

**City of Alpine
Special City Council Meeting
March 28, 2013
6:00 P.M.**

Minutes

1. **Call to Order, Invocation and Pledge of allegiance to the flag** – Mayor Pro Tem Davidson called the Special Meeting to order. He said we would waive a lot of the things on the agenda, just the procedural things and get right to the heart of the matter. He said as you can see, we do not have a quorum present. He said the Mayor is at a Chamber of Commerce meeting and we do not really know where the other folks are so we will not be able to take any action at this meeting but as the meeting was properly posted...The City Secretary said the meeting was posted at 4:00 P.M. on March 25th, 2013. Mayor Pro Tem Davidson said the meeting has been properly posted and our City Attorney has ruled that we can discuss the items on the menu and the two items he would like to go through on the agenda is number 5, Citizens comments on agenda items, so if any of the citizens out there would like to come up and state your names and have at it.

2. **Determination of a quorum and proof of notice of the meeting** – Mayor Pro Tem Davidson, Councilors Davidson, Lujan and Asgeirsson were present. Councilors Bermudez, Gonzales and Mayor Rangra were absent.

3. **Presentations, recognitions and proclamations** –

4. **Reports** –

City Attorney Report –

City Manager Report –

City Staff Updates –

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

Carl Fleming - said he had heard that there possibly would not be a meeting tonight, but then he heard that the council would go directly into executive session with no discussion before the public on the audit. He said he hoped that would not happen. He said he hoped they would at least get an idea of what the audit showed. He said the other thing he wanted to talk about was at the last meeting, we had one person vote which was Councilman Asgeirsson, who was on the Board at the Gas Company, and she made the motion, he believed at the last meeting, to not investigate the gas company and the contracts. He said he thought that was a conflict of interest and she should have recused herself.

Mayor Pro Tem Davidson said his comment was that was not on the Agenda.

Shaw Skinner – said he was not prepared to deliver this audit report without a quorum. Mayor Pro Tem Davidson said he could understand that. Shaw Skinner said in fact he was not going to. Mayor Pro Tem Davidson said that was fine.

Mayor Pro Tem Davidson said he considered Mr. Skinner completely scrupulous and an outstanding auditor. He said he had worked with him before on a couple of non-profit board and he had all the confidence in the world in Mr. Skinner. He said if he feels it is not appropriate, then that is the way it is. Shaw Skinner asked City Attorney Armstrong if he agreed with that. City Attorney Armstrong said absolutely. He said he thought that the state law provides that the audit must become an official document of the city six months (or 180 days) after the close of the fiscal year. He said this meeting would have made that barely. He said the meeting on April 2nd will push us beyond that deadline. He said he was very disappointed that we do not have a quorum to address the audit in a timely fashion. Mayor ProTem Davidson said he supposed while we were here, if any council members wanted to comment.

- 6. Public Hearings –**
- 7. Consent Agenda – (Minutes, Financial reports, Department written Reports, board appointments, etc.) –**
- 8. Information or Discussion items –**
 - A. Workshop with Brewster County Groundwater Conservation District. (M. Davidson) – Members of the Alpine City Council, the Mayor, City Attorney and City Manager attended a workshop with the Brewster County Groundwater Conservation District. There was discussion but no action was taken.**
- 9. Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting.)**
- 10. Council Members Comments and Answers -**

Councilor Asgeirsson said the Mayor Pro Tem said the Mayor was at a Chamber of Commerce meeting?

Mayor ProTem Davidson said apparently.

Councilor Lujan said he called a friend of his to attend this meeting and said he was not sure if we would have a quorum to proceed with the meeting. He said to his surprise his friend told him that the Mayor was sitting right there, next to him. He said they were at a meeting of the

Chamber of Commerce. He said once again our Mayor shows no interest in taking care of business for the city. He said instead of that he decided to keep building up his political personality which is fine but he said he was pretty sure it was not fine to our constituents. He said the issue of the audit that we have been talking about, and we have been making comments not to state things that are not true or questionable and the only persons missing here are the ones that have been telling everybody that when we get the audit, when we get the audit. He said now that we have the audit and they are not here. He said that is understandable when you have one or two persons missing. He said we have four people missing here, the City Manager, the City Mayor, Mrs. Bermudez and Julian. He said he hoped that the citizens out there are looking at this really hard. Councilor Lujan said this is posted for Tuesday, Mr. Skinner, so he guessed we would try to get this for Tuesday.

Mayor Pro Tem Davidson said the exact same thing was posted for Tuesday and they appreciated Mr. Skinner coming out. He said he does not necessarily speak for everybody but just so the folks will understand the procedures that a special city council meeting can be called either by the Mayor or by three City Council members. He said generally what happens is one of the City Council members may have an issue and feels it needs to be addressed. He said we have an awful lot of business to take care of at our regular meetings and sometimes it seems like.... He said we have had meetings go until 11:00 at night. He said sometimes, especially something that is as important as the City Audit is something that possibly can take several hours to go over and answer all our questions. He said it seemed reasonable to me, when he was called and asked if he would agree to a special meeting, that to have a meeting just for the audit, where we could go as long as it takes, just on the audit, made a lot of sense to him, as he believes it did to our other City Council members here. He said he does not want to risk going into any kind of detail or undermining the process of Mr. Skinner's integrity over here, but there are some things in this audit that he thinks are of great concern to the city of Alpine and the citizens and the taxpayers. He said it needs to be carefully gone over and he has a lot of questions for Mr. Skinner and we've also been very careful to follow not only the letter but the spirit of the Texas Opens Meetings Act. He said all of us have had a lot of questions and it would have been tempting to go and speak with Mr. Skinner personally who may or may have not been open with us. He said he knows speaking for himself, he resisted the temptation for doing that to when it became posted in an open meeting and all the public could be there and there would not be a series of people going in and rumors spreading. He said he does not know if anyone else has done that and that is probably within people's prerogative if Mr. Skinner chose to. He said as he said he has great faith in our auditor over her and he looks forward to asking you questions.

Councilor Lujan said you just heard Councilor Davidson and he is concerned about the issues and it is not just Carlos Lujan that is in the papers. He said we also have Diana Asgeirsson, Mr. Davidson and himself

that are very concerned about the situation with the City. He said it is not just himself. He said he appreciated everyone being here.

- 11. Executive Session –**
- 12. Action – Executive Session**
- 13. Adjournment - There being no further comments, meeting was adjourned by Mayor Pro Tem Davidson.**

I certify that this notice was posted at 4:00 P.M. on March 25, 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 I posted a true and correct copy of the notice of the meeting at the city hall of Alpine, Texas at a place convenient and readily accessible to the general public at all times and said notice was posted at 4:00 P.M. on March 25, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary