

**City of Alpine  
Regular City Council Meeting  
Tuesday, August 5th, 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. Lana Covington 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 Salas, Gonzales and Stephens were present. Councilor Bermudez and Councilor Fitzgerald were absent. The meeting notice had been posted on August 1<sup>st</sup>, 2014 at 3:45 P.M.**
- 3. Presentations, recognitions and proclamations –None**
- 4. Reports –  
City Mayor’s Report - None**

**City Attorney Report – City Attorney McKamie said there was nothing special to report tonight.**

**City Manager Report – The City Manager said he wanted to give a quick update on the road paving. He said this week we have been finishing up Peach Street and 14<sup>th</sup> Street. He said we have also been doing some ancillary work. He said for those of you who saw out here, adjacent to City Hall, one of the things we have been trying to do is clean up some of the Spots where we have water. He said this is a good time of year to understand where we are at in water retention. He said beyond finishing up these projects we are also kind of looking for some gaps in some places that we can make an improvement here in Alpine. He said we will also complete 7<sup>th</sup> Street, between Sul Ross and Avenue E over the next few weeks. He said if you remember earlier before the TxDot project, earlier in the year, we had replaced the gas main running down 7<sup>th</sup> Street. He said it is between the old library and the County Courthouse. He said we are going to come through, mill that up and repave that road. He said then we will be starting on Sul Ross, basically between 13<sup>th</sup> Street to Highway 90 this next week. He said it looks like we will be able to continue to use most of the sub-base. He said that will help us keep our costs down. He said he would give a quick pool and parks update. He said one of the great summer jobs for kids is working at the pool. He said the hard thing is when you get close to school, staffing becomes a little tougher for us. He said we have some of our lifeguards that are going back to volleyball camp and football camp and we have had to peel back our hours. He said instead of 11 to 6 daily, we are open from 1 to 6 daily. He said after school starts, on August 25<sup>th</sup>, we will only be open that following weekend and then we will close the pool down for the year. He said he is showing the council an image of**

some of the donated equipment. He said we are finalizing putting that in place this week. He said everything is structurally sound. He said for those of you who have been by Kokernot Park, you will hopefully see the addition. He said he was there this weekend with his daughter and she was not happy about the yellow tape which did not allow her to use the play set. She said it will be a real nice addition to Kokernot Park and we appreciate the family that donated the equipment. He said Saturday marked the grand opening for our Dog Park. He said it was a great effort by our community, the dog park committee themselves and volunteers. He said as he has said before, they really provided the manpower and the work to support the fundraising for this park. He said we would also like to thank Riley Smith for our Parks Staff who spent considerable time helping the Dog Park Committee. He said he would also like to thank the youth from High Frontier School from Fort Davis. He said these kids have a lot to give back and this was volunteer hours that they came in and supported Alpine. He said we are really pleased with all of the support. He said probably 20 dogs and 25 to 30 people showed up Saturday and we are now officially open. He said for those of you who have dogs, please feel free to go by and check out the new dog park at Kokernot park.

He said he was showing a picture of our Bobcat in the old racetrack. He said if you remember when Virgil started on this journey in October of last year, the sludge was to the top of the racetrack and if he stood at the bottom of the racetrack it would be above his head. He said we have the Bobcat in which is really expediting our removal of the sludge. He said we are also targeting 10 to 12 tons of sludge a week to move to the landfill. He said we are using 1.3 million gallons of water daily. He said typically in the winter months we are at 900,000 to a million gallons. He said this time of year if we get rain, the usage is down to 1.1 to 1.3 range. He said if we do not have rain, some days we will get as high as 1.7 or 1.8 million gallons. He said we have also had several major water leaks in the community during the last couple of days. He said for those of you on Second and Holland yesterday, you saw the one outside of Porters that we were repairing. He said we are hoping that we have gotten those out of our system. He said on the wastewater treatment plant we are receiving about 450,000 gallons a day which has been fairly typical for us through the summer. He said we are also continuing to push the affluent water back to the holding tank at Kokernot park. He said the golf course has been utilizing that when it is not raining. He said at the last council meeting he had a slide and he was not able to get it functioning properly but what this shows, and this is a significant improvement for us, is that we used to have to individually send a person out to the wastewater treatment plant to turn the water on to fill the affluent tank. He said now we are automated and we can monitor usage 24/7 wherever we are at in the world. He said this gives us a really good indicator on the flow usage and the amount of water that the golf course is using from the affluent perspective.

He said concerning the Code Enforcement Report, he said with rain we get

weeds. He said probably our number one concern and focus of Mr. Polanco is high weeds. He said concerning the stats on our code violations and investigations, permits continue to be fairly robust during the summer. He said one of the things Robert and he were talking about earlier today is how to make sure that everyone understands the process. He said if you do have a violation, what occurs? He said Robert Polanco, our Code Enforcement Officer, will issue a resident a notice that they are not meeting the code. He said if it is a high weed issue for example, he will send them a note and quote the ordinance and give his phone number and contact information for the resident to call and talk to him. He said the resident has 10 days. He said if they choose not to act during the 10 days, then we would go through the process utilizing our municipal court to try to have a little bit more leverage in getting that issue remediated. He said high weeds are a concern because they will turn into dry weeds and create fire which is not good for any of us. He said we continue to not only bring it up in our staff meetings and our community meetings but any help that citizens can provide in socializing with their neighbors mitigating the dangers with the high weeds, is appreciated.

He said the Texas Water Development Board came into town this past week. He said they called him on a Tuesday and they were going to be in town on Thursday. He said unfortunately when that happens he does not have 72 hours. He said he cannot call a meeting with our elected officials. He said the key of their visit, in regards to the City of Alpine, was to introduce themselves. He said Beck Braun is a Board Member and Lauren Graber is their Chief of Staff. He said they were travelling through the region introducing themselves, talking about water issues. He said the water development board has gone from 6 part time board members to three full time board members. He said why that is significant is, the individual Beck Braun has a full time role now to support the State of Texas. He said in the past we had six part time people that typically had other jobs that may have pulled them off of some of the focus and attention, so he was very committed to understanding our portion of the region. He said the other thing that Lauren did was kind of describe some of their break up of duties on the administrative side, the support that we can get from an Alpine perspective as we approach issues with the Water Development Board.

He said concerning bulky trash pickup, he wanted to share July's quarterly results. He said we had 9 tons. He said he was actually quite disappointed. He thought we had 15 to 18 tons out there that we should have been picked up. He said we had 2 tons of yard debris, one and one-half tons of metal. He said TDS had a management change this week. He said they let go of their existing manager, Ron Poor. He said his concern as city manager is that if you are changing the manager and you do not have a backup, who is going to be our point of contact. He said one of the brothers who is an owner, Jimmy Gregory was out here. He committed to the City of Alpine and said there would be no degradation in the level of service. He said one

of the things that he visited with Jimmy Gregory about a couple of weeks ago was the bulky trash pick-up. He said back in January when we did our quarterly pickup there and he sat down with the TDS team and got them how to describe to us how they handled the bulky trash pickup. He said they indicated that they went street to street all the way through Alpine. He said they would pick up in front of people's houses and on the side of people's houses and they would also remediate issues adjacent to the dumpsters. He said fast forward to July, they were only picking up stuff in front of people's houses. He said July is a tough time of year because all of his parks and streets folks are out there working and those are the ones that he uses in the winter to pick up extra debris and focus on keeping that up. He said he did not feel like our partnership was moving forward in the right direction. He said their commitment to us moving forward is greater improvement on the bulky trash pickup. He said he does not advocate people to dump stuff next to your dumpster, but we are also realists here and it happens. He said it is the number one issue that he gets phone calls on, where someone has dumped a bunch of stuff at a dumpster. He said as a city, from a service perspective, we do want to work diligently and remediate that. He said TDS has an integral part of that. He said he does look forward to the September bulky trash pick-up as being far more successful.

He said concerning the finance department, the budget process is in full swing. He said we will get the proposed budget out this week. He said once we deliver that to council in proposed budget format we will put that on line and make it available and any citizens at that juncture will be able to start reviewing it. He said this is the proposed budget for FY 2014/2015. He said most of our focus in the finance department continues to be on procedural improvements. He said we have gone through a lot of change this past year. He said one of the things he knows that Megan gets frustrated with is that as you go through change you have breakdowns. He said the thing he enjoys most about her staff is their commitment to making sure things are correct so that when we get reports they are accurate. He said they truly reflect what we are doing in the city of Alpine. He said although Fiscal Year 2013/2014 has been a challenging year, we have learned a lot and continue to improve and he believes that will provide a better product for the citizens of Alpine.

Mayor Rangra asked about the family who donated the equipment for the playground at Kokernot. He asked if they could be identified or if they wished to remain anonymous. The City Manager said Lilliana Harris is the wife and he did not meet the husband. He said they lived at McElroy Ranch. He said anyone going to Fort Davis would have seen the play set on the east side before we carried it off. He said they were moving and wanted to donate it specifically to Kokernot Park. The City Manager said we would put together a letter to thank them for their donation. Mayor Rangra also asked about the number of cases pending in Municipal Court in the amount of 15. The City Manager said that was the number that was pending for our

Code Enforcement Officer. The City Manager said we are working on a list to ensure that the Municipal Court operates properly but he does not have that ready at this time.

**City Staff Updates – None**

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

**Dian Raun** – said she wanted to comment on item 10. She said Mr. Fitzgerald put this on the agenda and he is not here today. She said her information is that he wants to appoint his wife to the Parks Board. She said if this is the case that is totally against the policies and procedures of the City of Alpine. She said if so, she would register strong disapproval if the board considers this.

**Bob Litton** - said he wanted to comment on item 9. He said every effort should be made to encourage citizen participation. He said he believes 2 minutes is not enough time for a citizen to comment. He said he does not believe the council should set a definite figure on the amount of people who can comment. He does not believe that people should have to sign up to speak. He said that will place an undue burden on citizens.

**Carl Fleming** – said he wants to comment on items 9, 11, 15 and 20B. He said he thought people who worked would have a hard time getting here by 5 PM. He said he would recommend that the council meeting stay at 6 PM. He said he thought it would be a good idea if the public could sign up on Friday, Monday and Tuesday, instead of just one day. He said if you have 8 people who are going to comment on the same item you will not have time to talk to anyone else about anything else. He said on item 11, changing the name from E Street to Main Street, you are going from east to west and it does not make a lot of sense. He said it would cost every business man and person on that street to change their address on a business card, mailing address etc. He said on item 15 he asked if the council approved Mrs. Bermudez' appointment to the Texas Municipal League. He asked how often it met and how often did she have to make trips and how did Alpine benefit. He said with the city being in dire straits financially he thinks every trip should be reviewed. He said concerning item 20, this was the first time he has seen the need to have an assistant city manager. He said he can see the workload and need but the way it is listed here is that it is already precluded that we are going to have an assistant city manager and we are just going to work on the job description. He said he thinks it should be discussed before we have an assistant city manager.

**Sheila Ness** – said she wanted to comment on 6A. She said the agenda did not get printed on the internet until today. She said it makes it very difficult for those who work to look up the items to comment on. She said the

second thing is that it is amending ordinance 2013-01-01. She said these are the City Council ordinances and that is not in there anywhere. She said it may be in there but not by that particular number. She said if you do not have enough staff to take care of this, where people have to sign in and get copies of the agendas. She said the city should hire some person just to handle all of the junk that goes through that front office. She said people are trying to find out what is going on. She said she thinks changing that ordinance to 5 does not make any difference to her. She said it does to a lot of people because they work.

Jack Simpson – said he wanted to comment on item 11. He asked how this was going to benefit Alpine if we change the names of the city literature. He asked what it would do for Alpine to change it. He said change is important sometimes but there is a lot of cost to this. He said it would also take a lot of time to let every business and family member we know about the new address. He said not only that, it is going to cost the city money to do it. He asked if it was that important that we change it to Main Street.

Carol Lewis – said she does not live in the City of Alpine but she has been from Alpine since 1942. She said her complaint to this item, is about the change of Avenue E. She said for the past 2 and ½ years she has been working for the Historic Alpine Committee on the Pioneers of Alpine and doing research on the city. She said she thinks when it started they had a pretty logical idea, A, B, C -1,2,3 and it made sense. She asked why we were changing any street names. She said from a historical standpoint, she thinks we should not. She asked what the cost would be. She said this would come from our tax dollars.

Rita Peale – said she wanted to speak about the new Ordinance. She said she is a working person and works from 8 to 5. She said if you change the meeting time to 5, the citizens are not going to have time to have a break, a quick snack to hold them over until the end of the meeting for a quick dinner. She said if you change the meeting time, she will consider that an effort to make it more difficult for working people of Alpine to participate in city government. She said she strongly recommends that the city keep the 6 o'clock meeting. She said each of you can stay until 10 o'clock. She said you should be more worried about your constituents than your own convenience.

Manfred Fritsche – said he wanted to comment on items 6, 9 and 20C. He said one thing he does not quite understand if the ordinance draft has been revised since the last meeting. He said with reference to item 9, the city council and city government seem to have contempt for the public. He said one has to ask what cried out for change. He said the council's credibility is at stake. He said item 20C is a readout from FBI investigation into the financial year long mess. He said he called the FBI office and they did not

know what a readout was. He said of course this is going to take place in Executive Session. He said the taxpayers do not count. He said half a million dollars vanishes for the Quiet Zone project and the numbers guy city manager is clueless as to where it went. He said the credibility of the city manager plummets. He said the all purpose solution is to shut the public up to the maximum extent possible. He said the public knows nothing about what goes on in corporate meetings since that is a closed session. He said Mr. Fitzgerald, who is not here, whines about the stresses and strains of 4 hour council meetings twice a month. He said holding public office means by definition to interact and communicate with the public. He said it is council who must educate and interact with those of us who have less information. He said if you cannot do that, you do not belong here. He said information has to be dragged out by formal tpa requests. He said the city manager will read numbers from his i-pad and no one in the public has a clue as to what he is talking about. He said a comprehensive report to all citizens as to the current financial condition of the city government is called for. He said after years of mismanagement, members of council, if you cannot stand the heat of public interaction, in the words of Harry Truman, get out of the kitchen and do not mess with a satisfactory council meeting working model. He said he has four recommendations. 1) Consider a 5 PM commencement of Council meeting for the sole purpose of getting the Executive Session matters out of the way and reconvene in open session at 6 PM to take action on anything that happened in Executive Session. 2) Fire the current law firm. He said they have done nothing except to make public access more difficult. He said their compensation is outrageous. 3) Disengage and resign from the Texas Municipal League, for the same reason, saving tens of thousands of dollars in the process. 4) and most important, the Mayor and the Council must undergo an attitude adjustment. He said the public as a general proposition is not illiterate, is not innumerate and not stupid. He said this is what the council has had to make the public endure for far too long.

Dallas Baxter – said others have talked about the things that she has Marked on her agenda to discuss. She said one overriding issue that she would ask the council to consider is the statement that says no personal attacks on council members or city staff will be allowed. She said she thinks this is a very embarrassing thing to have to ask people to do. She said if we are all on the same side working together, to make the city a better place to live and work in, there is no reason to attack anybody. She said if we are transparent and forthcoming with matters of city government and with listening to what citizens need to tell you, there is no reason to attack anyone. She said we need to be a civil group of people coming together, the council and citizens, so that we can talk civilly to one another without threatening anybody. But what happens when you try to curtail public comment, when you have things done behind closed doors, when this FBI investigation is something we may never know, we have a right to

know this. She said we have a right to know absolutely every single thing that happens in the city. She said every payment that is paid to anybody, we need to know about this. She said we need to know how the city is being run and you need to know what we think. She said this is something that she has said before and she does not mean it to sound like a scold but if you think this job is not fun, which apparently there are some indications that that is so, how much more fun would it be if we were all on the same page working together following a set of rules that respects everybody, listens to everybody and acts together. She said she would ask the council to consider that. She said it would make their jobs better and it would make them a happier and more responsive group of people.

Dale Christopherson – said he is not sure he understands why the time to speak is going to be limited to 2 minutes instead of 3. He said he hopes that will be changed. He said he would like to know why it is important for citizens to sign up before they speak. He said he would encourage the council to get a 3 minute hour glass.

Brian Shugart – said he wanted to comment on the name change of Avenue E. He said if you do decide to go forward, he would caution the council to not make it effective immediately and to put it out a year or two from today or whenever you approve it. He said you have checkbooks, stationary, business cards plus the GPS, google maps and all of that. He said we have 100,000 people coming into this town as tourists and if you change the name and they are looking at their i-phone or navigator, they are going to be confused.

## **6. Public Hearings –**

**A. Public Hearing to obtain citizens comments and questions concerning Ordinance 2014-08-01, amending Ordinance 2013-01-01, Council Meeting Rules of Procedure. (E. Zimmer, CM)** – City Manager Zimmer said this item was put on the agenda as a public hearing as noted. He said at the last council meeting we had the first reading of the ordinance. He said it passed 3-2. He said subsequent to that reading, elected officials have received a lot of feedback and he has received a lot of feedback. He said what we did in item 9 is that we moved back to a draft reading so it is not a second reading in item 9. He said we did post the public hearing and we actually thought this would be a great venue. He said we obviously got some citizens comments to begin the meeting. He said the public hearing is designed to allow more citizens to come up with ideas and suggestions for the council to hear and then we can go back from a draft perspective and turn around the ordinance. He said that is the purpose of the public hearing. Mayor Rangra said he would like to hear from the public who have not expressed their opinion on this item.

**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 20<sup>th</sup> and June 3rd, 2014. (A. Rangra, Mayor)**

Motion was made by Councilor Gonzales by Resolution 2014-08-01, to approve the consent agenda in its entirety. Motion was seconded by Councilor Salas. Motion unanimously carried.

**8. Information or Discussion items –**

**A. Income Statement and Budget Variance read-out: October 2013 – June 2014 (E. Zimmer, CM)** – The City Manager said we have gone through 75% of this fiscal year. He said every quarter he likes to sit down with Megan, the Finance Director and they look at how we are doing on the revenue side. He said having an expense budget is great but if you are not making the revenue you are going to have to adjust significantly on your expense side. He said what he outlined on the cover page was a list of key revenue drivers and where they are at through 75% of the year on their year to date numbers. He said municipal court revenues included the police fines and were at 113%. He said code enforcement – we are at 102%, animal control we are also at 102% of our annual budget. He said parks and pools revenues were at 81%. City Sales tax revenue, which is a key overall driver, we have 1.13 million in revenues year to date which is 79% of our annual target. He said in water revenues we are a little over a million, thirty six thousand and that is 69% but please understand that even though we are 75% through the year, our last three months we bill the heaviest on our water. He said sewer revenues were right at 75% and sanitation revenues were at 83%. He said Airport Revenues were at 95% and some of that is triggered by a little higher fuel prices that we are able to receive. He said gas revenues were at 109% and ad valorem tax revenues we're at 94.3% or 1.371 million dollars. He said our revenue lines look healthy. He said we will continue to track this through the end of the year. He said in looking at the second page, our government fund total revenue through June was 2.877 million and total expenses were at 2,396 for a net income of \$481,000. He said water, sewer and sanitation total revenue was 2,781 million and total expenses of 2.519 for a net income of \$261,000. He said in the Airport we are trending with a positive net income. He said for gas, we have 1.915 million revenue and 1.396 in expenses with our net income being \$518,000. He said we are operating healthy when you look at funds 01,04, 05 and 08, our key funds. He said we are 1.3 million positive, year to date. He said he always cautions people on these numbers because we have really tightened up the belt this year and we have deferred some of the maintenance that he normally would have liked to have done but to get ourselves in a better financial position we have opted to operate in that fashion. He said one of the nice things

about this particular report is it does give you full visibility to the impacts of the administrative fees and franchise fees that were implemented in early June. He said this report, along with the City Manager report, he will be posting on line in order to give continued visibility to the constituents in the city and as always, we want people to call us if they have questions and sit down and talk with him or Megan. He said that is not just elected officials, that is citizens as well. He said on the budget variance side, there are a couple of key things on the expense side that we are looking at. He said our overall overtime in the water and sewer department is higher than we budgeted but our salaries are significantly lower because we have been running short staffed for a portion of the year. He said our overall wage line is under budget. He said we are going to be using some dollars from other line items within the streets annual budget in order to accomplish repaving Sul Ross from 13<sup>th</sup> out to highway 90. He said Megan, Hector and he have sat down and discussed the strategy so they would stay within budget. He said they do feel like that piece of infrastructure is critical for us to complete this year, instead of waiting another year. He said obviously the goal is to get it done before school starts because there will be a lot of traffic on that road because of Buck stadium and the mid-school. He said those are the key points on the income statements and the budget variance. He said if there is any question he would be glad to answer them. Councilor Gonzales asked about the enterprise fund. He said the City Manager said we did not need to amend it until June and that is not part of the information here. He asked what the City Manager anticipated and he knew it would be a plus. The City Manager said this was the first report that showed the full years reflection. He said we did not implement it until it was approved at the June 4<sup>th</sup> meeting. He said the previous income statements the council had did not demonstrate the payment of the administrative fee and the franchise fee back to the government fund. He said this report is a true and complete report. Councilor Stephens said the City Manager mentioned about deferred maintenance. He said we have a great under run but the City Manager has deferred any sense of the value of the deferment so we can get this better picture that way. He said he knows it is always a balance. The City Manager said part of the gestation of this year's five year capital plan was to look deeper at some of our core infrastructure needs between our gas department and the water and sewer department and then also look at vehicle needs within. He said we have really worked hard to maintain the vehicles that we have and continue them in use. He said we have not aggressively gone after some of the infrastructure for example the old Marathon Highway lift station, which is a \$55,000 to \$60,000 repair. He said we would have liked to have just gone out and done that initially but we have held back on that piece. Councilor Stephens asked if it was a quarter of a million dollars or \$300,000 that was held off. He said he was just trying to understand the magnitude of what the City

Manager was trying to balance. He said the City Manager is trying to stay well within the budget and he is doing a great job. The City Manager said if you look at our streets department we have probably gone about \$50,000 under there. He said if you look at water and sewer, we are really looking at about \$125,000 or so extra next year to hit some of the preventive maintenance fees. He said gas, Randy is probably about \$50,000 to \$60,000, mostly on some of the vehicle and equipment needs that he has. He said he has been pretty creative in the field. He said we are looking at about a quarter million that we could have easily spent this year and we did not. He said we also have issues with our glass crusher out at the recycle center. He said that keeps limping along and Bob Savory has done a nice job in helping us to keep it alive but we do need to replace that unit. Mayor Rangra said he was looking at the gas revenues and he thinks we are pretty healthy. The City Manager said the spot rate jumped for about a three month period of time and in fact we were really looking deep at that spot rate month to month as we have been formulating the budget for next year and we saw it climb up for a few month period of time. He said it has since come back down a little bit. He said it has been a healthier year. Councilor Gonzales said on the income statement there is a service charge for bad checks of \$2,786.00. He asked if we were doing anything to try to recover those. The City Manager said as far as the bad checks, we have not done anything specifically up to date but one of the things we are looking at in the 180 day plan is dissemination of some duties that have not been done within our water and sewer billing department as well as the gas department. He said we do need to ensure that we are staying on top of the bad checks. He said one other thing that he did forget to mention as far as minimization costs, knock on wood, we have dodged expense on our health insurance. He said we do use a partially self-funded program and if we were using a fully funded program, we would have spent year to date another \$200,000 for that particular program. He said that is going to be part of the dialogue that we will have in the budget process moving forward. He said we have had a, knock on wood, healthy year with our people on the plan. He said that is always a risk out there and that is one of the reasons why we continue to focus on moving money towards a reserve fund.

**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 approving draft reading of Rules of Procedure Ordinance 2014-08-01 (Committee – Salas, Gonzales, Zimmer). (E. Zimmer, CM) – The City Manager said the feedback that the committee received is very healthy and the dialogue is good. He said the idea as we are working through the ordinance is not to stifle anybody's ability to speak. He said**

**there were a couple of other key elements in there, that he feels like if we accomplish we will actually have more robust meetings and so the whole notion as the feedback came in was to move this out of a second reading position back into a draft reading. He said as Councilor Gonzales, Salas and he talked about it they decided to move this back to a draft and listen to what the citizens are saying and also discuss with our Attorney some of the legal ramifications of how we operate as a city and make sure that we are not putting ourselves in a bad position from a TOMA perspective either. He said a couple of key things that he is looking at in this ordinance that were actually not brought up in citizen comments tonight but have come up previously, how do we ensure that we get the items that are going on to the agenda in to city staff's hands at an early enough time that we can develop the materials, whether it is the council or the Mayor or the City Manager to develop the materials so that we have a package that allows for good dialogue. He said that is an element in this ordinance that was critical in our discussion. He said if we are going to make a decision or vote on an item, there is a hanging resolution out there right now that says if you have an action item it has to have an understanding of where that line item is going to come from with a funding perspective. He said we have a specific line item for a financing mechanism so we know how to pay for those items. He said that was another driver in this ordinance that was important. He said he has heard both sides about the starting time of the meeting. He said that is something they will consider. He discussed the length of time for discussion by citizens. He said they want to make sure that they are open and willing to listen so that if someone sees the agenda come out, some of the questions may be alleviated ahead of time. He said that was some of the thoughts that went into this. He said it is not a set in stone type thing. He said he likes the feedback. He said from a legal perspective one of the concerns that our Attorney has is that if we had an agenda item and we hit a juncture and there was a vote and a resident has come to listen to that particular topic and then they leave thinking it is done and then a citizen comes up at the end and starts talking about that particular item again, we have to look at it from a TOMA perspective. He said we may have to strengthen that item. City Attorney McKamie said that was their concern about having general comments at the end of the meeting because if comments are allowed by anyone, a staff member or a member of the public, about an item that has already been closed for that meeting, that still constitutes deliberation of the item under the open meetings act and the public really has not been put on notice that you may again take up deliberation of that particular item. He said he would prefer, if you want to keep the same order of business, that if you keep the final citizen comments section on the agenda, that it have some restriction to items that have not been on the agenda. He said he would feel a lot more comfortable with that. He said we do have to be aware of open meetings act issues related to when things are posted on the agenda. He also said he has seen a lot of agendas in his 35 years of representing cities in the**

*state of Texas and we do have more citizen comments posted on this agenda and invite more citizen comments than any other city council he has ever seen. He said allowing citizens comments on every agenda item is not the norm. He said in that regard, there is an item that says only citizens of Alpine can speak in citizens comments and he wants to make sure that we really want to restrict that because it is not just the citizens of Alpine that are concerned about the city, it is also the rate payers and the taxpayers who may not be residents. He said they may have some meaningful comments. Councilor Gonzales asked about the ETJ. He said they are not really citizens but they are involved in city matters. He asked if that was some of the people that should be included. The City Attorney said perhaps. He said they are within the sphere of your influence of development and utility service for sure. The City Manager said if he could capture what he has heard and how do we take this and rework it some of that centers around do you take the 2 or 3 minutes and change it. He said 3 minutes is what it historically has been. He said the notion of having people sign up ahead of time was really predicated more on how do you start consolidating some of the thoughts so that you can get some sort of consensus or group thoughts together where one or two individuals speak about a core topic. He said he thinks that from a draft perspective was the idea. He said one other item was we actually need to remove the City Attorney Report because when you think about the city attorney, they are going to speak on the items primarily in Executive Session. He said to give a report is not something that is really necessary at the beginning. Councilor Stephens said Ward 5 did hold a town hall meeting on the 30<sup>th</sup> of July. He said there were 3 predominant facts about this particular ordinance. He said they did not want to change the start time, they did not want to sign up before the meeting to be able to speak and they did not want to limit the input from 3 minutes to 2 minutes. Councilor Gonzales said we needed to add the gas department to the section where staff may speak. Mayor Rangra said 11 people spoke and they spoke from 20 seconds to about three and one half minutes. He said mostly it was less than one minute. He said he is sure the committee will come up with something that is agreeable to everybody. Motion was made by Councilor Gonzales to postpone this item till the 19<sup>th</sup> of August. Motion was seconded by Councilor Salas. Motion carried unanimously.*

10. Discuss and Consider approving Council nominations for Boards and Commissions. (J. Fitzgerald) – Mayor Rangra said Councilor Fitzgerald was not here. He said since this was his item, he asked if the council wanted to postpone this item. Motion was made by Councilor Gonzales to postpone this item until the next meeting. Motion was seconded by Councilor Salas. It was determined by the City Attorney that there was not a conflict of interest if Councilor Fitzgerald appointed his wife to the Parks Board. Motion unanimously carried.

11. Discuss and Consider renaming “E” Street to Main Street. (J. Gonzales) - Councilor Gonzales said he was going to withdraw this issue from the agenda. He said he was glad that people came to voice their opinion on this subject.
12. Discuss and Consider approving first reading of Ordinance 2014-08-02 changing speed limit around Middle School. (E. Zimmer, CM) – The City Manager said this was an item that we had discussed at one of last month’s council meetings. He said we agreed that the City Manager and City Secretary would draft the ordinance. He read the first sentence of the ordinance. Motion was made by Councilor Gonzales, by Resolution 2014-08-02, to approve the first reading of Ordinance 2014-08-02 changing the speed limit around the Middle School. Motion was seconded by Councilor Salas. Motion unanimously carried. Councilor Stephens asked if this was 24 hours a day or only during school hours. The City Manager said the speed limit would be permanent.
13. Discuss and Consider approving the 180-Day plan for City Staff covering July 2014-December 2014. (E. Zimmer, CM) – Motion was made by Councilor Stephens, by Resolution 2014-08-03, to approve the 180- Day plan for City Staff covering July 2014 – December 2014. Motion was seconded by Councilor Gonzales. The City Manager said he provided the packet for this on July 15<sup>th</sup> to the Council. He said the copy in front of the council actually adds an additional item concerning communications. Motion unanimously carried.
14. Discuss and Consider authorizing the City Manager to enter into an interlocal agreement for E 9-1-1 Automatic Location Information Maintenance Services. (E. Zimmer, CM) – The City Manager said there is an Interlocal Agreement between the Rio Grande Council of Governments and the City of Alpine. He said as outlined in your packets, any interlocal agreement from a state perspective does require the local governing body to approve it and that is why it is being presented to the council today. He said the City of Alpine has to safeguard the equipment. He said we do that over at the old City Hall. He said the Rio Grande Council of Governments would be required to replace the equipment if it malfunctioned or went deficient. He said we have to stay current. He said we also do have a partner at the county that we work with. He said it is a fairly straight forward agreement. Councilor Stephens asked if it was in the budget and if we had any financial risk with signing this. The City Manager said it was provided through grant and we do not have per se a financial risk though we do indemnify each other. He said we have been operating with this system for years. He said we just upgraded the electrical system. Motion was made by Councilor Gonzales, by Resolution 2014-08-04, to authorize the City Manager to enter into an interlocal agreement for E 9-1-1 Automatic Location information Maintenance Services. Motion was seconded by

Councilor Stephens. Motion unanimously carried.

15. Discuss and Consider approving TML Legislative Policy Committee on General Government Meeting for Councilor Bermudez. This meeting will be held in Austin on August 15, 2014 at the Hilton Austin Airport. (A. Bermudez) – Mayor Rangra said Councilor Bermudez is not here. Councilor Salas said the meeting is next week. Councilor Gonzales asked how much money this trip would cost and did we have the money. The City Manager said there is still a little under \$3,000 in the Travel and Training Budget for the Council. He said we do have two new councilors with Salas and Stephens that would require some training dollars to be spent for them. He said he thinks it is a question for the council on how they want to spend that. Councilor Stephens asked if there were any other pending obligations to be made against the \$2,700. The City Manager said there were very minor TML quarterly meeting expense of about \$50. The City Manager said there is not a requirement per se for approval. He said as we are getting closer to the end of the year, you have a limited amount still in that budget. He said it is at the council's discretion. Councilor Stephens said the only question he would have and being new on the council, he does not know how the budget's are allocated, he said he knows we had about \$30,000 and there are essentially 6 elected officials and he does not know what the process is. He said he does not know how much his predecessor spent but he does think we ought to have an agreement on how this works. He said he wanted to make sure that we stayed underneath our budget. Councilor Gonzales said we do have two new people that need to go to training. He said he thinks \$2,800 should be enough to carry us until the next budget. Motion was made by Councilor Gonzales, by Resolution 2014-08-05, to approve the TML Legislative Policy Committee on General Government Meeting for Councilor Bermudez in Austin on August 15<sup>th</sup>, 2014 at the Hilton. Motion was seconded by Councilor Stephens. Dale Christopherson said he does not know if the TML meeting is focused on small cities or cities in general. He said if it does focus on small cities he would expect that they would discuss issues that they expect to come before the legislature at its next term. His question was if the absence of someone from the city of Alpine would really make a difference. He said it does not really seem critical to him. Carl Fleming asked how does the city pay for travel. He asked if people are given an amount beforehand to travel or is it handled as a voucher after they get back. Dallas Baxter said Councilor Bermudez is going into the last 8 months of two terms in office. She said it would seem to her a better use of our money to spend that on new councilors who need that training. She said the City Manager has pointed out that he is holding back on some expenses. She said with \$2,800 in the pot to educate two new councilors it seems to her that is the better use of this money. She said she would like to suggest that in the new budget this travel money be divided amongst the 6 members of the council. Mayor Rangra said in answer to Dale Christopherson's question about how many members are on this

committee, he served on these committees when he was councilman. He said what TML does, first of all, it represents every city, big and small. He said a good chunk of the members are from small cities, which are below 10,000 population. He said throughout the year at different meetings, they discuss the issues that concern cities. He said the cities are divided into three groups, large, medium and small and there they discuss the issues that are typical of the cities and they find some commonality. He said then the different committees look into different issues trying to find out if those issues should be brought to the attention of state legislators. He said then you have a super committee that takes those recommendations and votes. He said they wrangle for the issues that are important and then they send those recommendations and issues to the various state representatives. He said that is how it works. He said of course at the TML meeting there are workshop trainings for the new council members. He said there are also State Senators and State Representatives who come in and brief the audience about what is going on, what will impact the cities and then there are questions. He said that is how the system works. He said there is also a small city advisory group which only represents the small cities. He said these are all under the auspices of Texas Municipal League. Councilor Gonzales voted yes. Councilor Salas voted no. Councilor Stephens abstained from voting. Mayor Rangra voted yes to break the tie. Motion carried.

16. Discuss and Consider approving 2014 Appraised Values and Certified Tax Roll – City of Alpine. (E. Zimmer, CM) - City Manager Zimmer said in the packets he shared with the Council, the 2014 Certified Tax Roll that was presented to us by Betty Jo Rooney at the end of this last month. He said one of the requirements that we do have is to approve that within the local government. He said you have an outline there. He said the total appraised value, the total assessed value, the taxable value and what the value was under protest. He said one of the key elements is the City of Alpine does have to approve the certified tax roll and that is what we are asking the council to do this evening. He said if you have some specific questions about that we can dialogue that now. He said Megan is in here now and she can assist with answering any questions as well. Councilor Stephens said he has no idea what we are approving. He said Brewster County comes forward with this and we have an obligation to approve it but we do not have any technical basis to understand if it is right or wrong or whatever. He said it sounds like a formality but he does not know by saying yes or no what we are doing. He said he is just being candid. The City Manager said he hit the nail on the head. He said this is part of the formality process. He said we did bring in the Chief Assessor Matt White a couple of months ago and he dialogued about the process of the appraisals. He said we also had several residents within the community who went out and protested. He said that is what you will see there. He said in order to ultimately understand the final dollar amount after you establish the tax rate you do

have to have that certified tax roll. He said this is the tax roll that was presented to us by the County and we have to approve it. Councilor Stephens said as he understands the rate is remaining the same but the valuations have gone up. He asked if that was essentially what had happened. The City Manager said this is focused on the tax roll itself. He said we are not really looking at the tax rate at this juncture, he said we are looking at valuations. Mayor Rangra said so we are just approving the valuations and not the tax rate. The City Manager said that was correct. He said we will discuss the tax rate in the process in the next item on the agenda. He said without having a certified tax roll, then establishing a tax rate does us no good. Councilor Stephens asked how much the value went up at its percentage basis. He said is it a higher rate of inflation or a lesser rate of inflation. The City Manager said what we saw across the board was varied. He said we had some people say they had a 40% increase and some people had an 18% and some had lower than that but overall if you looked at it versus inflation we could comfortably say it was significantly greater than inflation and that was somewhat of an issue in the community for a couple of months when they first came out. Councilor Stephens asked who takes the appeals, the county? He said let's assume we approve this roll at whatever the number is and then someone appeals. Do we get review of that or is that the county? The City Manager said the review process is done by a review board out of the County Assessor's office. He said the Mayor, for example, is on the tax appraisal board. Mayor Rangra said on the first page it says total new taxable value of last year. The City Manager said it is hard to say a percent increase on actual valuation of properties because you have some newer properties that are constructed. Mayor Rangra said most of this increase comes at the request of the state. He said the county has nothing to do with it, and the appraisal board does not have much to say about it. He said we assess at a county level, the properties and how the appraisal assesses them is based on the sale of the property. Councilor Stephens said in part the reason he asked is because he sees a fair disparity between what commercial values are on the market versus what rents are, which would imply to him that the assessed value is significantly higher than what they are worth. He said knowing that is in here and he knows that sometime we are going to talk about the historic district and we are going to have to figure out how to work that, but as we drive up and down the business district we have a lot of empty buildings. He said if the assessed value is too high and part of our role is to make sure that we are bringing business into Alpine and it is tough for someone to make a business deal when something is significantly overvalued and they are getting hit on taxes. He said it sounds like we have no choice. Mayor Rangra said the City Manager and he talked about our business inventory and what kind of businesses the city has and what is needed and how we can get those businesses to come to Alpine. Mayor Rangra said maybe we need to get Matt to come again because Councilor Stephens is new so everyone can know what the numbers are. The City Manager said

we can have him at the next meeting. Mayor Rangra said we could have him for a discussion item. Councilor Stephens said he did not want to slow things up. He said it sounds like we have no choice on this and we have to go forward. The City Manager said if we do not approve the tax roll, we will have to within the next couple of meetings. Mayor Rangra said the City Council cannot make any changes to it. Motion was made by Councilor Stephens, by Resolution 2014-08-06, to approve the 2014 appraised values and certified tax roll for the City of Alpine, Texas. Motion was seconded by Councilor Gonzales. Carl Fleming said a person who is living in a historic House in Alpine, to find out the age of the house in Alpine is very difficult. He said the only way you could find out the age of a house is you have to drill down to three layers to get to a subdivision and then you have to have the address of the house of the subdivision to pull up the index card on that house. He said the people who own historic buildings in town get no tax relief for that. Mayor Rangra said it used to be the market value and now the state wants us to consider the replacement costs. Motion carried unanimously.

17. Discuss and Consider setting dates for public hearings on tax rate. (E. Zimmer, CM – The City Manager said he provided a very brief one page write up in the packets in preparation for the budget approval process. He said now that we have approved the tax roll then we have to address what we are going to do from a tax rate perspective. He said as we deliberate the proposed budget to the elected officials part of that will be a proposal around the tax rate for this next year. He said we must have two public hearings for the tax rate. He said the second hearing must come between three and fourteen days after the first hearing. He said we cannot have them back to back days or we cannot have one and wait three weeks to have the other. He said we were initially thinking on Friday that we would have the proposed budget out today. He said he has asked Megan and he has been working with her and we will have that out this week. He said what we are requesting today is that we start looking at or have you all kind of look at your calendars and say when we can have these two public hearings for the tax rate. He said we are also going to have to have a public hearing on the budget, too. He said we need to have the proposed budget out no later than August 15<sup>th</sup>, so provided the budget comes out no later than next Friday, we have met our charter guidelines. He said we want final approval of the budget no later than 15 days before the next fiscal year, so we would need final approval of the budget by September 15<sup>th</sup>. He said unfortunately we do not have two of the councilors here this evening but we do have to get some hard dates down where we say that we are going to have these two public hearings on the tax rate and the one public hearing on the budget. He said he is really focused more on the tax rate, itself. He said that is his request to have some dialogue on that. Mayor Rangra said we could have the City Secretary call all of the Council Members. He said Fitz is not here and Angie is not here. The City Manager

said since we are in an open meeting now, we put it on the agenda and talked about it. He said if there are any weeks that you as a group say let's stay totally away from this week, or stay away from these three days. He said let him know and that will help us narrow this down a little quicker. He asked if that was fair enough. It was discussed that we could have August 19<sup>th</sup>, September 2<sup>nd</sup> and September 9<sup>th</sup> as the two tax rate hearing dates and the one budget hearing date. It was discussed that we could have the public hearing on August 19<sup>th</sup> at 5:00 P.M. and then adjourn and come back to a regular meeting at 6. It was discussed that we could do the same thing on September 2<sup>nd</sup>, with a public hearing at 5 and the regular meeting at 6. It was discussed that we could have the public hearing on the budget on the 9<sup>th</sup> of September, at a special meeting at 6 PM. Motion was made by Councilor Gonzales, by Resolution 2014-08-07, to approve a special meeting on August 19<sup>th</sup> at 5 PM for a public hearing to approve the tax rate, September 2<sup>nd</sup> special meeting at 5 PM for a public hearing to approve the tax rate and September 9<sup>th</sup> special meeting at 6 PM for public hearing for the budget. Motion was seconded by Councilor Salas. Dallas Baxter asked how the citizens would get a copy of the budget. The City Manager said we would post it on line and if someone wants to have a hard copy they can come in and pay the fee to have a hard copy at 10 cents a page. The City Manager said you are probably looking at 75 pages. Motion unanimously carried.

18. 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 the council members email addresses are no longer on the website and also when the agenda is done and you are referencing an ordinance since they are not posted, she would like to have the ordinance number and what the change recommended is.

Dale Christopherson – said this meeting has lasted a little over two hours and that has happened along with permitting extensive public comment. He said he was not talking earlier about doing away with our association with TML. He said TML is certainly very important. He said he was just questioning this particular meeting.

Dallas Baxter – said she wanted to comment on the vote on item number 15. She said she thinks it was a reflection on very poor stewardship of the city's money, especially when we are coming to the end of a budget year and she thinks it smacks of a bit of favoritism.

Joseph Goldman - said he would like to ask what means do we have for addressing the appraiser. He said he just found out that the appraiser was

not even licensed when he did the initial appraisal on his property. He said he was still in training. He wondered what the path was to getting our representative on the appraisal board to discuss the actions of the appraiser. He asked if someone could tell him how that information was available.

**19. Council Member's Comments –**

**Councilor Salas** - said she thanked the public and the staff for their work and their comments. She said she was glad the citizens were willing to sit through these meetings and work through the issues to make it a better place for all of us to live.

**Councilor Gonzales** – said he would also like to thank everyone, especially the people who worked on the dog park. He said he thinks that was quite an accomplishment. He said there was a lot of volunteer work. He said he would like to see a little more of that. He said he thinks we are worth it and he looks forward to that.

**Councilor Stephens** – said he would like to echo Julian's comments about the dog park. He said he went there on Saturday and it is a really nice dog park. He said he thinks the Alpine dog park is one of the best dog parks that he has seen. He said he knew a lot of volunteer work went into that. He said there was a Ward 5 town hall meeting on the 3<sup>rd</sup> of July to cover a few items. He said one item was who he was. He said the second item was to open up some dialogue on some of the key issues in the city, get feedback from citizens and then talk about the appointment or process. He said they had the opportunity to talk about budgets and as we get ready to go toward the 2015 budget there is lots of discussion to get some sense about assets, liabilities and debt. He said he thinks it is an important part to share that information. He said they talked about one of the items that has been a big topic for discussion for our future and that is the sewer system and renovations and updates. He said they also discussed the proposed revisions for the Rules of Procedure ordinance. He said they had some feedback and dialogue on a whole number of subjects, one of which our City Manager has already put on the agenda to think about the next 180 days and that is how do citizens get feedback from the city about their questions and concerns and how do they get access about information. He said he thinks that will be very, very helpful. He said there were some concerns about speed limits and road flooding out to the Country Club Estates which is part of ward 5, particularly during the flash flood period. He said there were questions about street light parking and fracking long term impact on our infrastructure. He said a number of citizens raised the question about a nursing home for Alpine. He said there was dialogue about the need for some broader dialogue that talks about young families and their services and how do we help business owners. Also having a stronger relationship with the Chamber of Commerce and the implications of a historic district. He said this lasted for about an hour and one half. He said he just wanted to make sure that everyone knew what went on and the

feedback that occurred.

**Mayor Rangra** – said he wanted to thank all of the citizens for their patience and he thinks this was a pretty good session. He said a lot of people voiced their concerns and we would like to have dialogues like that more often.

Mayor Rangra read the items that would be discussed in Executive Session. He asked the City Attorney why we had to discuss item 20 B in Executive Session. The City Attorney said when you have a discussion about a particular person who is in office or an employee of the city and you are discussing the duties, rights, responsibilities and qualifications of that person, you can discuss that in executive session. He said that is under what is called the personnel exception to the open meetings act. Mayor Rangra said the next item was 20C and read that item. The City Attorney said that again is before there is any final closing of the investigation, you can discuss anything relating to the investigation in executive session. He said obviously the reason for that is so the investigation cannot be compromised in any way by a public discussion. He said that could potentially impose a liability on the city. He said that is the type of report that can be given in executive session. He said when all investigations are officially closed, those type of reports are normally held in public session. Mayor Rangra said one of the reasons he asked the city attorney is the question came from the audience and we had no way to answer that. He said he liked to have the Attorney tell us the reason. He said Texas Municipal League tells us or advises us all the time that we need to listen to our city attorney on issues which involve legal concerns. Motion was made by Councilor Gonzales and seconded by Councilor Salas to enter into Executive Session. Motion unanimously carried.

**20. Executive Session – Pursuant to Texas Government Code, Sections 551.071 (consultation with attorney) and 551.074 (Personnel Matters).**

- A. Discuss and Consider City Manager (Zimmer) Job Performance and Contract Review. (R. Stephens)**
- B. Discuss and Consider review and approval of job description and job posting of Assistant City Manager. (E. Zimmer, CM)**
- C. Discuss readout from FBI investigation into City Financial Matters. (E. Zimmer, CM)**

**21. Action After Executive Session –**

- A. Take Action, if any, regarding job performance and contract review for City Manager Zimmer. (R. Stephens) – Councilor Stephens made a motion that the council complete the job performance and contract review of our City Manager Erik Zimmer, to be completed at our August 19<sup>th</sup> City Council Meeting. Motion was seconded by Councilor Salas. Motion carried unanimously.**

- B. Take action, if any, regarding review and approval of job description and job posting of Assistant City Manager. (E. Zimmer, CM) – Motion was made by Councilor Gonzales to take no action. Motion was seconded by Councilor Salas. Motion unanimously carried.**
- C. Take action, if any, regarding readout from FBI Investigation into City Financial Matters. (E. Zimmer, CM) – Motion was made by Councilor Gonzales, by Resolution 2014-08-08 to authorize the City Manager to monitor the investigation until closed and keep the City Council advised. Motion was seconded by Councilor Stephens. Motion unanimously carried.**

**22. 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 3:45 P.M. on August 1, 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 3:45 P.M on August 1, 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