

**City of Alpine  
Regular City Council Meeting  
January 21st, 2014  
6:00 P.M.  
Minutes**

**1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the meeting to order. The invocation was given by Brad McGuire. Pledge of allegiance to the flags was led by Mayor Rangra.**

**2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra and Councilors Bermudez, Davidson, Fitzgerald, Gonzales and Castelli were present. The meeting notice had been posted at 5:15 P.M. on January 17th, 2014.**

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

**A. Girl Scouts of the Desert Southwest Junior Troop 333 will be observing the council meeting with their troop leader Lizette Holquin. (E. Zimmer, CM) – City Manager Zimmer said he wanted to welcome Mrs. Holquin and the girls from troop 333. A picture of the group was taken by the Avalanche newspaper. The City Manager said part of our scouting organizations need to observe different community and government meetings and this gives these young ladies the opportunity to observe and understand the process. He said there is our future. Mayor Rangra said he hoped they learned something.**

**B. Recognize four recent retirees from the City of Alpine – Joel ‘Pee Wee’ Muniz, Joe Luis Ramirez, Rodolfo Monclova and Ramon Lujan. (A. Rangra, Mayor) – Mayor Rangra said these are four employees who have retired over the last seven months. He said among these four there is a total of 95 years of experience. He said he is going to recognize each one of them and he understands that later on the City Secretary is preparing some sort of reception for them. He presented certificates to Ramon Lujan (13 years-street department), Rodolfo Monclova (21 years-parks department) and Joe Luis Ramirez (25 years-street department). Joel “Pee-Wee Muniz” was not present. Mayor Rangra said Pee-Wee had worked for 36 years for the city.**

**4. Reports –**

**City Mayor’s Report - Mayor Rangra said he wanted to welcome everyone in this new year and he wanted to thank the Mayor Pro Tem for the last meeting. He said he did a wonderful job. Mayor Rangra also introduced Mick**

**McKamie to the audience, who is our new City Attorney.**

**City Attorney Report** – The City Manager said tonight we have William “Mick” McKamie here. He said McKamie’s firm is representing the City of Alpine and we had discussed that at the last Council meeting in Executive Session and selected Mr. McKamie and his firm based on their experience in representing other cities across Texas as well as a lot of deep experience in the current matters that are important to Alpine, from water to our streets and roads. He said with Bob Steele, the interim city attorney leaving, November 25<sup>th</sup>, we have had kind of a gap of time. He said Mr. McKamie’s office is out of San Antonio. He said he has a full firm of attorney’s that will back him up. He said he will be our main point of contact. He said we appreciate his attendance at this particular meeting. He said in the future we will be doing more streaming video and audio so he can attend that way. He said we are extremely pleased with Mr. McKamie’s background and with his firm’s background in representing Alpine. He said Mick spent his morning in our staff meeting getting to know all of our different department heads and coming up to speed very quick on some of our pressing legal issues. Mr. McKamie thanked everyone for inviting him and for selecting their firm to assist Alpine as City Attorney. He spoke about his History. He said they had four lawyers in the San Antonio office and five in the Austin office. He said Barbara had a lot of water and sewer experience. He said he personally looked forward to working with the Mayor and the Council. He said the staff he met this morning was delightful. He said we have a lot of work to do and they are anxious to get started. He said they will get started tomorrow. He said they have arranged for the City Manager to be the liaison for his office. He said anytime anyone needs anything they can call him. He said they are currently city attorney for 35 cities in Texas. He said some of them are fairly larger and they also have smaller cities. He said they do a lot of litigation for cities. He said he looked forward to working with everyone. He said they do almost everything by email nowadays. He said they will be here when they need to be here.

**City Manager Report** – City Manager Zimmer said he has had a busy couple of weeks. He said he wanted to start with our recycling and Keep Alpine Beautiful. He said last week we had electronic recycling and we collected 60 Pallets. -He said that is up from 50 pallets last year. He said we had the event from Monday through Friday. He said last year we had it from Monday through Saturday. He said we cut off a day and increased our pickup by 20%. He said we had a good response by the community. He said we also had good representation by our media partners in getting the word out. He said we had 15 volunteers put in 52 hours of volunteer time. He said we did have three employees who worked in and out of the project for a total of 92 hours and two of our departments pitched in equipment to help, from a fork lift to power jacks and we really had a great turnout. He said along with that we are also finalizing our application for a Governor’s Achievement Award. He said Martha Latta is spearheading that for us. He said “knock-on-wood” we feel

very confident that based on our recycling and Keep Alpine Beautiful and some of the other key projects that she and the City are working on, we hope to be successful in achieving that award. He showed the Council a couple of images from the electronic recycling week. He said there were two eighteen wheelers worth of material.

He said regarding Code Enforcement, we had 44 code violations, 6 investigations initiated, 28 court cases pending and we have a docket later this month and jury trial during the last week of January. He said code issues or ordinance violations are the number one item that comes into his office. He said as part of our new website launch, we are working to make a form available to our residents to fill out with their code violation concerns. He said we are also going to move into logging that into the system. He said the form will be available on line or people can come into City Hall if they do not have access to the web. He said we are really trying to be very open and listen and log the complaints that the folks have in relation to our code and our ordinances.

He said concerning our law enforcement and fire department, most of us know that the County issued a burn ban effective this past week for the county. He said in our staff meeting this morning, Chief Scown had indicated that here in the city we do allow people to burn within a fire pit. He said it is something that we are going to address as far as that ordinance and the compliance of that ordinance. He said we just want to make sure that we are safe and we are not causing fires in the area. He said back up a slide, most of our code violations that come in are brush related violations where people are letting their yards get too high. He said with this being the dry season and windy season it really has to be top of mind for all of us. He said we are also addressing the graffiti on Kokernot Bridge for those of you who have been through that area recently have seen some of that. He said our public works department are working together on cleaning that up. He said we have a pretty good line of sight and know who some of the perpetrators are. He said we always ask the citizens that if you see anything to please let us know as quickly as possible.

City Manager Zimmer said we are glad to have Mick McKamie, our City Attorney, with us this evening. He said we are working through a list of outstanding items which will provide some additional output in agenda items for the next 60 to 90 days.

He said we are almost there with the new website. He said the projected day to launch is January 31<sup>st</sup>. He said we were able to get the domain name City of Alpine.com which he thought was pretty cool. He said it was available and the one item that we still have to upload is our agenda and our meeting minutes. He said he knows that has been a topic of conversation for a lot of our residents who want to make sure that we get it updated on the site. He said we will also have imbedded pages that will give us current information on who our Mayor and elected officials are and who our Administrative Staff is and how to get hold of them quickly. He said it will have forms that you can download and is really an easy to use site. He said he has to say that we are

using an existing employee to build this site and that provided us with a nice cost savings as a city. He said we will also have multiple people trained here on the City Administrative staff to do updates. He said as different emergencies or things come up, we want to be able to direct people to the City website to get the information that they need to understand about what is going on. He said he just showed the council a couple of sites. He said there is no harm in going to it right now.

He said concerning Public Works we are making a list of targeted streets for repair this year and they will be available by the end of January. He said we are also doing some ranking of those right now as to what type of priority and what needs to be done and what are some of the lower priority streets. He said we have also ordered our material and posted our 2014 budget revisit which we are getting ready to present at the next Council meeting.

He said one of the other items that he thinks is import is to address dead tree issues at our local parks right now. He sad through some of the most recent wind storms they have seen some of the older trees and this has caused concern. He said they will have to look at replacing a few trees.

The City Manager said Virgil Clark and an employee went up to Lubbock this past week and they are working on testing our water capabilities. He said we have an e-coli test that has a six hour time line that requires us to go to Midland-Odessa and drop that off. He said it becomes somewhat of an expense drain on the organization, not just the cost to get it up there but also the time away from the job for each employee. He said we are going to be able to set that testing up and perform that in Alpine in the not too distant future. He said the significance of that is not only we will be able to do that for our own good but some of the neighboring communities that are having to drive their samples up to Midland-Odessa right now will be able to redirect here. He said we feel like we are being a good partner in the greater Big Bend Region with being able to do this. He said we are also looking at a couple of other tasks that we can bring back in house as well.

He said concerning our tourism and hotel fund, on the tourism side we are reshooting the videos for those of you who have gone to the old web site. He said we are refreshing and updating those and we will get them out on the new website. He said our face book page for Alpine has just passed 10,000 likes. He said it has been a continued slow growth but a positive representation. He said this issue of the Texas Highway Magazine titled the Big Bend Issue devotes about 10 pages to Alpine. He said five of those pages are focused on the Cowboy Poetry Gathering. He said if we were to go out and pay for this advertising, it would cost us about \$75,000. He said we gave them photos, the photos you will see in the Texas Highway spread. He said these were provided as part of our photography contests of recent past. He said this is really neat the way that Texas Highway Magazine utilized the information that Chris Ruggia and Stewart Ramser had provided. He said it is probably \$75,000 worth of value that we did not have to pay for.

He said we have a regional planning meeting scheduled here in Alpine for Thursday, February 27<sup>th</sup>. He said all recipients of the hotel fund are invited to

attend. He said the goal of that is some way to fill in gaps on weeks and weekends that currently don't have events but also how do we get better media vibe by working more collectively as a group, lowering our overall costs and stretching the dollars out even farther. He said we are also nearing the completion of our hotel fund audit. He said he had targeted the end of January to finish that. He said most importantly what we are looking at is the administration of that fund to make sure that we are in compliance within the letter of the law and how we are administrating it. He said we are communicating to the recipients. He said we are sharing a form with them and guidelines to begin with but it is important that we also provide them with gentle reminders and help. He said that will be addressed at the Thursday, February 27<sup>th</sup> meeting as well.

He said concerning the finance department, our auditors were on site the first half of last week. We had a very good session on Monday, Tuesday and Wednesday. He said we anticipate completion and presentation of the audit by the second meeting in February. He said we have to have it done before March 1<sup>st</sup>. He said many of our reporting guidelines require us to have it done by that time frame. He said we will have plenty of action items that will come from this audit but as Megan Antrim and he are kind of moving forward they are thinking a lot about the internal controls and how we are putting some policies in place to manage internal controls, anticipating that next year that will be a focus of the audit as well. He said we are compiling a list of older assets for sell off. He said we have older assets that still have material value to them. He said we are trying to repurpose those dollars as we sell them off into some other capital needs in the city. He said at the same time we are also building our current asset list as part of the 180 day plan. He said he is certain that will be an output from our audit as well and that is a requirement. He said as he said earlier we are targeting our 2014 budget revisit for Council and we will be looking for approval on that by the next council meeting. He said he also met with our health care vendor this past Friday. He said the city is partially self funded and we discussed plans and rates. He said the high bar item there is developing some reserves when you have a self funded account that is an important element to it.

He said for those of you who have seen the media lately about Beijing, he is very glad we are not in that part of the world but here in Alpine, Texas. Councilor Davidson said the City Manager said the council would have a list of property as part of the 180 day plan and wanted to know if that would include real property. The City Manager said it would. Councilor Gonzales said he liked the way the City Manager was explaining it so that the council could visualize it too. Councilor Fitzgerald asked if the council was going to get an up to date asset list. The City Manager said yes, he said part of that is looking at what our acquisition cost is, what the life of the asset is, whether we depreciated it on the spot or whether we are depreciating it over a period of time. He said then we will move forward with tagging the assets. Mayor Rangra thanked the City Manager and said it looked like he had earned his pay. He said the presentation was not only impressive but was also intuitive

with a lot of information and the city, council and audience can see where we are going.

**City Staff Updates** – The City Manager said there were no reports from anyone on the list below.

Megan Antrim, Interim Finance Director  
Robert Polanco, Code Enforcement  
Judge Schlosser, Municipal Judge  
Russell Scown, Chief of Police  
Virgil Clark, Interim Utilities Director  
Randy Guzman, Gas Department Manager  
Martha Latta, Recycling Coordinator  
Hector Ramirez, Director of Public Works  
Johnny Galvan, Airport Manager

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

**Manfred Fritsche** said he wanted to talk about item #12 in Executive Session. He said he noted that the new attorney was present and welcomed him. He said the item reads to review the City Manager's visit with the City Manager. He said he is inclined to believe that no representative of the Attorney General is going to make any meetings and comment with regards to the ongoing investigation. He said beyond that, the Texas Open Meetings Act does allow the consultation with Attorney on contemplated pending or pending litigation or settlement offers and on civil matters. He said this is the exception most often claimed by bodies meeting in secret. He said there must already be litigation or contemplated litigation about which the governmental unit wants to consult its attorney. He said some vague suspicion of litigation may occur is not sufficient to invoke this exception to the open meetings act. He said a review of the attorney general's visit with the city manager doesn't fit the bill in his opinion.

**6. Public Hearings - None**

**7. Consent Agenda - (Minutes, Financial reports, Department written reports, Board appointments, etc.) -**

**A. Approve the minutes of November 18<sup>th</sup>, 19<sup>th</sup> and 25<sup>th</sup>, 2013 (A. Rangra, Mayor) -**

**B. Approve Accounts Payable (E. Zimmer, CM) –**

Motion was made by Councilor Davidson, by Resolution 2014-01-11, to approve the consent agenda as posted. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

## **8. Information or Discussion items –**

### **A. CO 2011 and Texas Parks and Wildlife Grant. (E. Zimmer)**

- **\$15,000 to be paid to Atlantis Aquatic Group from expense account 24,621.0500 for filtration and chlorination system to finish swimming pool**

**The City Manager said he does have a power point to go along with the information that was provided to the Council in their packets to supplement the background. He said he wanted to start off by saying that the discussion today around these two critical topics are output from one of the items on the 180 day plan that is kind of addressing the accounting and where we stand on some of our certain obligations and grants. He said the CO 2011 as well as the Parks and Wildlife Grant are the two biggest items open within the City of Alpine right now. He said he would also set the discussion by stating that Megan Antrim, our newly appointed finance director (at that point he asked Megan to stand up and he recognized her and said she had now been on the job for 13 days) prior to this, she had been working in a project management coordination position supporting the city. He said Megan has a breadth of experience on managing and administering grants and certificates of obligation. He said probably on his second or third day on the job, he sat down with Megan and assigned her the task of helping him to understand what happened with CO 2011 and what happened with the Parks Grant. He said as we are going through this, this evening, Megan is going to come up and provide some additional support and input as to how this was put together. He said we will address CO 2011 first. He said it originated in April of 2011 and there were 16 key projects outlined for completion within the scope of the project with the following items being our four project lists along with the associated dollars called out in this CO Series. He said they are 1) Old City Hall Roof Replacement - \$80,000 2) Court Building improvements – \$15,000 3) Police Department improvements - \$15,000 4) Animal Shelter – \$150,000 5) Kokernot Swimming Pool - \$84,000 6) Street Department – \$15,000 7) FEMA Match for channelization - \$33,000 8) 6<sup>th</sup> Street Improvements - \$15,300 9) Railroad Depot - \$53,400 10) Water improvements for well maintenance - \$75,000 11) Water building improvements - \$15,000 12) Sewer building improvements \$15,000 13) Sewer improvements for bottlenecks - \$170,000 14) Belt press for the sewer plant - \$220,000 15) Quiet Zone - \$225,000 and 16) Parks Equipment - \$10,000. He said these were pulled straight off the meeting minutes prior to the approval as well as the initial dollar amounts and it came up to almost 1.2 million dollars. He showed a couple of images, the Animal Shelter on the left and the Railroad Depot on the right. He said as we moved through studying what happened with the \$1.19 million, they came up with really trying to recreate how did we get and how did we spend those monies. He said what he would share with the Council is it was very hard to track all of the expenditures. He said the City, at**

that juncture in time, the administration and staff had been using a one account system where monies that came into the city were all put into the general fund and then when an item had to be paid it might be transferred to an account to pay that item. He said since then we changed accounting software, monthly backups weren't done routinely and many of the folders did not contain all the information related to the expense of these items nor a movement of money from one account to the next. He said the project clearly was not managed appropriately with the CO project. He said there was no clear representation of detail costing, how the financial accounts were derived or managing that project clearly. He said anytime you have this amount of money that is being allocated, close to 1.2 million dollars....he said he would use the sewer improvements for bottlenecks, \$170,000 as an example...he said that \$170,000 is piece parts of a lot of different elements that come to that total. He said what we were not able to gather is what were those piece parts. He said when Megan and he were trying to reconstruct they did not find clear accounting as to how these numbers were absolutely derived. He said with that being said, what was provided to council was a list of expenditures and how they were tied to different elements of the projects. He said sometimes, not all of the expenditures matched what that project entailed. He said for example, the old city hall roof, an \$80,000 line item there.....we have furniture that was procured and accounted for out of that fund. He said so as they were putting this together some of the dollar amounts did not match up. He said in a case like that what they would have wanted to do as the city was to say we have court building improvements or police department improvements and they require some furniture to be purchased that we would have done either a budget transfer that would have been approved by council or we would have shown that line item being taken out of those two elements. He said that was part of the challenge that Megan really faced as she was putting this together. He said the other piece on this first light of key observations, the money was immediately moved to the general fund instead of setting up separate accounts. He said that is not a practice from a move forward perspective that we as the city administration staff would do. He said you would set up a project and a bank account associated with the CO 2011 and put your money in that account and then have detailed accounting as you spend out of that particular account. He said every month you do a reconciliation to that account and that data should be provided to council. He said that is methodically best practice in moving forward on some type of obligation like that. He said that having been said, he asked Megan to come up and give some of the other observations too. Councilor Davidson said on the City Hall Roof item there are two items to Quill. He asked if he was correct that we spent \$4,000 on office supplies. Megan said the Quill was for office furniture and supplies. The City Manager said it should have been a budget transfer to a department. He said overall when CO 2011 was initially rolled out there should have been more detail given to the council and community as to specific line items and how you get to that \$80,000 or how you get to that \$15,000 and that did not

occur. He said please understand that they are just sharing the facts of what they have observed. Councilor Davidson said we should have known that would include furniture because it says roof. Megan said unfortunately there was a lot of miscoding for example the furniture coming out of the roof expense. She said some of the expenses out of the sewer should not come out of the sewer. She said it was one thing after the other. She said if you will notice at the end of the report at the very bottom there are actual expenses. She said she noticed that when we received the money in April it was directly deposited into the general fund and then four months later it was actually deposited into a CO11 proceeds account and the rest of the expenditures came out of that account. She said there are four months where money was being spent, and it was being spent on projects. She said the Animal Shelter definitely was a big project that the city took on. She said she thinks it was a little more than was initially expected. She said at the end of every fiscal year audit adjustments were made. She said there was a lack of documentation that was used. The City Manager said they were concerned about legal ramifications of non-completion of the projects. He said they have not seen anything to this point that would lead them to believe that the money was not spent on the city but the money was not spent according to how it was outlined for CO 2011. He said INS accounts should have also been built at that time to start creating reserves on dollars associated with that debt. It has made it very costly for our administration team in managing our financial state because we are about to accumulate right now \$110,000 per month and put it into reserve to make the debt payment that is coming up in March. He said we have a clear line of sight to the middle of March and he is very pleased with that. He said there are two big projects that have not had any action on them. He said they are the Belt Press and the Quiet Zone. He said these are the items that resonate the most in his office and that he gets the calls on. He said he hears everything from there is \$225,000 in a separate account to build the quiet zone to a lot of different versions. He said what he would say is that there is no additional money from the existing 1.9 million. He said there is not a reserve fund holding the money for the Quiet Zone. He said with the Quiet Zone he thinks it is important that we understand that the Railroad Commission continues to give us additional elements and conditions in order to build the project. He said they are now pushing it to the level where the community needs to understand what those additional requirements are. He said when we start getting into street closures alongside these railroad crossings, there are a lot of people in the community that may not be happy with some of the street closures. He said as a new administration staff, it is our responsibility to really create what a new quiet zone plan would look like as well as looking through some of the bids from the old quiet zone project. He said was \$225,000 the right dollar amount or could this have been built for something less than that. He said the belt press was another high bid item. He said Virgil Clark was able to research and found these bags that we could move the sludge into that would promote the drying process and we had a \$17,000 expense

there instead of a \$220,000 expense. He said in a sense we avoided an additional \$200,000 in cost. He said that is just in up front capital costs. He said the other piece on the belt press that was not called out in the series is the additional strain on employees. He said when you have a belt press, you have to have an additional employee and you have ongoing additional expenses. He said those are all things that we have to think about, not just spending money but the additional strain on our employees. He said our commitment as we exit out of CO 2011 is to look at the quiet zone and get it back on the agenda in the not too distant future so the council can review it as well as getting final statements from the Railroad Commission and legal to help this project move forward. The City Manager said the old software predates Megan and Erik. He said they are finding bits of paper files in different folders. He said it is very tough to reconstruct. He said now all of our statements and reports go in one folder and the Council has visibility as to what we spend every month. He said he thinks the strategy back when was to go after CO 2014 to catch up with some of these projects. Councilor Davidson said he knew that there was some engineering done on the Quiet Zone and wanted to know if anyone remembered the amount. Megan said it was \$5,727. The City Manager said we are dealing with a major miscoding issue. Councilor Gonzales asked about the Belt Press. The City Manager said bags have allowed us to avoid the belt press. He said Virgil believes that solution will be steadfast for Alpine. Councilor Gonzales said for the Quiet Zone the city was going to do the parking lot at the Railroad Depot. The City Manager said concerning the Animal Shelter, we had \$150,000 budgeted for it and it wound up costing a lot more than that. He said there has not been a real line on accountability. He said it was not delivered back to the council or articulated in folders. He said it should have been but it was not. Quiet Zone bids were discussed. The City Manager said all of those qualify as partial bids because the railroad has now come back to us and said you have to do this, this and this. He said we really do not have a clear scope on what that project looks like under the current application. He said as these changes come in, then he believes the residents are going to want to know what these changes are because if you take away a side street that people are used to traversing on, and they may say they would rather listen to the horn toot than lose access to their side street. He said these are pieces of the project that were not felt or known early out there. He said now as we progress forward we are finding out about them. The side streets that would potentially be closed were discussed. It was discussed that we do not have any documents for the Quiet Zone. Councilor Castelli asked where we would get the money for the quiet zone. The City Manager said it is our overall city financial plan and in the next two or three months he will be making recommendations to cover things from our health care to reserve accounts, and we have to reexamine our liability accounts for the deposit. He said it is a matter of taking the budget and seeing how much we can drop down to do this project and from the Council's perspective from his timing. He said a lot of expense went to projects that were out lived.

He said there was not a clear line of accounting. He said bids were offered to construct certain elements of the quiet zone. He said we really do not have a clear scope. He said Ivan with the Railroad, will not deal with this unless we do away with 2 of the 5 streets. He said for sure we would have to close 7<sup>th</sup> street off as an access. He asked where we would get the money for this project. He said money has already been spent. He said we are restructuring our liability accounts. He said we will also be giving money to our streets and roads. The City Manager said he would report monthly to the Council about the program. He located the audit reports for 2011, 2012, 2013 and 2014. He said a monthly report is in progress. The audited reports from 2011, 2012, 2013 and 2014 were also discussed. Mayor Rangra asked about a dump truck. The City Manager said we could not find a dump truck and he needed to see if the dump truck was budgeted for. He said \$500,000 was spent out of 2011 and we need to see where it was spent. Mayor Rangra said in 2011 the airport had \$633,000 in fuel sales and we spent \$659,000 to buy the fuel. The City Manager said it was puzzling and we were trying to recreate what happened. The City Manager said there was money spent on water and sewer system improvements in our annual budget. He said they could have coded that against this project. He said it was not coded well. The City Manager said there is a huge difference in clarity now and where the money is going to come from. He said there were no budget amendments for the past four years and not much documentation. Councilor Davidson talked about Marathon and their quiet zone which cost them \$17,000 because all they needed was a median. He said he was wondering if the Railroad really intended to close off our streets or whether he was just talking about access. The City Manager said his goal was to see what the changes would be on the playgrounds and said his goal was to see what the changes would be. Councilor Castelli said the new ramp for Amtrak is close to 5<sup>th</sup> and seventh street. He said they are concerned about the social trails. Mayor Rangra said concerning the distribution system, normally we spend about \$60,000 or \$70,000. He said in 2010 and 2011 they spent \$124,000. The City Manager said there was money spent on water system improvements and sewer system improvements. He said this was out of our annual budget. He said you can look back at that and say "gosh, they could have coded those funds against this project". He said it was not coded that way. The City Manager said any time you ask for a dollar amount of any significance and there is a large difference of that amount and the amount that you spent, that needs to go back before council for clarity. Mayor Rangra said the City Manager looks at the checks before they are issued. He asked the City Manager if he found any money lost from the previous administration. Councilor Davidson said there has not been a budget amendment brought before the council since he took office four years ago. He commented on the towing budget of \$4,000 budgeted in 2010/2011 for towing away abandoned vehicles. He said at the end of the year it showed \$60,000. He said at \$150 a pop you could tow every car in Alpine for that.

The City Manager said concerning the Texas Parks and Wildlife Grant, which

came into effect in 2010. He said there was a three year time limit of completion. He said we obtained a one year extension last July. He said there was \$804,000 identified in the project that was provided to council in their packets. He said 50% had to be reimbursed by a grant employee. He said the City was to come up with \$402,000 to administrate this grant. He said this was a key project was to sell the park equipment to different parks as well, along with some other items. He said the park equipment was still here from the late 70's. All of the parks had the same equipment as they had back in the 70's. He said there are other items are like benches and fitness stations. He reviewed the budget for the board. He said others are volleyball courts and playground renovation. He said there is a list of items. He said there are items associated on the list with the trail and the trail head. He said the trails associated with Sul Ross and trail heads. The City Manager said we had an \$804,000 project that \$402,000 was coming from the city. He said there was no plan on where that \$402,000 would come from. He said there was not money held out in reserves, there was no loan associated with the \$402,000 and at the beginning of this project the rhetoric was probably that we would find a way to get the money. He said in CO 2011 we had \$84,000 that was identified to go back into the pool. He said the biggest project and dollar item was the renovation of the pool. He said it is a big asset for the town and it is a huge element for the kids. He said a lot of people have learned to swim in that pool. He said CO 2011 was the \$84,000 identified but that was only 20% of the \$402,000. He said we did not create any sort of documentation which showed where any of the other \$380,000 was encumbered. He said this is really more of a case of non-allocation rather than misallocation. He said we are still trying to identify performed labor. He said with the renovation of some of these trails, we may have used city labor for them. He said there is about \$100,000 in expenses. He said he does not believe that we will be able to categorize anywhere near \$100,000. He said he feels some of this wording is like the wayfaring signs that give people direction. He said we are hoping that we can work with the university on accomplishing that piece. He said we had also gone a year without the quarterly reports going in. The City Manager said he and the City Attorney were in the process of re-establishing the quarterly report. He said we must retile the pool. He said we will not be able to reopen the pool without the tile being done. He said he will either address this during the 2013/2014 budget revisit. He said if not with any of the \$100,000 that we can get reimbursed for the retiling at the pool. He said we have to retiling the pool. He said you cannot go there with silicone and silicone cracks. He said it will be cracked by the end of this year. He said it is just not an approved way to handle this. The City Manager said if we get some of our money back we will redirect that to the playground equipment fallout. He said we are also working with the high school. He said they have a very large barbecue pit. He said we will have to address that we cannot find a lot of these. Megan said we are trying to figure out some of the expenses that may have been misquoted once again. The City Manager said with any future grants that we work with will require

personal funding from the city, will require a financial plan. He said this is a wonderful outline of items that need to be done. He said we just missed allocation dollars to it. Bob Litton said maybe Molly could help him with this one. He said he remembered that there was a resolution or ordinance authorizing the City Manager to write checks in an amount of \$5,000 to \$15,000 without the approval of the council. Molly said she did not remember the amount. Carl Fleming said this was the result of poor city management and poor financial direction. He said they did not want new software in this city. He said it has been a long hard struggle. He said the council did not ask any questions. Jane McKenna said she received a letter from the court that she wanted to complain about. She was told that this was not the right time in the agenda to discuss this but she could bring this back in Citizens comments at the end of the meeting. A reporter from Marfa Public Radio asked about the status of the Quiet Zone. She wanted to know if was still a project. The City Manager said the funding associated with CO 2011 has been spent. He said the Quiet Zone is still a project at city level that we want to consider. He said we continue to get feedback from the railroad on changes so that it is his responsibility to take that feedback and create a new project plan for our city council to review and also share with the community. He said it would not be funded out of CO 2011 as we discussed earlier. He said it would be funded out of a separate project and that would mean a level of discussion with the council. He said we would need to look at the design that would give us an opportunity to look at the cost. He said it is important for the council to see what the cost is and what additional changes need to be made to the plan. Manfred Fritsche said he heard what Bob Litton said and he also heard what the city manager said that there was no clear line of accounting on this CO 2011. He said over the years he has probably listened to about ten audit reports presented by Mr. Skinner and invariably the council did not ask a single question and approved the audit. He asked if the new City Attorney, since we paid a lot of money for these audits, could get some return on our investment by going after Mr. Skinner and asking him to pay us back. Mayor Rangra said somebody mentioned the abandoned vehicles. He said in 2009/2010 the revenues were \$10,000 and the expenditures were \$65,000 to dispose of the vehicles. He said he would like to know where the money was spent and where did it go?

**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.)**

**10. Citizen's Comments (limit 3 minutes)** – Mayor Rangra said he wanted to ask the new attorney about what kind of comments can the citizens say. The City Attorney said the citizens can talk about anything they wish up to the time limit the council sets. He said under Texas Law and the Open Meetings Act no member of the Council can respond or answer a question at this time. He said there is a portion which allows the City Manager to make a statement

as to current policies but typically we would ask the citizen to ask the city manager or city attorney after the meeting is over for more information. He said during the meeting, Council should not respond to any questions. Councilor Fitzgerald asked if the council could receive information that is not on the agenda. The City Attorney said you can do that as long as it is in the comment section. He said since the public has not been given notice on a subject that may be discussed here, the council cannot comment. Jane McKenna said she had a complaint about Municipal Court and the City Attorney said he would speak to her about this after the Council meeting. Carl Fleming said one item that was missed on the agenda was to discuss Naismith Engineering. He said there were also two more instances of graffiti on Holland Avenue. He congratulated the four retirees but added that he hoped the four retirees had cleared their payroll advances, if any, before they left.

#### **11. Council Member's Comments and Answers –**

Councilor Bermudez asked for prayer for Cora Muniz's husband who is very ill.

Councilor Davidson said he agreed with Councilor Bermudez on that and he also wanted to thank the employees that have been here for so many years and thanked the public for coming out in such great numbers.

Councilor Fitzgerald – said he liked to see so many citizens here and there were intelligent suggestions and questions and he welcomed the new City Attorney.

Councilor Gonzales – said he also welcomed the new city attorney and we really need his advice.

Councilor Castelli – said he thought we were beginning to put the puzzle back together and tonight we put two of the four pieces in that puzzle, one was bringing in a very capable city attorney to the city and the other one was to provide the status on where we are in terms of our finances. He said this was for a large part, thanks to Erik.

Mayor Rangra – said he wanted to express his appreciation to the staff and to the four guys who worked so hard for the city for those 95 years. He said again he wanted to compliment Erik for the presentation that he made and he hoped it answered everyone's questions. He said he also wanted to welcome the new attorney and Megan.

Motion was made by Councilor Bermudez, by Resolution 2014-01-12, and seconded by Councilor Davidson to enter into executive session. Motion unanimously carried.

**12. Executive Session - Pursuant to Texas Government Code, Subsection 551.074, Personnel Matters and Subsection 551.071, Consultation with Attorney –**

**A. Review Attorney General’s visit with City Manager. (E. Zimmer, CM)**

**13. Action - Executive Session –**

**A. Any action, if needed, concerning Attorney General visit. (E. Zimmer, CM) - No action was taken on this item.**

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

I certify that this notice was posted at 5:15 P.M. on January 17th, 2014, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the city secretary’s office at (432) 837-3301 or fax (432) 837-2044 for further information.

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Dr. Avinash Rangra, Mayor

Attest:

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Margaret “Molly” Taylor, City Secretary

I, Margaret “Molly” Taylor, City Secretary, do certify that this notice was posted at 5:15 P.M. on January 17th, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret “Molly” Taylor, City Secretary