 through December, 2014. (E. Zimmer, CM) – The City Manager said he would like to table this item to give the new Councilmember Rick Stephens an opportunity to review the 180 day plan. He said with him being 20% of the voting population, he would feel comfortable giving him at least three weeks until our next regularly scheduled council meeting. Motion was made by Councilor Fitzgerald to table this item until the next meeting. Motion was seconded by Councilor Gonzales. Motion unanimously carried.
17. Discuss and Consider approving appointments, reappointments and replacements of Commission and Board members. (J. Fitzgerald) – Motion was made by Councilor Gonzales to postpone this item until the next meeting. Motion was seconded by Councilor Salas. Motion unanimously carried.
18. Discuss and Consider accepting the resignation of City Manager Erik Zimmer. (A. Rangra, Mayor) – This item was removed since it had previously been taken care of.
19. Discuss and Consider the date of vacancy of the office of City Manager and appointment of an Acting City Manager. (A. Rangra, Mayor) – This item was removed since it had previously been taken care of.
20. Discuss and Consider Interim City Manager services. (A. Rangra, Mayor) – This item was removed since it had been previously been taken care of.
21. Discuss and Consider posting and advertising notice of vacancy in position of City Manager, including qualifications of applicants and date of closing of applications. (A. Rangra, Mayor) – This item was removed since it had been previously taken care of.
22. Citizen's Comments (limit 3 minutes) This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not

**discuss any presented issue, nor may any action be taken on any issue at this time. (Texas Attorney General Opinion JC-0169) –**

**Sheila Ness** – said when Mr. McKamie said we needed to review the applicants for Ward 5 in Executive Session it was because he thought there might be one or two applicants to be interviewed. She said he said it did not have to be done that way, that it could have been done in open session. She said the council determined that because it might be lengthy, too many questions, or whatever that it would be done in Executive Session but since there was only one applicant it wasn't really necessary.

**23. Council Member's Comments –**

**Councilor Stephens** – said he appreciated the opportunity to be on City Council and serve and looked forward to having discussions with many.

**Councilor Gonzales** – said he is glad that Erik is still with us and he looks forward to working with him and he knows that he will do us a good job.

**Councilor Fitzgerald** – said he was relieved that Erik has stayed with us and happy that Rick has joined our city council.

**Councilor Salas** - said she also would like to welcome Rick to the Council and she looked forward to working with him. She said she was glad to hear that Erik was staying with us for the long run. She said she would like to thank Virgil for his hard work and she thanked all the citizens for sticking it out with us.

**Councilor Bermudez** – said she wanted to welcome Erik back again and she is glad that Rick is here with us. She asked that everyone remember Mary Valenzuela who is very ill, in their prayers.

**Mayor Rangra** – said he wanted to thank the audience for their patience. He said he wants them to keep coming. He said he also wanted to thank the staff who is here and the City Manager.

Motion was made by Councilor Fitzgerald to enter into executive session.

Motion was seconded by Councilor Bermudez. Motion unanimously carried.

**24. Executive Session – Pursuant to Texas Government Code, Sections 551.071 (consultation with attorney), 551.074 (Personnel Matters) and 551.072 (deliberations about real property).**

**A. Discuss and Consider reclassifying Keep Alpine Beautiful Coordinator Position (Department Head) to full time to handle increased demands and utilization. (E. Zimmer, CM)**

**B. Discuss and Consider review of City Manager, Erik Zimmer. (J. Fitzgerald)**

**C. Discussion regarding the rights, duties and responsibilities of the City Manager, the employment process for selecting a City Manager and appointment of Acting City Manager. (A. Rangra, Mayor)**

- D. Discuss and Consider appointing a representative to serve as Councilmember for Ward 5, to fill the current vacancy. (A. Rangra, Mayor)
- E. Discussion regarding potential lease, sale or value of real property – closed landfill property. (J. Gonzales)

**25. Action After Executive Session –**

- A. **Take Action, if any, regarding the reclassification of Keep Alpine Beautiful Coordinator Position (Department Head) to full time to handle increased demands and utilization. (E. Zimmer, CM)** – Motion was made by Councilor Bermudez, by Resolution 2014-07-19 to reclassify the Keep Alpine Beautiful Coordinator Position (Department Head) to full time to handle increased demands and utilization. Motion was seconded by Councilor Salas. Motion unanimously carried.
- B. **Take action, if any, regarding review of City Manager, Erik Zimmer. (J. Fitzgerald)** – Motion was made by Councilor Fitzgerald, by Resolution 2014-07-20, to continue the process and wait until Councilor Stephens does a market analysis to evaluate the City Manager’s potential increase in salary, and to continue this review by the city council of the City Manager until the next meeting. Councilor Stephens amended the motion to state that the City Council completed the review of the City Manager and has now taken action to assess the appropriate salary when we have the market data to support that decision. Amended motion was agreed to by Councilor Fitzgerald. Motion was seconded by Councilor Salas. Motion unanimously carried.
- C. Take action, if any, regarding discussion, regarding the rights, duties and responsibilities of the City Manager, the employment process for selecting a City Manager and appointment of acting City Manager. (A. Rangra, Mayor) – no action
- D. Take action, if any, concerning the appointment of a representative to serve as Councilmember for Ward 5, to fill the current vacancy. (A. Rangra, Mayor) – no action
- E. Discuss and Consider sale, lease or disposition of closed landfill property. (J. Gonzales) Motion was made by Councilor Gonzales, by Resolution 2014-07-21 to direct the staff to consult with the City Attorney for an appraisal and a recommendation for potential land sale. Motion was seconded by Councilor Bermudez. Motion carried unanimously.

**26. Adjournment – There being no further business, 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 5:00 P.M. on July 11, 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.

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Dr. Avinash Rangra, Mayor

Attest:

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Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 5:00 P.M on July 11, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Margaret "Molly" Taylor, City Secretary