

**City of Alpine  
Regular City Council Meeting  
August 20th, 2013  
6:00 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Jo Beth McLeod gave the invocation and Mayor Rangra led the pledge of allegiance to the flags. Jo Beth said she would like to introduce a medical student that is visiting in Alpine. She said she has had two this summer and she introduced Chevy Alexander from the University of Texas Southwestern Medical School in Dallas. She said she will be leaving us soon.**
- 2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra and Councilmembers Davidson, Fitzgerald, Gonzales and Castelli were present. Councilor Bermudez was absent and was excused. Meeting notice had been posted at 2:30 P.M. August 16, 2013.**
- 3. Presentations, recognitions and proclamations – None**
- 4. Reports –**

**City Mayor's Report** - Mayor Rangra said last week the City Manager kept us busy talking about the budget and he thinks it was time well spent. He said we will talk about this later on. He said last week we also had a small cities advisory council meeting in Alpine. He said 20 people were in attendance from West Texas. He said a few of us went to Andrews to attend the TML meeting. He said the Board of Regents from Texas University were here. He said as you know we had athletes from UTEP and they had a little get together on the 17<sup>th</sup> and he welcomed them on behalf of the city and they were pretty happy.

**City Attorney Report** – He said we are not being sued and we are not suing anybody and that is it.

**City Manager Report** –

- A. Quiet Zone – The City Manager said we had the bid opening and we did not receive any bids but we did receive some subsequent interest and what we want to do is re-advertise that. He said this does not take any council action because we did not have any bids. He said we are going to re-advertise that and expand our advertising to El Paso trying to get some contractors to bid.**

- B. Texas Water Development Board – He said he has been in touch with the accountant for that particular project. He said we have responded of course and answered all of their questions relative to the audit and that issue. He said in the last discussion, the one item that remained was a legal issue that we are discussing with our staff. He said from the response that we received from the staff accountant, was that we have responded very well and very adequately and it addressed most of their concerns. He said he did talk to the person that used to be our financial advisor today and he had been talking with some people who had contacted the Water Development Board and he thinks things look very positive there and the possibility that we will get this cleared up and move ahead.**
- C. SECO – He said this is the SECO grant refund that we talked about at the last council meeting. He said we have made that refund to them and we are waiting. He said as soon as they get that money and put it into an account they will start working with us again for a new contract. He said they have received a new contract from the Federal Government and they are going to work with us on another new Federal contract so we will get the \$7,000 back and it will be reinvested in the project.**

**Councilor Fitzgerald asked if there was any information that the City Manager could share with the Council on the ongoing investigation of the Texas Rangers of the city issues. The City Manager said he did not have anything to share at this time. Councilor Fitzgerald asked if he had any idea when he might be able to share some information. The City Manager said the last contact he had with the Texas Ranger was about three weeks ago and there were a couple of things they were investigating. He said they are not ready to stop the investigation and it is ongoing. Mayor Rangra asked if the City Manager could share that with the Council or if it would have to be the Texas Ranger who would share it with them. The City Manager said it would have to be the Texas Ranger. The City Manager said he would be happy for Ranger Vajdos to talk to the Council in executive session. The City Attorney said the Ranger would be happy to come. Mayor Rangra said he would like him to come for the next meeting on September 3<sup>rd</sup>. The City Attorney said he would arrange that.**

**City Staff Updates –**

- A. FY 2013/2014 Budget and Tax Rate – Deborah Pattison, Finance Director – Deborah said we have had some very productive workshops and we appreciate you taking that much time and working through the three phases of the budget. He said you have in your packet the final copy of the proposed budget. She said as you can see from that there has been a lot of belt tightening and we are**

proposing a total budget that includes the general fund, the enterprise fund and the hotel occupancy pass through totaling \$10.5 million and when you take last year's budget and compare apples with apples that compares to \$10.6 million last year. She said on your budget calendar which you have on the tab, there was one typo. She said the budget will be scheduled for adoption on September 17<sup>th</sup>. She said the public hearing on the tax rate will be on September 3<sup>rd</sup>. She said one of the changes that we discussed during the budget workshops was the calculation of the effective and the rollback tax rate and the budget assumes the effective tax rate but based on how the debt was considered and the fact that water and sewer had been paying for a portion of the debt through the years but it was not calculated in the calculation so by looking at the calculation a little differently, we were able to move almost \$320,000 into maintenance and operations that was being collected for debt service. She said that is a change that we note there. She said the budget does reflect this year, showing all the breakdowns of all the different debt services and applying them to the appropriate fund, both the principal and the interest, so that detail is clear in the budget. She said she does appreciate the conversation and the across the board cooperation of all the department heads on belt tightening and we are looking to create a budget that starts building back our cash reserves and putting us in a better cash position which helps with debt issues as we do additional capital projects. Councilor Fitzgerald said it is good to see the chart of accounts being used properly for a change. He said in Deborah's perusal through all of this quagmire, he wanted to know if she had come across anything good, bad or indifferent that would indicate anything was going on that should not have been going on. Deborah said one of the real issues, and she said they probably sense that hesitation in her, as we were working on budget is, when you have a data conversion it is always hard, but when you have a data conversion where some of the data was pulled over and if something was not going through accounts payable, it was being journal entried, that did not come cleanly into the new system so the real issue is that we were preparing for the audit this year, depending on what report you run out of the system, debits in no way equal credits. She said there is just a lot of cleanup that is needed in the system. She said it is a question of having to go through line item by line item and work on details. She said more than anything else it is a housekeeping matter and a lot of cleanup that follows a data conversion. Councilor Fitzgerald asked if it was more just inaccurate record keeping and stuff like that as opposed to any nefarious actions. Deborah said she has only had time to do what she had to do. She said a lot of what she would consider misposting to accounts, just not choosing the right chart of accounts code to

expense something or revenue allocations. She said there were a lot of off budget expenditures that we are still sorting through. She said we just need a cleaner system and we are working on that. She said we are taking it line item by line item. She said that she thinks with a clear chart of accounts, as we have been working with each of the department heads and putting that chart of accounts into their hands. She said from what she has been told, they did not receive a copy of their actual budget versus actual last year. She said they need that budget from the start, they have worked on it, they have worked hand in hand with us and every receipt that comes through the finance department needs to already be coded with an exact line item and they need to be responsible for their budgets. She said we are starting that process and we are ahead of the curve in that process. She said as we stand before you and go through a budget process next year, she will not have to question the reliability of a number that we are projecting off of. She said we will know exactly what we have coded to what revenue and expense line item and we will track it every staff meeting and we will be ahead of the curve as far as preparation in next year's budget cycle. Mayor Rangra said Deborah was talking about clean up, which means making payments of bills and how we pay the bills. He asked if she could shed some light on that. Deborah said starting in December a lot of things that were set into play. She said she thinks during that process, the focus was on activity and politics and practical day to day measures and invoices were set aside. She said to date the oldest invoice that they have paid since she has been here was May of 2011. She said we paid some August of 2012 invoices. She said they caught up with a good six months of invoices which is why you have seen a change in your cash position constantly over the last 90 days. She said it is just catching up with the back log. She said she thinks we are there now. She thinks we are caught up and we have been talking to each vendor individually and again as they have mentioned in a previous meeting, one of the things that was hard to trace, was that the old system did not require you to enter an invoice number. She said you could have had a check for \$5,000 that paid eight invoices but it did not indicate which invoices. She said then if you seemed to have invoices that were outstanding it is hard to reconcile whether they have been paid or haven't been paid without literally contacting each vendor and working with their system and our system and matching everything up. She said it has been a tedious process but we are, she thinks, caught up, and your current cash position reflects it. She said we will stay current so that you are not dragging this year's invoices into the next year's budget. She said everything that is accrued by September 30<sup>th</sup> will be paid by September 30<sup>th</sup>. Mayor Rangra said concerning the May 20, 2011 invoice that she was talking about, if it was paid there should be some record of a check

number or something like that. Deborah said this was unpaid. Mayor Rangra asked if it was a pretty substantial amount. Deborah said no, it was less than a thousand dollars. She said it was \$645 to be exact. She said when you talk about some of your larger bills, the gas that we purchase, the Texas Disposal Systems, those can be \$40,000 to \$100,000 apiece. Mayor Rangra said so all the big bills have been paid. Deborah said yes. Mayor Rangra asked if we had to go to the bank to borrow money to pay our employees. Deborah said no but it is going to be very tight between now and the end of the year. She said she is not going to cosmetically cover that up. She said we are watching everything very closely. She said we have three more payrolls this fiscal year and that will be about \$400,000. Mayor Rangra asked how we stand in terms of funds. Deborah said she took a worst case scenario and you have a summary in your packet, as of where we are today, today's cash balance, this is not estimating any additional revenues, it is just taking today's cash balance, less the accounts payable that you are approving tonight, of \$453,175, a snapshot, your cash balance total would be \$757,065. Mayor Rangra said a question came up last week, when John Waters came in and talked about the money that was transferred from the gas and the various other enterprises to the general fund. He asked if she could address that issue and were we being subsidized by these other funds. Deborah said that is a typical practice in cities that enterprise funds will share part of the overhead costs of administration and that is clearly budgeted this year. She said it was kind of happening as transfers last year. She said you have an individual line item in each enterprise fund at this point. She said she thinks the account number is 111101 and it clearly shows the amount of budgeted transfer back to the general fund. She said we are budgeting half of the transfers, just rough numbers, \$700,000 this year coming back to general fund versus last year was budgeted one million and one half. Mayor Rangra said when we say we are going to transfer "x" number of dollars from water, are we taking into consideration that we may be affecting the water funds. Deborah said she anticipate that in addition of having to amend this year's budget that we are in, just because of the chart of accounts clean up, we will also be amending next year's budget since we are projecting off numbers that we do not have total faith in. She said we are anticipating that we will have a budget amendment during the FY 2014. She said one of the things that is being considered in all departments and department heads is how do our utility rates compare with other cities our size and in most cases we are a fraction of the cost of some of that. She said you cannot make those changes quickly and you cannot make them all in one year, but you can start moving in the right direction so that you have a healthy cash reserve that most cities target of 25% of your operating

revenue. She said we do not have that. Mayor Rangra asked how credible these numbers were. She said we are very conservative on the revenue figures. She thinks we can manage this year. Mayor Rangra said in the 90's our city had to go to the bank and borrow some money sometimes. He said he hoped we would not have to do that. Deborah said she has run businesses before and had to skip her own paycheck to run the business and she understands. She said if anything, she gives us very conservative figures. She said of course during this time span, we will have a few days revenue, but what she is looking at is if you took every ounce of cash you had in the bank today and all the expenditures you have today without accounting for the next few days for the revenue, this would be your cash position. Mayor Rangra said the cash flow is as we expected. Deborah said you can see where you are compared to the prior year and she is just providing this because always during the months of August and September, those are your lowest cash flow months. She said you can see if you look back in 2012, cash is reduced by \$296,000 in August and \$231,000 in September. She said we are going into this period with a lower cash position than we were last year and we are urging caution. She said we have been talking to each department head for a month and a half in staff meetings about essential expenditures only. She said we are watching every number. Councilor Fitzgerald said one thing he would like to clarify is when she says it will be touch and go for the rest of the year, she is referring to the FY end 2013. Deborah said yes, 40 days. She said you have a proposed, balanced budget that is realistic. Councilor Gonzales said budget adjustment is a normal function that we have and it is not something terrible. Deborah said no, cities do it all the time. She said we have done the most realistic revenue projections that we can and budgeted accordingly.

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

**Carlos Lujan** – said he has a question concerning 18A. He said he wanted to appreciate the good work the City Manager has provided for the City and also Deborah, the Financial Director. He said he really appreciates the hard work she has been doing for the City. He said he thinks they are professional. He said there are a few things that he does not agree with but he thinks they are doing a good job. He said the comment he has to make on item 18 is that he is concerned about the action item that states removal of the probationary period of the City Manager. He said his concern is that if he is removed from that he will become the permanent city manager. He asked if he was understanding that correctly. He asked if it would be advertised for the position of the City Manager. He said he would like to say that he hopes he gets appointed as the City Manager. He said he was a good part of when he was the City Manager and he thinks he is doing a

good job but he just wants to make sure that the appointment is according to the city charter. He said he is not seeing the full council today so he is not sure of what will happen. He said in order for him to be put in as a permanent City Manager you will need to have a full council and he will leave it at that. He said he would like to answer a question about the City Manager's Report but the audience was not asked if there were any questions and he wondered if he was still allowed to ask any questions either to him or Deborah, in regards to the numbers that we have just heard. Mayor Rangra said he will leave that to the attorney. The City Attorney said no.

Joseph Goldman – said this is a question on the report on the budget. He said he would like to ask that when the budget is presented for the public to see, there should be information on the previous budget that shows the transfer or change from one to the other.

## **6. Public Hearings –**

**A. Public Hearing to obtain citizens questions and comments regarding approval of large animal permits for two horses. This request is from William Abercrombie, to be located at 1702 West Avenue H. (C. Harrington, CM)** - This is a request that was presented to the Animal Advisory Board at their last meeting. He said they acted to recommend to the City Council that this permit be approved. He said you have an action item on this in this agenda. He said he thought at this point it would be best to allow Mr. Abercrombie to answer questions for the City Council and allow comments and questions from the citizens. Billy Biggs said he lives at the address and he is here for Mr. Abercrombie. He said we are asking for this permit so we can house the horses on our land. He said they live way out on the back end. He said our City limits is also our fence line. He said they are using the horses to keep the land clear around the house and keep down the fire hazard, and enrich the soil. Councilor Davidson asked how big the property was. Billie said it is almost five acres. He said his closest neighbor is next to them but it is their horses that they are housing. Councilor Davidson said so you are borrowing their horses. John Villaneuva said he lives right next door to Billie and he is letting him put his horses there.

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

- A. Approve Council Minutes of July 16<sup>th</sup>, 2013. (A. Rangra, Mayor)**
- B. Approve Accounts Payable. (C. Harrington, CM)**

**Motion was made by Councilor Davidson by Resolution 2013-08-05, to approve the Consent Agenda in its entirety. Motion was seconded by**

Councilor Fitzgerald. Motion unanimously carried.

**8. Information or Discussion items – None**

**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 Animal permit request by Gena Howle, at 1308 North 3<sup>rd</sup> Street in Alpine, Texas, for one Arabian Mare Horse as recommended by the Animal Advisory Board. (C. Harrington, CM) –** The City Manager said as the Council recalls at the last meeting, this item was an action item and was tabled due to some information that had been provided to us, specifically an issue regarding a habitable structure within 50 feet of the area that will be utilized by that animal. He said this is under Section 10 of the City of Alpine Code of Ordinances. He said the staff has re-reviewed this request and it is found that the site for the permit does not meet that requirement by the ordinance. He said the Alpine Animal Advisory Board unanimously approved this but they did not have the information that we have gotten. He said they did not have the benefit. He said as we review the ordinance and situation of the location of the animal while we respect the decision of the Animal Advisory Board, it is the opinion of the staff that this permit does not meet the ordinance requirements. Councilor Castelli asked that the City Manager explain that we are talking about two separate horse issues. The City Manager said we are talking about a different location that was brought to you at the last meeting. He said this is at 1308 North 3<sup>rd</sup> Street. Motion was made by Councilor Fitzgerald, by Resolution 2013-08-06 to approve the animal permit request by Gena Howle, at 1308 North 3<sup>rd</sup> Street in Alpine, Texas for one Arabian Mare Horse as recommended by the Animal Advisory Board. Motion was seconded by Councilor Davidson. Councilor Fitzgerald said he went out there and visited and it seemed to be a very well taken care of animal and there is a lot of space there. He said the only heartburn they seem to have is first of all is there any way that we can accommodate this. He asked if there was any way that we could put the horse beyond the 50 foot limit and would that be within the ordinance. He said this is this woman's livelihood and he agreed that she should have followed the procedures. He said she is degreed and licensed and is providing a service to the community, helping the psychological problems with children that have issues, helping the children out and getting them familiar with animals. He said she is only going to be there until May. He said his proposal is that she move the animal over, past the 50 feet and then we grant a temporary approval until May, until she can leave. She said she made a lease and ethically she does not want to leave there and break the lease. She wants to keep her word. He said he is concerned that we are interfering with the welfare of children and this woman's ability to make a

living. He said her restrictions are significantly stricter than the state or our ordinance. He said when he was out there, there was no smell or animal waste and no more flies than are on his back porch. He said we have the cold weather coming up and maybe we should, in the interest of the children's health and her business, make an exception. Councilor Davidson said he looked at the area well and you can make exceptions and he does not want to run down the work of the Animal Board but they have never met a horse they didn't like. He said that is a residential neighborhood. He said it is very narrow and there are two lots there and he is estimating a half acre. He said if every house in the neighborhood took advantage of having a horse, we would run into problems. He said he sympathizes with the value of raising horse with children around animals. He said he remembered a couple of years ago there was a lady who had a young child who was in FFA and wanted to do mutton busting and wanted a sheep in her back yard. He said they had a pretty ample yard and a sheep is a much smaller animal but the neighbors were very much against it. He said even though the Animal Advisory Board was very much in favor of that, he said we are opening a can of worms. Councilor Fitzgerald said the ordinance needs little revision and many of our ordinances do. He said all he is saying is that he thinks we need to cut her a little slack with her business and with these children. He said we do not want a horse on every corner but then again this is Alpine. He said he lives on Del Rio and he sees horses walking up and down Del Rio all the time. He said he was thinking about the kids and there is so much at stake. He asked if there was any way we could compromise. Jordan Barlow, with Animal Control, Alpine Police Department, said she did go out, revisit the property and remeasure after the claim was made. She said Mary had a place of human habitation closer than we initially measured for. She said we did go and remeasure the property. Facing southside she has three different horse pens, measuring from the place of human habitation to there she would not be able to use all those three horse pens. She said there are fences and they are set up to where she could seal each one and there is a property that is more to the north that she could probably still use and that does still fulfill the minimum feet of the requirement. She said they did go out on new information and remeasured. Councilor Gonzales said he wanted to know because he remembered there being like corrals or something. Jordan said she has a place outside her house that is ten feet from her privacy fence that she has in the back that is being used. She said she had our Code Enforcement Officer, Mr. Robert Polanco, go out and check it and verify it for me. She said it is ten feet from the fence and from the doorstep it is 15. She said there is not much of an alleyway. She said there is an old stable that is not being used for anything right now on the other side. She said they measured that and then from there measured into the halfway point through one of the horse pens. She said there is one facing the west southside and there are two others and those would be invalid unless you put up a fence right where the 50 feet requirement would be. She said if she

cuts us off completely, she would still have the large area towards the back which would be on the north side. She said it would meet minimum feet requirements and she just wanted to clarify that. Councilor Castelli asked what kind of expense they were talking about to erect fence for these months. Councilor Gonzales said she has already done it once. Jordan said she knew she spent some money clearing it out. She said the initial pictures she took when the initial permit was first presented to the Animal Advisory Board, there has been a big difference with that. She said Gena could tell you how much she spent on this project. Councilor Gonzales said she had already spent some money to keep the junk away from the horse but he also went out there and he saw that there was a lot of debris and stuff on the ground and asked if it had been cleared up. Jordan said the last time she went out there it had been cleared up. She said she went and took pictures yesterday in fact and it looked fine. She said it is not as clean as it first was, when she first got it done, but at the same time it is cleared up and it is 100% improvement compared to when she first went out there. Councilor Castelli said he was just curious. He said we are talking about compromising and erecting a fence. He said this is an issue where someone is spending a couple of thousand dollars to put up a temporary fence and is that compromise realistic. Councilor Gonzales said he guesses it depends on the owner. Jordan said that is not up to her. She said she comes out and if they meet minimum standards they are approved by the Animal Advisory Board and then it goes forward to the Council. She said if she does not want to put up money to put a fence up to have the horse there that is up to her. She said it does meet minimum standards. Jordan said she was not here when there was a horse there before. She said she does not know what went on with the neighbors. She said she has only heard heresay. She said she is a new person to the property and it is the first time she has done a horse permit out on that property. She said it is hard to go yay or nay. Councilor Fitzgerald asked what the owner had to say. He said we may be talking about a compromise and she is not even interested. Gena Howle said she was a tenant at the residence. She said Connie Gooch is the owner of the property. She said when she moved in on June 1<sup>st</sup> of this year, she was told that there would be no problem in having a horse permit. She said she went ahead and cleaned up the property anyway. She said she spent over \$4,000 cleaning it up. She said she has receipts for that. She said it was quite a mess but we have since cleaned it up. She said it is based on her standards since she did not even know that there was an Animal Advisory Board here. She said it was based on LTC standards and her standards. She said when the City Council met last time they tabled it due to several complaints which were complaints in general and ambiguous complaints about horses in general, potential problems with horses, etc., etc. and nothing about her horse, or her property. She said it was more general. She said as far as putting forth money, more money, she would be willing to do that. She said she has already spent four thousand and that is no problem at all but she will be

leaving the property in May. Councilor Fitzgerald asked if she would be willing to compromise on this. She said yes sir, absolutely. Mayor Rangra said when he read the summary, he said the Animal Advisory Board unanimously recommended that the City Council approve the request of July 22, 2013. He said at that point they did not have this new information. He asked if there was any reason why the Animal Advisory Board was not included in this information. The City Manager said at the time we were not aware of the structure or of them having the structure. He said an initial measurement was taken from the residence itself and we did not go out back. He said we found out the information the same week as City Council and that is when we wanted to recheck it. Councilor Fitzgerald and Councilor Gonzales voted in favor. Councilor Davidson and Councilor Castelli voted against. Mayor Rangra said he voted in favor. Motion passed.

10. Discuss and Consider approving Tax Collection Agreement with Brewster County Appraisal District. (C. Harrington, CM) – The City Manager said this is a contract with Brewster County Tax Assessor Collector. He said this is a new contract and there is about \$1,200 difference. He said he would recommend that the Council authorize approving the agreement. He said there are a few items in the contract that need to be cleaned up but basically we have no problem with it. Mayor Rangra asked which items need to be changed. The City Attorney said item 2B deals with the Hospital District instead of dealing with the City. He said the City is mentioned but it needs to be City of Alpine so that we can get the terms defined. He said it was put together for a variety of taxing entities and we just need to make sure we are talking about the City of Alpine. He said he would be happy to amend it very quickly. Motion was made by Councilor Davidson, by Resolution 2013-08-07, to accept the Tax Collection Agreement with Brewster County Appraisal District. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.
11. Discuss and Consider approving recommendation of Animal Advisory Board concerning approval of large animal permits for two horses. This request is from William Abercrombie, to be located at 1702 West Avenue H. (C. Harrington, CM) – Motion was made by Councilor Gonzales, by Resolution 2013-08-08, to approve the recommendation of the Animal Advisory Board concerning approval of large animal permits for two horses. Motion was seconded by Councilor Davidson. The City Manager said this request is by William Abercrombie and we just had a public hearing. He said the area for the horses far exceeds what our ordinance requires. He said it is a large open tract and it has no impact on adjoining neighbors. He said the Animal Advisory Board reviewed this and recommended to City Council to approve this permit for two horses and the staff agrees with this approval. Motion unanimously carried.
12. Discuss and Consider approving List of Official City Holidays for FY

**2013/2014. (C. Harrington, CM)** – The City Manager said each year the City Council adopts the official scheduled holidays for the city. He said in the past the council has directed our schedule be coordinated with the schedules of the Alpine ISD, Sul Ross and Brewster County. He said we have gone in there and normally the schedule has 16 days total per year. He said 16 days is what Brewster County does. He said this year, however Christmas creates kind of a unique situation. He said Christmas falls on Wednesday and in the past, the employees have always taken two days after Christmas for holidays. He said that would put us in a position where City Hall would be closed almost a full week. He said in checking with the County, they are not taking Friday after Christmas as a holiday. He said we would recommend not to take the Friday but take New Year's Eve instead. Motion was made by Councilor Gonzales to approve the Official List of Holidays for FY 2013/2014 for a total of 16 days and add New Year's Eve to the list by Resolution 2013-08-09. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

- 13. Discuss and Consider authorizing the City Manager to advertise for RFP's for CPA Firm for the FY 2013/2014 audit, and reject only bid received, as the City of Alpine reserves the right to accept or reject any or all bids. (C. Harrington, CM)** – The City Manager said this was a request that the City Council made on July 16<sup>th</sup>, that we go into an RFP process for audit services for the upcoming end of this fiscal year. He said we do that and we talked to several people and made an advertisement. He said at the appointed time, the city received only one proposal. He said because of the fact that the Council expressed a desire to have some comparisons, we took no action and did not open the proposal until we brought it to the City Council's direction on what you would like to do. He said we have had some other interests and the staff would recommend that the local proposal be rejected and that this be readvertised. It was discussed that the City website was not working, yet. Mayor Rangra asked about advertising this on the TML website as well. Motion was made by Councilor Davidson, by Resolution 2013-08-10, to authorize the City Manager to advertise for RFP's for CPA firm for the FY 2013/2014 audit and reject the only bid received as the City of Alpine reserves the right to accept or reject any or all bids. It was amended to include that the bid should be listed on TML. Motion was seconded by Councilor Fitzgerald. Councilor Gonzales said he would like to make sure that we do use TML. He said he thinks that is a good source and asked if we needed to have that as a part of the motion. Motion was amended to include that this advertisement would be on TML. The City Manager said we would take care of that. Motion unanimously carried.
- 14. Discuss and Consider authorizing the City Manager to draft an agreement with Sul Ross State University regarding the use of SRSU interns to assist various city departments. (J. Gonzales)** – Councilor Gonzales said he put

this item on here after talking to Dr. Maestas about trying to get internships involved in our processes, whether it be finance or whatever. He said he thinks that it would be a good idea and he thinks that it is something that we could use and the students would also benefit from it. The City Manager is doing a good job on this. He said this will help us and give them opportunities. He said Sul Ross has a good master's in administration program and that will allow them to come in here and put to use some of the things they have learned. He said they will understand what it is like in the real world so that when they graduate then will be able to do well. He said he thinks this would be a win/win for Sul Ross State University and the City of Alpine. Motion was made by Councilor Gonzales, by Resolution 2013-08-11 to authorize the City Manager to draft an agreement with Sul Ross State University regarding the use of SRSU interns to assist various city departments. He said we need to make sure this is okay with the Department Heads first. Motion was seconded by Councilor Fitzgerald. Councilor Fitzgerald asked if these would be older students. The City Manager said he doubted if there would be any Freshmen or Sophmores in the group, he said they would be upper level, depending on the type of program. Councilor Davidson asked if the City Manager would interview some of these folks to screen them a little. The City Manager said if we had some type of interaction between us and the University, it would be slight. He said we do not want to break in somebody that would take too long to train. Cindy Hollander said they have used some students but it is very hard to establish the program. She said they have had seven different projects in seven years. Ray Hendryx said the City had been using interns going back to when we had Pierce as Mayor and Tom Wallman was City Manager. He said it is working and in some cases they went on and joined the City Staff. Motion unanimously carried.

**15. Citizens Comments (limit 3 minutes) –**

**Brian Shugart –** said something came up this week and he saw the Mayor on the Street and he recommended that he come to the Council, not that he is coming here for a solution. He said he wanted to make people aware of what could happen. He said his neighbor and good friend, small business man, hardworking and honest, had a medical emergency and went to the Big Bend Regional Hospital. He said the 2 ground ambulances there set up for long distance travel, were in the shop. He said he was put on an airplane and now he has a bill for \$45,000. He said he is filing for bankruptcy. He said that is not all it seems, that people could come in and prey on our citizens like that. He said he understands that we are going to have a contract with an ambulance service and he thought he had insurance. He said he has Aero Star which is \$65 a year for him and his family. He said if Native Air Transport comes in, his insurance is no good. He said if you are unconscious and Big Bend Ambulance picks you up, their contract is with Native. He said you are put on an Airplane and you

have no insurance. He said if we are going to get into a contractual agreement for the City Ambulance Service we need to find out who their provider is and who have they contracted with and make our citizens aware. He said there is not sense going out and buying this membership into their organizations. He said there is no sense in buying three or four and taking a chance that one of them is going to be right. He said for \$45,000 you can go around the world first class a few times. He said that is just obscene. Councilor Fitzgerald asked if we had a TOMA issue here. The City Attorney said yes, because this was not on the agenda. He said it is best to ask the Manager what we need to do if there is an extraneous item like that. He said they should come and see the City Secretary and post it under citizens comments and then talk about it. He said we need to stay with what is on the agenda. Mayor Rangra asked what we could do and talk about in citizens comments? The City Attorney said what is on the agenda right now.

Carl Fleming said he had a comment but it was not on the agenda. He said he mentioned it to the City Manager today and hopefully it will be on the next meeting agenda. Councilor Castelli asked how we can discuss public interests if there is not a time when the public is allowed to say something. The City Attorney said they can tell the City Secretary what they want to say and she can put it on the agenda if they want to say something. Councilor Castelli said that is the most ridiculous thing that citizens cannot come to the meeting and say something in an open forum. Councilor Castelli said we need to do some research. He said maybe the City Attorney does not understand something. The City Attorney said we changed that about 20 years ago. Councilor Davidson said he would like to point out that most City Council's actually require you to register when you come in and put the item that you are going to discuss and if you have the same item you will be requested to get together with the others and decide who will be the spokesman. Councilor Davidson said this is a very loose Council in regards to public comment compared to the rest of the world, which he is grateful for. Mayor Rangra said maybe we need to talk a little about TOMA and have it under a discussion at the next meeting in response to Councilor Castelli's comments. He said obviously we do not want to break the law but at the same time we need to have a clear understanding among the council to understand what it is. He said he read somewhere that you can do that, as long as it is just an opinion to express. He said we have to follow the City Attorney. He said he suggests that we have a discussion at the next meeting on TOMA. City Attorney Armstrong said there is part of a revised procedure is in the works. Councilor Davidson said now we are violating TOMA by talking about TOMA there is an on line examination for public officials to become current and have a certificate on file with the city after completion. Councilor Fitzgerald said if we receive or give information that is not on the agenda, it is a violation of TOMA according to Scott Houston and TML. Mayor Rangra said maybe we

should talk about if a citizen is here and has something to say, whether he should be able to talk about something or cannot talk about something. He said they want to express their opinion.

**16. Council Member's Comments and Answers – Councilor Castelli – said he did not have any comments at this time.**

**Councilor Gonzales – said he did not think it would be a problem for anybody to call Molly and say that they want to put this item on the citizens comments and again we are not going to act on it. It is just comments and it is not like an agenda item that we have to act on. He said until we find out what the ruling says that would be a way to do that.**

**Councilor Fitzgerald – said he agrees with Councilor Gonzales. He said it is not that big of a deal to call her. He said we don't make the laws. They may not be right but we don't make the laws and we have to follow them.**

**Councilor Davidson – said he concurs. He said he would also encourage citizens to call their city councilmember and chat with them over the phone because they can also have an agenda item placed and they can actually have it placed for an action if they think it is a good idea.**

**Mayor Rangra - said TOMA is a monster and no one understands it but to be on the safe side they say listen to your attorney. He said if your attorney says no, no matter how you feel, just do it. He said here is a way to let the people know about this.**

**Motion was made by Councilor Davidson, by Resolution 2013-08-12, to enter into executive session. Motion was seconded by Councilor Fitzgerald. Councilors Davidson, Fitzgerald and Gonzales voted in favor. Councilor Castelli voted against. Motion carried.**

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

**A. Evaluation of Charles Harrington, City Manager. (J. Fitzgerald and Mayor Rangra)**

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

**A. Action from evaluation, if necessary, including possible removal of probationary period for City Manager. (J. Fitzgerald and Mayor Rangra)- Motion was made by Councilor Davidson to take no action. Motion was Seconded by Councilor Fitzgerald. Motion carried unanimously.**

**19. Adjournment – Meeting was adjourned.**

I certify that this notice was posted at 2:30 P.M. on August 16th, 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.

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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 2:30 P.M. on August 16th, 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