

**City of Alpine
Regular City Council Meeting
April 9th, 2013
6:00 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Councilor Bermuez gave the invocation and Mayor Rangra led the pledge of allegiance to the flag.**
- 2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra and Councilmembers Bermudez, Davidson, Lujan, Gonzales and Asgeirsson were present. Meeting notice had been posted at 6:00 P.M. on April 3rd, 2013.**
- 3. Presentations, recognitions and proclamations – none**
- 4. Reports –**

City Mayor's Report - Mayor Rangra said there was one thing he wanted to mention to the Councilmembers. He said he hoped that all of the Council got information from him and from the City Attorney. He said this weekend he took some action. He said he met with the Mayor Pro Tem, City Attorney and Chief Scown. He said we have not made this information public but he wanted to make the Council aware of this.

City Attorney Report – The City Attorney said at the direction of Council he had been contacting additional forensic audit firms, however, maybe a better report for us, he had a lengthy meeting with the Texas Rangers this afternoon. He said they are initiating an investigation and have given him permission to indicate that. He said he pledged at this council's direction, full cooperation with the investigation. He said they are going to be working with the Attorney General in order to attempt to gain a forensic audit at state expense as opposed to city expense. He said if that could be accomplished, that would save us a lot of money, so we might want to work through that avenue a little bit before we think about going out and spending some money. He said he was very pleased at the results of the meeting and he did hand a copy of the full audit to the Rangers which is of course now, by law, a public record. He said they are on their way so that is good news on that.

City Manager Report –

City Staff Updates – None

5. Citizens Comments (on agenda items) – None
6. Public Hearings – None
7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) – None
8. Information or Discussion items – None
9. 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.)- None
10. Citizens Comments (limit 3 minutes) –

Brian Garrison, Managing Editor from the Avalanche said he had a question but it was not on agenda items. He said concerning the audit, he wondered about the Council's intentions on disciplinary actions or paying back of any funds that were loaned out or paid in advance. He said he would like to have Councilmen's response on that. City Attorney Armstrong said Mr. Garrison, with all due respect, in order to make sure that we abide by the law, we must limit comments and questions to items that are on the agenda. He said a general comment, if it is not on an item that is posted on the agenda, will place us out of the scope of the open meetings law. He said no disrespect. Mayor Rangra said he could make a comment, but there is the Texas Open Meetings Act which says that the Councilmembers cannot respond. Brian said he was sorry, and he misunderstood.

11. Council Member's Comments and Answers –

Councilor Lujan said he would just like to say to the gentleman that after the meeting he can tell him everything he knows.

Councilor Lujan asked the City Attorney if anybody has an objection for the Executive Session to be in open session, with the candidate's permission. He asked if anyone had a problem with that. He said wouldn't it be better if we sent the message that we had a new start here and we want to be doing things the right way. The City Attorney said he suggested to Councilor Lujan that we follow the agenda, as he understands it there is an Executive Session for the interviews for candidates and an Action item for which everything will be out in the open. Councilor Lujan said according to what he knows, if they agree to be out in the open and then it could be in the open. He asked if we could ask them if they wanted to be in the open. City Attorney Armstrong said that would be a personnel matter if they wanted it to be in the open. Councilor

Lujan asked if we could ask them what they thought. Mayor Rangra asked if it was legal to ask the candidates. The City Attorney said Councilor Lujan, with all due respect, he thinks we should probably stick to the agenda. He said the candidates can answer any questions there might be afterwards but he really thinks this Council needs to have this in Executive Session. Councilor Lujan said he just asked. City Attorney Armstrong said with all due respect. Councilor Lujan said thank you sir, and that he appreciated it. Mayor Rangra said he believed the person who was addressing the Council had the right to ask for open session. The City Attorney said that was correct and the specific context, he understands would be in a disciplinary matter. He said we are not in a disciplinary matter at this point in time and it is an interview. He said Council can of course, decide to conduct interviews in the open, he said that was the Council's prerogative. He said however, the agenda was set and it was up to the Council to make the call. Mayor Rangra asked if it was an Executive Session, could the Council change it to an open session. The City Attorney said the Council could. He said he has never had this question come up in 27 years. Mayor Rangra asked what the Council wanted to do. Councilor Lujan said he was happy that the Mayor asked that question. Mayor Rangra said he would ask the Council.

Motion was made by Councilor Davidson, by Resolution 2013-04-09 to enter into Executive Session. Motion was seconded by Councilor Bermudez. Councilors Bermudez, Davidson, Gonzales and Asgeirsson voted in favor. Councilor Lujan voted against. Motion carried.

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

A. Discuss hiring Interim City Manager. (A. Rangra)

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

A. Discuss and Consider and possible action concerning hiring interim City Manager. (A. Rangra) – Motion was made by Councilor Davidson, by Resolution 2013-04-10, to employ Mr. Charles Harrington as our Interim City Manager to begin tomorrow and that the terms of his contract include a starting salary of \$75,000 per year, with a one year contract, 2 month's severance pay, no medical and no retirement with a 90 day compensation package review. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

14. Adjournment – There being no further business, meeting was adjourned.

I certify that this notice was posted at 6:00 P.M. on April 3rd, 2013, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for

accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Dr. Avinash Rangra, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 6:00 P.M on April 3rd, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary