

**City of Alpine  
Special City Council Meeting  
September 10th, 2013  
6:00 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Councilor Angie Bermudez gave 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 and Councilmembers Bermudez, Davidson, Gonzales and Castelli were present. Councilor Fitzgerald was absent. Meeting notice had been posted at 5:30 P.M. on September 6th, 2013.**
- 3. Presentations, recognitions and proclamations –**
- 4. Reports –**
  - City Mayor’s Report –**
  - City Attorney Report –**
  - City Manager Report –**
  - City Staff Updates -**
- 5. Citizens Comments (on agenda items) –**
- 6. Public Hearings –**
- 7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –**
- 8. Information or Discussion Items – Hotel/Motel Tax Presentations for FY 2013/2014 –**
  - 1. Vast Graphics**
  - 2. Big Bend Ranch Rodeo**
  - 3. Alpine Cowboys**
  - 4. Alpine’s Gallery Night**
  - 5. Big Bend Balloon Bash**
  - 6. Big Bend Film Commission**
  - 7. Big Bend Ranch Rodeo**

8. Blue Sky Productions
9. Center for Big Bend Studies
10. Chamber of Commerce
11. Family Crisis Center
12. Historic Alpine
13. Museum of the Big Bend
14. Taste of the Big Bend
15. Tx. Cowboy Poetry Gathering
16. Texas Mountain Trail
17. Theatre of the Big Bend

Presentations were made by all of the above events seeking hotel/motel funding. Alpine Cowboys requested \$25,000. Alpine's Gallery Night requested \$35,000 (\$5,000 of which was for murals), Big Bend Balloon Bash requested \$10,000, Big Bend Film Commission requested \$25,000, Big Bend Ranch Rodeo requested \$20,000, Blue Sky Productions requested \$3,366, Center for Big Bend Studies requested \$10,000, Alpine Chamber of Commerce – Visitor's Center requested \$80,000, Family Crisis Center requested \$2,000, Historic Alpine requested \$1,500, Museum of the Big Bend requested \$35,000, Taste of the Big Bend was not present and did not make a presentation, Texas Cowboy Poetry Gathering requested \$15,000, Texas Mountain Trail requested \$8,200, Theatre of the Bend requested \$25,000, Vast Graphics requested \$99,725 and Viva Big Bend requested \$7,000. Cinco De Mayo and Kiwanis Club (4<sup>th</sup> of July) also made presentations. Cinco De Mayo requested \$20,000 and Kiwanis Club (4<sup>th</sup> of July) requested \$4,000. Cinco De Mayo and Kiwanis may be funded from the General Fund instead of out of hotel/motel funding.

**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 Temporary Emergency Resolution granting the Authority to the Mayor, to conduct business and duties of the City Manager, in place of the City Manager, in a limited interim capacity, if there is not City Manager in office, until a City Manager is appointed. (J. Gonzales)** – Councilor Gonzales said he would like to point out that after having evaluations of the item that he put on there he found that using the Mayor, to conduct business and duties of the City Manager is incorrect, so he has decided to change that a little bit. City Attorney Armstrong said Item 12 is to appoint an acting City Manager. Councilor Gonzales said he understands that the Mayor is not qualified but he would like to redo the Resolution on that. Councilor Gonzales said he would like for the item to read - Discuss and Consider a Temporary Emergency Resolution granting the authority to the City Secretary, Molly Taylor, to conduct business and duties of the City Manager, in place of the City Manager, in an interim capacity, if there is not a City Manager in office, until a City Manager is

appointed. Motion was made by Councilor Gonzales, by Resolution 2013-09-01, to approve a temporary emergency resolution, granting the authority to the City Secretary, Molly Taylor, to conduct business and duties of the City Manager, in place of the City Manager, in an interim capacity, if there is not a City Manager in office, until a City Manager is appointed. Motion was seconded by Councilor Davidson. Councilor Gonzales said after realizing that we could not put the Mayor in there, he thinks that we should put someone in there that knows a little bit about our day to day business. He said the City Secretary knows our Agenda items and the day to day activities. He said she will be doing this without additional pay. He said she will have the help of the Mayor, the staff and the City Council when needed. He said we have 8 applicants in one week's time and look forward to reviewing and verifying resumes for a permanent City Manager. He said they do not want an "interim" city manager. He said the City Council has already started advertising for a City Manager. He said if you are interested, submit your resume and let's see your qualifications. Councilor Bermudez asked the City Secretary if she would serve in this capacity, with additional duties and no added pay. The City Secretary said if the City needed her she would do it and the no additional pay was understood. Councilor Davidson said it was said that we did not want an interim City Manager but this was clearly an interim City Manager. Councilor Gonzales said this is word play. He said this would be an acting City Manager. Councilor Davidson said there is a precedent for this. He said in 2003 or 2004, the City Secretary did act as the City Manager while a search for a permanent City Manager was taking place. He said this is clearly something that the City Council has done in the past. He asked if it was our intention at the last meeting to actually ask for resumes of candidates for this acting position. Councilor Gonzales said "no". He said we actually asked for a City Manager, but realizing that we did not consider problems that might occur, he said moving first of all to try to make the Mayor that person, but realizing that was not possible, he chose Molly, because of her knowledge and being able to address it. He said in one week's time we have received 8 applications and he does not think that will be a problem but we do need someone for day to day stuff that is going on. He said we did sign up for it, by saying we did not want an interim or we did not apply for it and went straight to City Manager and the point he is trying to make is that the City Manager and the City Council is the one that runs the city. He said he thinks we will be able to help her do her job. Councilor Davidson said he has complete confidence in that himself. He said he was just wondering. He said he actually he applauds this decision from last week, from having no manager to having a manager and he thinks that would be the best for the City of Alpine, absolutely. Councilor Gonzales said he agrees and he thinks that is what we need to do. Councilor Castelli said he is troubled by this in the expectations on Molly. He said we have a City with supposedly capable managers and any place he has ever worked, if there was a void in management, people were

responsible for getting their jobs done and doing it. He said he is in complete support that Molly can handle this but should this be the City Manager duties or should it just be crisis intervention. He said being able to handle those situations when it has to go above the department head. He said he thinks she has plenty of work to do, with all her day to day work to do. He asked if that was fair to the council, or the citizens or to Molly. He said in this interim, if there is something that a department manager absolutely cannot handle, there will be someone to go to. Councilor Bermudez said she agreed with that. City Secretary Taylor said that is a good idea. Councilor Castelli said he heard of a crisis that happened last week that should have not happened and we have professionals that step up to the plate and run their each individual units. He said if there is something that is beyond that scope he would love for Molly to be able to assist them. He said to take care of and be actually responsible for all the issues that that can come up on a day to day basis, some things may just have to wait. He said these are extraordinary times for Alpine. Mayor Rangra said Molly can advise the council of emergency matters and we can have a special meeting for things that are very serious. Councilor Castelli said if the Mayor and Council are interested, he thinks it is a terrific solution but he thinks it should be limited. Mayor Rangra said the Mayor can call a special meeting to help. Councilor Davidson said even an emergency meeting within 24 hours. Councilor Davidson said we need a decision maker. He said the City Manager in a long term sense has his fingers in a lot of pies and in strategic planning. He said we hope to have that position in place, but we are talking about October. He said in the meanwhile, it is readily apparent that we need someone who can make a decision and say yay or nay, this or that. He said Molly does not need to follow in Chuck's footsteps and worry about the sewers or the long term. He said she needs to keep the daily office running and keep the finance director going and engaged and coordinate the communication. He asked if that was kind of what we had in mind. Molly Taylor, City Secretary said she would stay in her office, and handle any emergency situations with the help of the Council, the Mayor, the City Attorney, the Finance Director and anyone else that she needs to ask for help and between all of this try to make a decision that would be suitable in that particular situation. She said we have to have someone. She said if you want me to do that, it is fine, I will be amenable to that. She said I am not going to do the day to day operations. She said she will just act as the person in charge, if that is what you want her to do, on an emergency type basis. Mayor Rangra said we have quite a few department heads calling and asking who is in charge. He said he told one council member that the five councilmembers were. He asked if they wanted to come here every morning at 8 AM and sit there and make decisions. He said the council member said no. He said he thinks it is good to have someone that the employees can go to. Councilor Castelli asked if we needed to amend the motion to add limited. The City Secretary read the motion again. Councilor. The City Attorney, John Armstrong,

said the motion was stated and if the council was happy with the motion, he was happy with the motion. Mayor Rangra said his happiness depended on if this was legal. The City Attorney said it was legal. Bob Litton said he just wanted to second one of Councilor Castelli's remarks and point out that the need here basically, as he understands it is to have a liaison for the City. Motion unanimously carried.

10. Discuss and Consider funding for Kiwanis Club 4<sup>th</sup> of July Celebration and Cinco De Mayo out of City of Alpine budget, not hotel/motel funding. (J. Gonzales) Sheriff Ronny Dodson said he heard about all the hotels being full and most of these events fill his motel too. He said they were here today to see if they could receive the same amount of money that they received last year for the 4<sup>th</sup> of July festival, \$4,000. He said 4<sup>th</sup> of July is one of the major holidays and lasts a whole day. He said no matter what day it falls on, that is the day the Kiwanis have the celebration. He said they have the City of Alpine logo underneath the Kiwanis. He said this year they added a car show with prizes. He said they had some out of town judges and it was very successful. He said the crowd was very large. He said all the other events are happening because of the 4<sup>th</sup> of July coming here, that do not show up here and ask for money. He said they have a fireworks show. Rhonda Cole said her husband and son put on the fireworks show and they try to keep that at a minimum. She said it is really a nice event. She said there are thousands of people there. She said she realizes that the hotel/motel is iffy on this, but the hotels are full for the 4<sup>th</sup> of July and she does believe that this event would qualify. Elidia Polanco made a presentation for the Cinco De Mayo event. She said this event is every year and this is its 21st year. She said this is a cultural enrichment event. She said they have music contests, food and dancing and lots of activities for the community and the surrounding areas. She said this is an event that is very appreciated by our Hispanic community. She said she would like to expand some of the activities to the schools. She said they have vendors that come in from out of town, even other states. She said they had a very successful car show this year. She said they get to show off our parks and they appreciate all the city does for them. She said they would like to continue to have this event provided by the city. She said they try to have some fund raisers so they are not totally dependent on the city. She said most of the money that the city provides covers some of the expenses. Councilor Bermudez asked if this was the first year that Cinco De Mayo started the scholarships. Elidia said yes, as far as she knows. Councilor Castelli said this is an important event and he said according to the agenda this event will be funded by the city and we do not have any rules on how you will spend the money. He asked how that would affect how much money they spend. Elidia said if we take the different route it would certainly help them. She said it puts a lot of pressure on them as to how much and where and what. She said this would help them tremendously, if they were put in a different category. Councilor Gonzales

made the motion, by Resolution 2013-09-02, to approve funding for the Kiwanis Club 4<sup>th</sup> of July event and the Cinco De Mayo event from the City of Alpine budget and not from the hotel/motel budget. Motion was seconded by Councilor Bermudez. Councilor Davidson said he wanted to ask the finance director about funding this out of our budget and if it had already been included. The finance director said it had not been included and asked what the totals would be. Councilor Gonzales said \$10,000 to Cinco De Mayo and \$4,000 for the Kiwanis Club 4<sup>th</sup> of July celebration. He said that would make it \$14,000. Councilor Gonzales amended his motion to – Discuss and Consider funding the Kiwanis Club 4<sup>th</sup> of July celebration in the amount of \$4,000 and Cinco De Mayo in the amount of \$10,000 out of the City of Alpine budget and not hotel/motel budget. Amended motion was seconded by Councilor Bermudez. The finance director said since we have advertised and done all of our publications on our proposed budget, we will have to look through and maintain in one fund, reallocating funds to find the \$14,000. She said we will be adopting the budget at next Tuesday's meeting so she will make a proposal at that time, working with the department heads on where we can find this money in General Fund. Councilor Davidson said neither one of these proposals included advertising and they are way down the line so really they will not need the money until April. The Finance Director, Deborah Pattison, said we have advertised based on each department budget so we will need to stay within the General Fund to find this. The City Attorney said we do not need an amendment. The amendment carried unanimously. The original motion carried unanimously.

11. Discuss and Consider donating tables, from the 168 tables taken from the Civic Center, and stored at the Sunshine House, to non-profit organizations. Montessori School would like 10 tables and Keep Alpine Beautiful would like 7 tables. (J. Fitzgerald) – Motion was made by Councilor Bermudez, by Resolution 2013-09-03, to donate 10 tables to the Montessori School and 7 tables to Keep Alpine Beautiful, from the 168 tables taken out of the Civic Center and stored at the Sunshine House. These organizations are non-profit organizations. Motion was seconded by Councilor Davidson. Councilor Bermudez made it clear that these were the little square bar pedestal tables and not the new tables that we had just purchased. Motion carried unanimously.
12. Appoint an Acting City Manager with full authority to act, for the time period of the present until a permanent City Manager has been appointed and qualified. (M. Davidson) – Councilor Davidson said he would like to remove this item.
13. Discuss and Consider and act upon approving contract with Hardin & Robbins, LLC for financial accounting audit of revenue generated by, or available to be generated by, Municipal Court Operations. (M. Davidson) –

Councilor Davidson said the Municipal Judge has expressed a strong interest in performing an audit on the Municipal Court finances and also back earlier in the year when we were dealing with some accounting irregularities in general, he said the Council agreed as a whole, unanimously, that we needed to do some more specific audits. He said he thinks this is a good way to start out and we have the very professional experience of a provider that is going to help us out. She said this will help us walk through the process that we may want to pursue with the other areas of interest at some later time. Councilor Davidson made a motion to execute this contract and begin that process immediately, by Resolution 2013-09-04. Motion was seconded by Councilor Bermudez. Deborah Pattison, the Finance Director, said he thanked Judge Schlosser for coming forward on three separate occasions and wanting to run a very professional municipal court and coming to the council and asking for assistance and training processes and procedures, just the mechanics of the day to day court operation. She said Hardin and Robbins has worked in this industry for many years. She said Margaret Robbins is a Judge herself and she has trained Judges and Court Clerks across the state of Texas and has even taught the Comptrollers auditors. Deborah said she has worked with her in a prior audit in another location where she did a four year comptroller audit and did an extremely thorough and comprehensive job that revolutionized how that court was run. Deborah said she would like to have the Judge and Margaret both speak on this. Margaret said she would like to thank the Council for giving her this opportunity to be here and do a presentation. She said she has been in the Court System in some capacity since 1978. She said she is currently a Judge. She said a City called her in because they had problems and it took her eight months to clean it up. She said they appointed her as an Associate Judge and then after she got it all cleaned up they were afraid to turn it over to anyone else, so they begged her to stay. She said she had been there as presiding judge in the city of Montgomery for three years. She said she is sometimes a consultant, sometimes an auditor, sometimes they court her as the Court Administrator and sometimes she is the Judge. She said she has acted in all capacities to help the court. She said she was the program director for the Texas Municipal Courts Education Center, the Agency that trains Municipal Judges, for 21 years. She said during that time she has taught the judges, the prosecutors, the bailiffs, the warrant officers, the Court Administrators and developed the three level certification program for the clerks. She said during that time, she also worked for the courts doing some of the things that she does now. She said when she did retire from the center, the Texas Legislature honored her with a Resolution, thanking her for her work with the trial courts. She said they did not know that she was not done yet. She said she started her consulting business. She said what she found out when she was teaching and working, was that courts have become extremely

complex and the clerks and the judges struggle with how to implement all these changes and these complexities. She said she decided it was time to come out and work with the court. She said she knows every aspect of the court from how the prosecution works, what the judge should do, and how the executive administration of the court should be. She said what she has found in all the courts she has been in, not one court has had all of their court costs right. She said most of the courts assume that the vendors who have the software, have put the court costs in correctly. She said there is not one city that has had their court cost correct. She said one of the things she usually does is make sure that those get corrected because that is a liability. She said if they are not correct and you get audited by the comptroller's office and they go back four years and they will fine you because under statute the court has to allocate the first monies received to Court Costs. She said the State wants their share first. She said you get the second bite of the apple, because then the fine is paid. She said one city, a fairly large city, had software and the clerks were actually correcting the money correctly, but the software, and they did not realize it, was not allocating it properly. She said they got audited by the comptroller's office and they ended up having to pay the comptroller's office \$180,000. She said that is one of the areas that she always looks at. She said she looks at how the processes are performed because depending on if they are correct or incorrect, that affects how the money is collected and how it is allocated. She said when she goes in and does an audit, it really covers everything. She said she makes sure they have the proper forms because without the proper forms sometimes the money is not right because it does not set it up properly. She said she reviews all the forms and processes. She said all the courts she has been in, have a back log and yours is included in this. She said that is from some prior judges. She said what has to happen under the State Library and Archives Commission, they set the rules for records retention and destruction of records. She said in the court, they changed it last year. You cannot destroy any cases until they have been totally disposed of and you have to keep them for five years. She said if you do not go back and fix and clean up your back log you are going to have those sitting in your court forever. She said you have to go back and get that cleaned up and get them to the point where they are disposed of so the court can destroy them according to the state library requirements which is not five years. She said she will tell the Council that in all the cities she has worked in, she worked closely with the City Attorney, because in the court you are dealing with people who have rights and you are dealing with issues that have to be correct. She said you have no choice because if they are not correct you are opening yourself up to a law suit. She said she has actually been sued in Federal Court so she understands how that all works. She said your Judge has that whole umbrella of immunity and your clerks have qualified immunity and what is important to your judge is that you have a court that is run properly, that is up to date, that has the proper

forms, and that money is managed properly. She said she would tell the council, yesterday when she was here she looked at some of the deposits that the court had made from the finance department and how they have to disburse this money. She said you have local court costs and you can use that money for any lawful purpose. She said you have dedicated funds. She said you have a restricted fund that is missing and it deals with Judicial efficiency and the revenue for that comes from two different court costs. She said she checked the software that we have and it is not set up in there properly. She said we will have to get with the vendor to correct that. She said what she wants to do is also commend the Judge. She said you have someone here who really cares about the citizens and the people she sees in the court who she wants to ensure that she is handling them properly, fairly, effectively and efficiently. She said in fact the Code of Judicial Conduct requires her to do that. She said there are judges who have been sanctioned because their court was in a mess and complaints were filed against the judge. She said the commission has actually sanctioned the judge for that. She said the Commission on Judicial Conduct requires the judge to be responsible for all of that. She said you now have a Court of Record, which is a little bit different than the non-record court. She said the majority of the courts in Texas are non-record so they are handled differently. She said this gives the Judge much more responsibility for the operation of the court. She actually can be held responsible if it is not operating properly if she does not handle this backlog and these defendants properly. She said she can help her. She said her auditor is a little different from the city auditor, for instance. She goes in and will make sure that the money is collected properly and she will make sure all the processes are handled properly, so the money comes in and is allocated properly. She said she will also work with finance to make sure they have the proper funds set up. She said when she got here, Deborah showed her, because she knows there has been a lot going on in the city, and one of the quarterly reports to the state comptroller's office was late. She said they have submitted the money on that but unfortunately what your city did not know is if you submit those late to the comptroller's office, you can't keep your service fee. She said she would suggest that the City be proactive and get that sent in and get that taken care of. She said she worked in one City close to Austin and the Judge was in the news with all kinds of things going on. She said she got a letter that they were going to be audited. She said she suggested that the city be proactive and clean that mess up. She said she helped them clean it up so that when the auditor came in there she was sorely disappointed that they were not going to get any money. She said they put it back where it should have been. She said they were very proactive on that and we got that taken care of. She said she loves working in courts. She said generally she finds that courts are staffed with wonderful people, hard-working and that they care. She said through the years, courts have become extremely complex. She said there needs to be somebody who

will come in and help them walk through that. She said she got to visit with their Judge today and they appreciate each other because she cares and she is standing up for what she knows is right so that you will have a court that you will be proud of. Judge Schlosser said she wanted to commend Deborah and the Council for putting this on the agenda and she is sure that you can tell that Margaret Robbins is a legend. She said everyone at TMCC knows Margaret and everyone knows and has been a clerk to courses that she has taught. She said she wrote the courses. She said in their conversations today, her priorities, which were to get their collections where they should be, and she had three suggestions for that. She said Margaret had already written them down previous to that. She said we absolutely understand what needs to be done in terms of getting collections where they should be. She said we need a third party vendor to have an internet and credit card payment line. She said the whole idea that we have not been connected to OMNI base frightened Margaret as much as it has frightened her. She said you know from the written reports that she has given the Council and the former City Manager that these are things she has been requesting for some time. She said what we are going to get from Margaret is a report that prioritizes those. She said under efficiencies, you are going to have those things, those three things are going to be the top three things, priorities, in how to increase revenues and that is going to be on the finance side, and then there will be an accounting side and then there will be a court operations side. She said there will be multi facets to this report and you will have it all in writing and then we will have a document that we can handle our court. She said in addition, when that restrictive fund is set up, we will have money to send our clerk to training, which is essential to having our court run properly these days. She said everything Margaret said was right on target in terms of our court costs. She said court costs are extraordinarily complex and every two years they change on us. She said even when they change two pennies here and three pennies there, the software companies struggle just to keep up with all of that. She said as you heard today, our brand new software company is inaccurate in the way they are reporting costs. She said we now have an expert who can come in and fix that and work with our software company to get our reports generated correctly so that when the Office of Court Administration looks at them, there is not only no red flags, but we will be a model court for the State. She said that is really what we want. She said she really congratulates the Council for moving quickly and Deborah, the credit where credit is due and Councilor Davidson for putting this on the agenda. She said she hopes fervently that they will vote for this motion. Margaret asked if they had any questions about the audit. She said it is more comprehensive than any other audit you will see. She said she does back it up with all the law that makes these requirements so that you will understand where that came from. Councilor Gonzales asked how long this audit would take. Margaret said it depends. She said sometimes we can do an audit in just several days and

sometimes it depends on if she finds initially a lot of things that need to be looked at, it is longer. She said she anticipates that the audit here will take probably several days at least. She said she needs to take a look at the backlog of cases to see what the issues are. She said she needs to make some recommendations as how to best handle it. She said we are a small court without a lot of cases. She said she worked in one court where her hands touched 48,000 cases. She said she left that city with a 600 page report. She said the City of Alpine report will be much smaller but it will be extremely detailed because she does not want to miss anything. She said the court deals with people with rights so we need to make sure. She said the audit will probably take five days at the most and then it will take her a week or so to prepare the report and then she would like to come out. She said usually the report goes to the City Attorney because you are dealing with the court and legal issues. She said in all the cities she has been in to discuss the report, generally they do it in executive session. She said that will be so that you can see how that all works. She said the Judge of course will be familiar with any of the issues because she works closely with the Judge and the court's staff. Judge Schlosser said her backlog is cases that are over two years old and almost all of them are over three years old and that creates a legal problem that she has written about to the city attorney. She said she has already briefed her on it and we are going to give Margaret the paperwork so she can confirm those facts and make sure that we get some action on it. She said we did clear all back cases, that are less than 2 years old and have gotten them off that old status. She said we got that taken care of and now the clerk is working on the cases that are over 2 years old. Mayor Rangra said the state expects a certain amount for each case and wondered what that amount was. Margaret said it is different for the type of offense. She said for certain offenses it is \$97.10 and for other traffic offenses it is \$97.00. She said for ABC penal code, it is \$64, for City Ordinance it is \$64 for the offenses in which peace officers actually file the charges. She said Code Enforcement is only \$59 per case. Mayor Rangra said when a case comes before the Judge and a case is dismissed, the person still has to pay the fees. Margaret said if the case is dismissed the person does not pay anything with one exception. She said when you contact the DPS for the failure to appear program, to deny renewal of driver's licenses, on dismissal, you still have to collect that \$30 fee from them. Judge Schlosser said right now our OMNI base DPS is not functional and has not been for over 3 years so we are not collecting the \$30. She said that is a huge thing that she had been advocating for and Margaret is going to talk to us about. She said it is very simple to do and it does not cost the city any money. She said it would be very simple to put in place. She said we waited for Hill Country to come in because the previous software person could not get it corrected. She said Hill Country has been in place for a year now and you will see in the letters to the City Manager that she has repeatedly requested, almost monthly, that they please get that contract signed. She

said she is sure that will be one of the first things, since that was one of her top three priorities. She said it does not cost us anything and we just need to get it done. Mayor Rangra said if we have to pay to get this done properly, that would not be a problem. Margaret said the city does not pay, the defendants do, because they fail to appear. Judge Schlosser said that is where your revenues for tickets written for people who do not live in the city, that is the only way to collect those monies because we cannot bring them to court. She said the only way we can do that is to participate and have this easy payment method, like this on-line credit card payment which is a third party vendor and they are paid by surcharge. She said that is no money to the city either so that will bring in a tremendous increase in our revenues, because that is all out of city payments where people want it to be convenient to pay. She said the second thing is that people will not be able to get their license renewed, once we get the contract signed, because DPS will have a hold on it. She said that is why that \$30 is there. She said it is a service that brings in so much money that it is well worth it. She said most cities understand that and she knows the City of Alpine will too when we see that big jump in revenue. Mayor Rangra said Judge Schlosser said we purchased the Hill Country Software System a year and a half ago. Judge Schlosser said the Court got it at the same time the Police Department got it, over a year ago. Mayor Rangra said Judge Schlosser said that it had not been set up correctly. Margaret said that is correct. She said she has not looked at all of it but she was looking particularly at the money, but they are not the only ones. She said every single vendor that she has worked with, none of them are correct. Mayor Rangra asked what the problem was. Margaret said their court costs were incorrect and the law requires cities and counties to use the fines collected from traffic only for the building and maintenance of roads, bridges, culverts or for law enforcement purposes. She said the system has to be set up in order to split those fines out so they can give the Council a report on that at budget time. She said those are some of the other issues. She said a lot of the other issues are they don't have complaints or the complaints they have are set up improperly. She said they have the offense categorized incorrectly. She said they will put some of the traffic in state law because it is like no Driver's License and that is still traffic. She said a lot of those offenses depends on how you categorize them. She said they get the right court costs or they get the wrong court costs if they are not categorized correctly. She said she goes in and checks all the offenses. She said she checks all the default tables and makes sure each offense has the correct court cost added to it. She said this audit is the first step in recovery. Judge Schlosser said no matter how good our software is, if our clerk has not been to training it does not matter how good our software is. She said the Council probably knows this from her reports but our Office of Court Administration Reports that are due on a monthly basis went nearly a year because our clerk had not been trained even with repeated requests by her to the City Manager

directly. She said she finally got it in writing and even then she had to call Hill Country Software herself and demand that they come and someone cancelled the meeting after she scheduled it and when she got there that day she called them again and she said she did not care who cancelled the training, they needed to be here. She said they came, thank goodness. She said that is the only reason our Court Administration monthly reports are now being filed. She said unfortunately they were only able to spend one afternoon with our clerk and that is the only training she has had. She said we are now filing but it is not perfect. She said what you can see from this is no matter how good the reporting from HCSS is, we still have to make sure that our clerk is properly trained to enter the data and make sure the reports are being printed and filed on a timely basis. She said she is not trying to pick on any one aspect of it but you are going to be getting a request for us to send her to upcoming training in October and to spend a little money to have HCSS come here and do some more training on our system and also with Margaret to make sure that our DPS contract is placed into the software correctly. Mayor Rangra said you can have the best software but if you don't train a person correctly, garbage in and garbage out. The Mayor said he did not get this information. He said he had to read it in the newspaper. Judge Schlosser said the Council will be getting monthly reports from her. Mayor Rangra said she needed to give this information to the City Secretary. Judge Schlosser said the City Secretary did have this information but she thinks her hands were tied by the City Manager. Bob Litton asked about the restricted fund and why it was missing. Margaret said there are two restricted funds. She said one is for a technology fund and one is for a security fund. She said those are restricted to specifically use those funds for those issues. She said the one that is missing is the Judicial Efficiency Fund. She said the Judge defines the Judicial Efficiency Fund and it can be for anything that makes the court more efficient. She said each court is different in what their needs are. She said that has not been done and that has been restricted to only those types of uses. She said once we get the fund set up in each budget the Judge can put things in that will make the court more efficient but it will be paid by defendants who pay court costs because that is where the money is coming from. Motion carried unanimously.

- 14. Discuss and Consider evaluation of City Attorney and status with City of Alpine, and action from evaluation, if needed. City Attorney requested that this evaluation be held in open session instead of Executive Session. (Pursuant to Texas Government Code, Subsection 551.074, Personnel Matters) (M. Castelli) - Councilor Castelli said it should be no surprise to anyone in this room that the city has been in dire straits. He said realizing that he is the newest person on the Council, it is a learning curve for him and for a lot of us. He put this on the agenda in desperation. He said this is a situation that is going to require a lot of work and coordination on everyone's part to turn this city around. He said it is not going to be easy**

or cheap or quick. He said we have got to do some things. He said we have got to change the way we do business. We've got to change policies and culture. He said up until recently you could keep your job with the City of Alpine until you were a convicted criminal. He said that was the only grounds for termination. He said it is starting to infiltrate the city that people can be terminated for not doing their job. He said it is that simple. He said tonight we have an example of someone not doing their job. He said an obstructionist attitude and he can certainly cite several different items and he would be more than happy to but in terms of his understanding of his contract with the City of Alpine and the clauses state the reasons that you can be terminated. He said one of those is for dishonesty. Mayor Rangra said we do not have a contract with the City Attorney. He said that was a work in progress. Councilor Castelli asked if we had a valid contract and Mayor Rangra said no. The City Attorney said he wanted a contract. Motion was made by Councilor Davidson to postpone this. He said at the last meeting Mr. Castelli was very passionate about the fact that we needed to establish an evaluation procedure. He said he knows the city has had one in the past and an annual employee review. He said our City Attorney came on board in December and he thinks as a new hire it is a good practice to review performance after a certain period of time. He said that review has already taken place and in light of the desire to have an established review and evaluation process that Mr. Castelli and he were going to bring back suggestions at the next regular meeting. He said he made a motion to wait until that process has been completed and then we can treat all the employees that we evaluate with the same process. Mayor Rangra asked for a second. Mayor Rangra asked for a second again. He said the motion died for lack of a second. Councilor Castelli said back to the situation at hand he will address those concerns. He said yes that was an issue that he made because during the July 16<sup>th</sup> review without structure we spent an awful lot of time with someone pontificating about their views of the future of the City of Alpine. He said that is not a relevant issue for a performance review. He said in last weeks meeting as a result of a new regulation made, he advised the Attorney and the City Manager if he had a question he was required, if he had a question during their report, to notify the City Secretary 72 hours before so they could be put on the agenda before he was allowed to ask that question. He said that is obstructionist. He said in light of that new regulation, he put on the agenda the 2 items that he intended to ask about. He said they are two Code issues. He said he put the people's names, addresses, the issues and his name as the person who was going to ask the questions. He said he was following the new rules. He said if you are going to give him a new rule then he will follow the new rule. He said now you have 72 hours. He said to back up the situation, he brought literature to pass out and he was interrupted by our City Attorney and was told that was against TOMA and he could not give it out. He said he ignored his advice and he continued to do it only to return to this desk at the council

desk to be told that he could not give it out because it was not a part of the official packet that the council received. He said at his place at the table were five new city documents for his review that were not included in the packet. He said that is obstructionist. He said that is not the first situation. He said we had a situation at the meeting before. He said an issue was made that at the public comment period, the public cannot make public comments without a 72 hour notice again to the City Secretary. He said he questioned him at that point and asked him if he was sure. He said the City Attorney responded. He said he had done the research. He said then how 2 weeks later did we turn out a complete 180 degree performance by our City Attorney. He said now we can do it so now we are back to where we were. He asked if the law changed over 2 weeks or did our opinion of what we want to accomplish. He said our agenda is changed. Councilor Castelli said he was curious about how we are improving the quality of our city and how things are moving along, why the City Attorney chose to house the finance director and the city manager in his home. He said to him it seems that we need to have a little separation in that. He said the fact that the three leaders of our city all reside under the same roof, he will be glad to hear Mr. Armstrong's explanation. He said he cannot believe we are paying these salaries and people cannot live on their own and independently. He said in an issue that is relevant to Ward 5, he was brand new and only had one issue for his part of the evaluation and that was brought to his attention by a few people, a couple in Ward 5, that they had run into the City Attorney at the Saddle Club and inquired about the situation with Vic Horn and he told them that because of a prior relationship, he would have to recuse himself from pursuing that issue with Vic Horn on the code violation. He said the City Attorney said that was absolutely false and there was no conflict and he could pursue it for us. He said that was on July 16<sup>th</sup> and on July 22<sup>nd</sup>, Councilor Castelli put in a formal request to the City Manager to follow up on that issue that has been going on now for 18 months. He said tonight he would like to know what concrete item has been done to pursue this because it was brought up last week during the report period and we were assured that we were in touch with Vic and that it was going to be resolved. Councilor Castelli said he received two calls from Vic today, one leaving him a message as though it is day one that he understands that Councilor Castelli is concerned and he is right about his running a business in his home. He asked where is all this coming from? He said by now it should be ready to go to court and the judge should be hearing it in another week. He said he would ask the other members of the council if they have any reason that they would like to express to do the same because his intentions in this are that he would like the council to make a vote of no confidence and ask for the City Attorney's voluntary resignation. He said with that voluntary resignation or with the vote of no confidence, we can get the support through the TML and the attorneys at the TML to provide us with the legal advice to terminate his employment.

He verified today that in the course of our city, we use this ongoing investigation as a reason to not be able to do the things that we need to do. Councilor Castelli said he verified with the District Attorney's office today that no decision the council made regarding the City Attorney's employment would affect the ongoing investigation in the least. He said that seems to put that issue to bed. He said he has said enough for now. Councilor Castelli made a motion to take a vote of no confidence with a request for voluntary resignation from our City Attorney, by Resolution 2013-09-05. Motion was seconded by Councilor Gonzales. The City Attorney said he does not know where to begin. He said innuendos and rumors, the inability to understand facts and not listening to what is actually said in the council meetings. He said it is hard to argue under that set of circumstances. He said the Vic Horn allegations....he said we all know that Councilor Castelli has had some issues with him for a long time. He said he does not have any feelings about him one way or the other. He said he did have a legal relationship as he told Councilor Castelli in his prior evaluation. Councilor Castelli asked what he had done since his review. The City Attorney said "don't interrupt me!" Mayor Rangra said to let the City Attorney speak. The City Attorney said when Vic came to his attention from the City Manager, it was right before the last court and he did not have the proper processes and he talked to the Code Enforcement Officer and that is how you handle that. He said as City Attorney he does not go around persecuting or prosecuting people until the valid complaint has been filed. He said we have a document called the constitution and it gives defendant's rights in our court. He said we were talking about some of these rights earlier. He said what you do in this particular instance and he thinks Mr. Polanco would validate that, is that you give a notice to the individual that is being claimed against to give them an opportunity to rectify the situation. He said that was done and he has a copy of that notice. He said he had a copy of that notice at the last Council meeting but he was sure Mr. Castelli did not try to get a copy of the notice. He said in fact he had an email from Mr. Polanco today that indicated that compliance had been achieved. The City Attorney said he looked at the photo that Mr. Polanco submitted to him and he suggested that we have another issue that we might need to take a look at. He said but that is his job and not the City Attorney's. The City Attorney said in tons of open records and open meetings he is a slave to that. He said he does not know about documents at the table but he does know about documents that he can see or deal with. He said he does not like documents showing up at the last minute, unless they are part of a department report or a last minute idea. He said he does require that the public have notice first of items that are to be discussed, and that the individuals who are or could be involved have the opportunity to come to this council and discuss it. He said we have a very loose process. He said he had proposed to the City Manager a complete revision of the procedure ordinance including the previous resolution and previous procedure ordinance and ensuing

complete public comment but also cutting down the amount of comments that are able to be made. He said it is a good ordinance and it is used in many cities. He said he never had a bad experience with it in the past. He said he finds it interesting that the concern about the Texas Rangers investigation. He said the audits that this City Council has received, for at least 6 years, contain the problems that were mentioned in the last audit. He said the only difference between the last audit and the previous audits is your city Attorney, who took it seriously and who dealt with it. He said he will not get into particulars right now although he would be happy to, but what has been uncovered, and he is not suggesting criminal activity, shows massive and systematic ineptness and incompetence and possible defalcation. He said we have to follow a process in order not to embarrass those that are involved and in order to properly prosecute if necessary those that are involved. He said moreover to get a proper base line that this city can work off of to move forward in the future. He said is that his job – no. Does he support that effort – yes. He said he has been shepherding that effort – absolutely. He said you worry about pettiness but major issues need to be tended to. He said he thinks you get what you deserve and if you go in that direction, God help you. He said there is not an attorney within 100 miles of here that has his 28 years of legal experience and his ability to deal with these situations on a day to day basis that do not even need to be discussed. He said in terms of the former City Manager, he no longer lives here and the finance director lives in an apartment at his property. He said he guesses that would go under the category of no good deed goes unpunished. He said he has attempted to be generous and kind. He said he did not know the finance director before she set foot here, but he offered his home anyway. He said he knew that we had a crisis and he knew that we needed competent help and he knew that if he could offer something to the City of Alpine and have this kind of crap brought up it is beyond disgust for him. He said he is not angry, he is disgusted. He said for him to do something nice and kind and be treated in that fashion....He said my goodness what a terrible thing. He said what a shameful thing. He said in terms of dishonesty, he has been an attorney for 31 years, 32 in May. He said he has never had one grievance filed against him and he has never had one professional disciplinary action taken against him. He said he has a rating of AV from Hubbell. He said attorneys out here do not even know what that is. He said “A” stands for highest legal ability and standards. He said “V” stands for the highest professional integrity and to get questioned like this by someone who has less than 3 months of city experience is amazing. He said he loves it here in Alpine and he will continue to work here and he will not resign. He said he was thinking about it but now he is absolutely positive that he will not allow that to happen. He said he is not going to allow the council to try to squelch the good work that has taken place over the past few months, the good investigative work. He said the real first time ever an ability of this city to cleanse itself. He said you witnessed one

example of that just earlier. He said believe it or not, he had to fight to get that on the agenda. He said it was something that needed to be done but we moved quickly when we found out what was going on. Councilor Castelli said he did verify that there is a large law firm in Austin as well in San Antonio and with the ability with modern technology there are resources available to us by teleconference for city council meetings and they have a whole staff of lawyers and they specialize in dealing with evil issues for small communities. He said so in terms of having a legal resource for our city, we have that resource available. Councilor Davidson said he felt we need to let the other Councilmen comment as we go. He said he thinks that is a great idea. He said he thinks he will exercise his right to teleconference to the City Council meetings. Councilor Davidson said Councilor Castelli, he thinks, personifies one of the serious problems that the city has had for years, who takes things personally. He said it is all about personal attacks and what people overhear. He said we investigated on time if there was any way that we could require that employees live within the city limits and it is very clear that you can make no request about where people live. He said he will agree with the City Attorney. He said you have people that come into this city and hit the ground running and then have to take the time to move their homes, move their families and find a place to live and they have been working tirelessly to help out the problems in the community. Councilor Davidson said Councilor Castelli stated a falsehood. He said he said that you have to be accused of some kind of criminal activity to be terminated. He said we had a City Manager who was terminated and he is not an attorney but if he had somebody imply that I was guilty of criminal conduct in an open meeting like this, he would probably talk to somebody even though this person is kind of persona non grata. He said this was first brought up inadvertently after the appalling audit that we received. He said there was a quick special meeting called that was going to discuss the City Manager and appropriately or inappropriately he was not able to attend at the time. He said there was a quick, a very well set up organized plan to adjourn that meeting before anything could take place. He said nothing happened at that meeting. He said by the consistent advice of the attorney we did a very methodical review of the City Manager and allowed him to have Counsel, full benefit of the law that the constitution, and city charter and everything provides him. He was terminated and has not been accused, much less convicted of any wrongdoing. He asked was he a good manager? He said we do not need to talk about that. He said what happened is this person was terminated and did not have grounds for a lawsuit against the city for unlawful termination. He said he cannot even get unemployment because of the careful methodical work that our city attorney has done which was the first problem that had to be solved before this city could turn around and there are people who are sitting here at this table today that did not vote to terminate him and who wanted the protected status quo of the previous system and the way things have

worked. He said he is going to take his hat off to the City Attorney for all his tireless efforts and he is amazed that he just does not get up and walk away. Councilor Gonzales said he does not think that Councilor Castelli said that the City Attorney committed a crime. He said Councilor Castelli said that you don't have to commit a crime to be terminated or the city does not actually have to have a reason to let anyone go. Councilor Gonzales said he hears all the flowers that Councilor Davidson is throwing at the City Attorney but he has lack of confidence. He said his steering and his opinions, when he can voice his opinions at one time and then the following meeting change it. He said he is not saying that he is doing anything wrong. He does not think he is working for him or the city that he is supposed to be doing. He said he has people that he tries to help – he does not deny that but he thinks it does not look good. He said he feels like we could do better. Councilor Bermudez asked Councilor Davidson if she understood him right that the ex City Manager could not get unemployment. Councilor Davidson said “so far”. Councilor Bermudez said at their last evaluation of the City Attorney she told him that she did not like rumors but she was going to go ahead and ask him and she has the same thing at this time. She said she has not been able to find anywhere in the minutes that the City Council had offered our ex City Mmanager a package deal to leave or resign. The City Attorney asked what City Manager she was talking about. Councilor Bermudez said Chuy Garcia. Councilor Bermudez asked if the City Attorney recalled that offer. The City Attorney said yes he did. He said at one of the meetings in which Mr. Garcia was being evaluated by the Council his attorney Jesse Gonzales was at that meeting. He said he went to Jesse and said why don't we have your guy resign and avoid all of this. He said he did not have the authority to make an offer but he bet he could get him a severance package. He asked him to take that to this client because Mr. Garcia was represented by an attorney and he could not talk to Mr. Garcia himself but he talked to his attorney and his attorney never got back to him on that. He said he checked with Jesse Gonzales once at the courthouse and Mr. Garcia was not interested. Councilor Bermudez asked if that was the reason that Mr. Garcia was unable to get unemployment. The City Attorney said no and said he does not know if he is going to get it or not. He said the status is that Mr. Garcia applied for unemployment at the direction of the former City manager. He said he called the Texas Workforce Commission who tested that application. He said Mr. Garcia then filled out a written statement, not very well done, but he did and then we had a deadline by fax on Monday and we met that deadline contesting and pointing out the inaccuracies of Mr. Garcia's statement. He said whether he gets it or not, he does not know at this point, but it is in the process. Councilor Bermudez said someone called her right before the meeting and told her that Mr. Garcia had not been given unemployment because the City Attorney had stated in there that Mr. Garcia had refused a package deal that was offered to him. The City Attorney said he asked

that this be distributed to the Council. He said his words were that he did not know if Mr. Garcia's attorney, Jesse Gonzales (he said he is repeating himself – he just said this to Councilor Bermudez) gave the offer of an unemployment severance package in exchange for a resignation and that is all that he heard about except for a couple weeks later when Jesse Gonzales, the attorney, told him that his client was not interested. Councilor Bermudez said but the council itself never offered Mr. Garcia a package deal. The City Attorney said no, the council never did but he did. He said that was part of a settlement negotiation. He said he told the Texas Workforce Commission that he (the City Attorney) offered Mr. Garcia's attorney a package deal as part of a settlement negotiation. Councilor Bermudez said she has already asked the City Attorney several questions, the other day and she still was upset about the way that he handled the situation. She said one was the thing with Diana Asgeirsson and where she was living and the other one had to do with hiring the City Manager and changing different amounts. The City Attorney said he wrote a very clear letter and gave it to Councilor Bermudez and never waived from that letter. He said concerning Councilor Asgeirsson, the opinion was dead spot on and still is. Councilor Bermudez said she still has not moved back to her house. The City Attorney said she is not on the Council anymore. Councilor Bermudez said as far as the time that she was on Council she never went back. The City Attorney said that was right but her intent as what was communicated to him, was to go back. He said he guessed she got a job somewhere else, but he still stands by his opinion, dead on, spot on. He said he would not change a word of it. Councilor Castelli said that was a great performance and there has never been a question in his mind that John Armstrong was not a top notch attorney. He said he does not believe that his performance here merits his continued employment. Mayor Rangra said he wants to make a statement. He said concerning adjourning a meeting. He said there was one meeting that was adjourned because the City Manager was not here. He said it was a special meeting called by City Councilmen knowing that the City Manager could not be present because he had informed the Council that he could not be there that day and he would not be available for a week or so, and still the meeting was called. He said matters that were going to be discussed involved asking the City Manager questions that the Council was going to ask. He said he thinks that Councilor Bermudez made a motion and Councilor Gonzales seconded it to avoid a potential lawsuit. He said he adjourned the meeting. He said if someone wants to sue him, fine. He said he has to look after the interests of the public. He said there was no orchestration. He said he always says something when something like this happens. He said people talk about orchestration and when somebody makes a statement that involves him, which he knows is not true, he always says, let's get three polygraphers and he will pay for all three of them. He said the third tester will be neutral. He said whoever flunks the test will leave town. He said one time when we fired the City

Manager, and Councilmember Carlos asked him if he could make a motion to appoint a City Manager and that was not on the agenda. He said he told him no. He said he asked the City Attorney that time and he said yes, that was out of order. He said when a reporter asked this Councilmember what he was going to do he said he was going to appoint a City Manager and how did it show up in the newspaper, Mayor Rangra adjourned the meeting abruptly to avoid the appointment of a City Manager. He said that was rubbish. He said he is not afraid to speak up and he has done the things that his conscience follows and he will keep on doing that. He said if he has done something that is illegal, go ahead and sue him. Motion was made by Councilor Castelli to evaluate the City Attorney and his status with the City of Alpine and the action was a vote of no confidence with the City Attorney with the request of voluntary resignation. Motion was seconded by Councilor Gonzales. Deborah Pattison, Interim Finance Director, said just to clarify and she does agree that no good deed goes unpunished, yes, she does reside at an address that is owned by Mr. Armstrong but does not reside under the same roof as Mr. Armstrong. She said her situation is that she left the City of Nassau Bay in December of 2010 when the shuttle program had just been announced as being closed and ended. She said all the subcontractors and contractors in that area, all the housing market flooded. She said since December of 2010 she has reduced the price three times. She said she has a mortgage on a condo and has home owners fees that are larger than the mortgage, she has also worked out an agreement with her city council and the Mayor in the City of Moulton. She said she was called to help in this situation and was told that it was a dire situation and they could use her help. She said she had a very stable job in a city where she was well respected and she was doing some very sizeable capital projects. She said she worked with her council in a very unusual way. She said she asked them for a three to six month leave of absence that went through December of this year. She said council wanted her to come back and the Mayor wanted her to come back and she agreed that they would leave it open and she might be back by Christmas. She said when the situation started changing here, she was told that the council and citizens of Alpine wanted this to be fixed so she resigned her position at the city of Moulton which was stable and dependable and where she was accepted and wanted for what she brought to the table. She said she resigned that on August 8<sup>th</sup>. She said so now she does not have a job. She said she is also paying for a mortgage and utilities in Moulton still because she has not had time to quit her work here because she has not had time to quit her work here long enough to go back to move out and not pay rent and utilities in Moulton so she has a lot of bills. She said she may be a finance director and handle a lot of money and responsibilities but she has a situation where she has two households at this time and she appreciated the fact that she was invited to stay in a separate quarters on that property so that she could not avoid and did not have to worry about utilities and that type of thing when there

was a job to do. She said she just wanted to put that on record. She said she would really hope that the citizens would start speaking up and demand that their city be run properly. She said under all aspects, under all departments, under all employees, and it does not matter if it was a criminal activity or just sheer negligence but we have gone through a lot of money irresponsibly and if you want people, like Mr. Armstrong and Deborah Pattison to even think about working here 30 more seconds, we need some backing. She said they are working their tails off. She said she has told the Council, she has said it, that it is not because of again, no mal intent, for whatever reason, she does not know the reason, she just knows that right now in the software system that she has or in basic accounting debits equal credits, her debits do not equal her credits by 30.2 million dollars. She said that is three years, worth of your operating budget. She said she would like that to get that a lot closer and she would like it to be zero. She said she can't do it if all we are going to do is snipe at each other and worry about petty matters. She said she has a 30.2 million dollar discrepancy in a set of books. She said she is not going to stand here and let her reputation go down the drain because she is a good finance officer and she does not have books that are 30.2 million dollars off. She said but currently she is sitting in a chair, where she does, and it is abominable, and she is not going to go down with the sinking ship. She said we are going to fix it or she is not your finance director. Councilor Castelli said Deborah had his complete support and that has not waivered since the day he met her. He said if she interpreted something he said otherwise, he apologized and it was not a reflection on her. He said he did appreciate her giving us hell, because it needed to be said. He said again it is not a reflection on her. Robert Polanco said he had to speak to the Vic Horn issue. He said there is a pretty big problem that Councilor Castelli has with our City Attorney. He said he understands that he has his own issues with him but he can only speak to him and his working relationship with him. He said he probably easily occupies a third of his time. He said he always takes his calls and always shows up at his office. He said he gives him his best interpretation and advice due to his experience. He said he has done a tremendous job updating our woefully inept ordinances especially regarding dangerous buildings. He said the Vic Horn issue at the last Council meeting, Councilor Castelli brought up the fact that he had been cited previously in February of 2012 which was true. He said in one calendar year, if you have not committed the same offense, you have to be notified again, even if you do not commit the offense again until July of 2013, the process states that he has to go through the process again and has to be given a 10 day notice and if he fails to comply he will be set on the next docket. He said that is where he is currently now. He said you have to understand where you live in the world. He said this is west Texas and people have trailers. He said there is nothing in our city ordinance which states that you cannot have a trailer that is lawfully registered sitting on your property. He said people have farm equipment and people

have tractors and bobcats and things of that nature. He said he knows that he did remove the items that are used in conjunction with his construction business. He said he did comply in that respect. He said the issue that still remains is a pile of rock and he is currently working with Mr. Horn on trying to get him to remove that. He said the whole issue with Vic Horn started, not to take up too much time, a couple of years ago due to a project he proposed to build in that area. He said he had been there, to his knowledge, three or four years before, and nothing had ever been said about it until this one project came up, he got approval from the council and comes to him to get a building permit, and everybody is mad because he got his variances and rezone to build multi-family duplexes in an R-1 area but council gave him permission to do so. He said he came to him to get his building permit and he asked him if he had the permission of the utilities director to accommodate the amount of wastewater you are going to be producing here. He said Vic said he had not spoken to her. Robert said he told him to go talk to her. Robert said he told Vic he could not issue a permit until he did. He said at that point it killed the project. He said you have to get rezoned and you have to get your variances before he can issue a permit. He said that is the process. He said you do not get a building permit and then ask for a rezone and variances. He said ever since then he has been followed almost to the point of persecution, whatever project he builds around town. He said one block down the street from Councilor Castelli there was a block pillar that used to house a mailbox in it but apparently it had been hit by a car and blocks were all over the sidewalk and all over the road and he did not hear a word from Councilor Castelli. He said there are lots and blocks with high weeds that Councilor Castelli never said anything about but yet he reported one house that he would drive by and never even look at as having high weeds. He said it had a couple of patches and some grass but nothing severe. He said you cannot be guilty of discriminatory type of judgment and offenses on these things, you have to cover everyone equally and there is due process. He said Mr. Horn has gone through it and he is going through it right now. He said if he fails to comply, then it will be set on the docket and he will be heard. He said as he said, he probably occupies about a third of Mr. Armstrong's time and he has always been there and has done a lot of good work for us. Betty Fitzgerald told Councilor Castelli that he wanted him to know that there is a law as far as the council goes that no papers should be put on the desk at the time of the meeting. She asked the City Secretary and the City Secretary said we have a Resolution or Ordinance to that effect. Betty Fitzgerald said there should be no papers added to the backup. Councilor Davidson said he was just reminded that we have one of our Councilmen absent here and in the past, even though it is not required by charter, he remembers a fairly recent review on the books that Angie was not going to be here. He said the Council, as a courtesy, did not do the review so that the whole council could be present for the review. He said it is not required but it sure would

be a courtesy for our other councilman who is not here today. Councilor Bermudez asked which meeting that was. Councilor Davidson said the one you were not at. Councilor Bermudez said for the City Manager? Councilor Davidson said he believed it was for his first review. He said we had him scheduled for a review and you were not able to make it. Councilor Bermudez said it was for the City Manager's and she was not here and the reason that she heard they did not go through with it was so there could be a full council. Councilor Davidson said absolutely. He said obviously respect is something that is not taken very seriously at this table. Mayor Rangra asked the City Attorney if they could take a vote and the City Attorney said yes. Betty Fitzgerald said she did not think that was right, there is a Councilman missing and you did the same thing when she was gone. Mayor Rangra said he is conducting the meeting and we are taking the City Attorney's advice. He said he does not want any screaming or yelling. He said express your views if you disagree but stay a little calmer. Mayor Rangra said he follows the City Attorney. He said only once he did not do that and he has already apologized to him for that. He said he does not want to go through that again. Councilors Castelli, Gonzales and Bermudez voted in favor. Councilor Davidson voted against. Motion passed.

**15. Citizen's Comments (limit 3 minutes) –**

**Kaci Fullwood** said she lives in Ward 4. She said she would like to say that it has been very interesting and challenging being a citizen of Alpine during times of chaos and allegations of corruption in our city. She said she felt very pleased to have a team come in that was very strong that began identifying the situation and bringing light to dark areas within the city. She said that strong team consisted of our City Manager, Chuck Harrington, our Attorney and our Finance Director who have been working around the clock. She said when they are not in the office, they are working probably at home, talking about how to better our city and working. She said we are very fortunate to have this team of three people to be working for us. She said she hopes that we can continue upon the path of righteousness and integrity for our city as we move forward.

**Joseph Goldman** - said he is a citizen of Alpine. He said he prepared a statement about Armstrong on two instances where he gave counsel and as a result of that counsel....Mayor Rangra said that topic has already been resolved. He said he does not want to go back. He asked the attorney and the attorney said Mr. Goldman could talk about it. Mr. Goldman said he is not going to read the statement because you have already heard it but what he wants to say is that the full impact of this has not been represented adequately at this particular meeting. He said that is that Mrs. Asgeirsson was permitted to vote against an investigation of herself in an

item that could have been involved in Grand Larceny and he has not decided yet whether or not he will pursue this.

**16. Council Member's Comments and Answers -**

**Councilor Bermudez** – Said she had no comment

**Councilor Davidson** – said please do not tell his mother about this. She would not be proud.

**Councilor Gonzales** – said he had no comment

**Councilor Castelli** – said this was tough. He said it takes a lot of work to get back a trust. He apologized to Deborah Pattison, the Finance Director. He said he had the utmost respect for her integrity and honesty.

**Mayor Rangra** – said the Council needs to work together and do what the Council is elected to do.

Council did not enter into Executive session.

**17. Executive Session – Pursuant to Texas Government Code, Subsection 551.074, Personnel Matters**

**A. Evaluation of City Attorney and status with City of Alpine. (M. Castelli)**

**18. Action – Executive Session – Pursuant to Texas Government Code Subsection 551.074, Personnel Matters**

**A. Action from evaluation, if needed. (M. Castelli)**

**19. Adjournment** – Motion was made by Councilor Castelli to adjourn the meeting. Motion was seconded by Councilor Bermudez. Motion unanimously carried. Meeting was adjourned.

I certify that this notice was posted at 5:30 P.M. on September 6<sup>th</sup>, 2013, pursuant to Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheel chair 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 5:30 P.M. on September 6<sup>th</sup>, 2013, 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