

**City of Alpine  
Regular City Council Meeting  
Tuesday, May 6th, 2014  
6:00 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the City Council meeting to order. Brad Maguire gave the invocation. Mayor Rangra led the pledge of allegiance to the flags.**
- 2. Determination of a quorum and proof of notice of the meeting – There was a quorum present. Mayor Rangra, Councilors Bermudez, Davidson, Fitzgerald, Gonzales and Castelli were present. The City Secretary said the notice had been posted at 4:30 P.M. on May 2, 2014. City Manager Zimmer, City Attorney William “Mick” McKamie (remotely) and City Secretary Taylor were also present.**
- 3. Presentations, recognitions and proclamations – None**
- 4. Reports –**

**City Mayor’s Report - Mayor Rangra said he attended a Pilot Club banquet and our City Manager Erik Zimmer was the guest speaker.**

**City Attorney Report – The City Attorney said he had been assisting the staff with the 180 day plan projects. He said they have also been working on several TPIA’s with the City Secretary and the City Manager. He said there are some litigation matters that we have discussed before that they have been handling. He said there is really nothing to report on those. He said they are engaged in those matters. He said they are also giving in general to the staff the support in their efforts including review and preparation of the agenda materials the council has tonight.**

**City Manager Report – The City Manager, Erik Zimmer, said it has been three weeks since we last met. He said he wanted to run through some of the highlights that our staff has been focused on here on behalf of the City of Alpine. He said this past weekend, Thursday through Sunday, was the Cinco De Mayo Celebration. He said he was showing the Council some of the activities. He said one of his main concerns, and Chief Scown’s concerns was safety. He said we really went through the weekend with little if no incident at all. He said with regards to the dance here Saturday night, it was highly, highly successful. He said it was a packed house and we ran out of seats. He said everyone who attended said they had a wonderful time. He said we really hope to replicate that this next year.**

He said as far as the road paving update, now that TxDot began their project yesterday, starting down Avenue E, there will be a lot of disruption in the City of Alpine. He said he is glad that Chris Weber and Kiewit came and spoke to the Council and City on April 1<sup>st</sup>. He said daily they meet at 7 A.M. He said he thinks that is an important element. He said we typically have Johnny Marquez from the Water Department there. He said Randy Guzman from the Gas Department will be there. He said in that way if there are any questions or concerns they are dealt with every morning. He said they are also hosting a bi-weekly safety meeting to ensure safety as the number one priority. He said another interesting note with TxDot is that they hosted their regional planning read out on Thursday, April 24<sup>th</sup> at Kokernot Lodge. He said he was one of the two attendees. He said there were four folks from TxDot there and it was an open meeting for the public. He said he would encourage everybody and anybody to attend that meeting next year when they host it. He said they gave their four year read-out or four year project plan. He said we know, here in Alpine, that our biggest project is really underway this year. He said there will be a lot of ancillary projects over the next three or four years on the arteries that weave out of Alpine. He said our work on Brown Street continues to progress. He said he spoke with Hector Ramirez, our Director of Public Works this morning. He said they do have their batch of asphalt in and we are going to see some asphalt being laid later this week. He said he would like to get that completed as quickly as possible. He said Brown Street, obviously is a heavy traffic area for the City of Alpine and one that is in desperate need of repair. He said he is glad that we continue to progress there. He said one of the highlights of that project is that we thought we were going to have to replace a lot of sub-base on that and we ended up having to use only about 20% of the quantity of sub-base. He said the existing base was pretty good. He said that is a little bit of a cost savings for us.

He said he asked Chief Scown to put together some bullet points for him this week, talking about what are some of the activities that our Police Department does annually in support of the City of Alpine. He said he has asked Glenn Losoya, our Web Master, to go ahead and update these on our website. He said he just wanted to display them today but more importantly there are citizens here in the city who do not necessarily understand or see on a day to day basis, some of the work that our Police Department is doing. He said one of these items on here is house watch – Are you Okay? He said we do have a lot of elderly residents in the City of Alpine and this is a nice service that our Police Department provides. He said occasionally he will get calls in to his office as the City Manager and he always wants to make sure that we have an open line of communication with our PD so they can support our citizens and residents of our City of Alpine. He said if you do have the ability to go to the website, please do so. He said Glenn should have it updated in the next couple of days.

He said with our Airport, after 5 months, he and Molly commandeered

**TxDot aviation to come down for a site visit. He said they will be here tomorrow morning to review the taxiway area and the RAMP grant. He said Megan Antrim, Finance Director, himself and Johnny Galvan will be out there bright and early tomorrow morning. He said that is important for us. He said we have also updated the lease rates. He said those letters went out this past week.**

**He said for our administrative update, we are targeting to do our 180 day plan read out the first week of June. He said we do continue to see very solid progress through the plans. He said we started out with 15 items and added an additional 27. He said we feel very comfortable that we will be very close to completion for all of those items by the end of this month. He said we look forward to rolling into the next 180 day plan. He said there have been a heavy volume of TPIA requests over the last month. He said Mr. McKamie outlined that. He said obviously that uses more time but it is important that we respond effectively and efficiently to those requests. He said the Personnel Policy and job descriptions will be worked on by him and Molly post election so that we can get that before the Council for review. He said they desperately need to get updated.**

**He said concerning Code Enforcement reports, probably the highlight here is two items, permits issues (19 building permits, 14 plumbing and 10 electrical). He said we have a very important Planning and Zoning Meeting next week on May 13<sup>th</sup> at 5:30 P.M. here in the Council Chambers. He said we have a few items to review but we also have the Historic District Overlay discussion that will commence at that meeting. He said he would encourage anyone who is interested to attend that meeting.**

**He said concerning the Wastewater Treatment Plant, we are hauling approximately 20 tons of sludge to the landfill weekly. He said you can see the picture on the right. He said we load it into the rolloff and then haul it off to the landfill. He said we have also uncovered two of our old drying beds. He said these are all elements that were outlined way back in the July 2012 report. He said we are really making progress on these items now. He said the other significant item with our waste water and sewer is that he has had the opportunity to sit down with Virgil Clark and Johnny Marquez about a week and a half ago to talk about our sewer infrastructure leading out to the plant. He said there was a 3.5 million dollar solution proposed and we are really starting to dig into that to see what is necessary and what is not necessary. He said he will tell the Council without a shadow of a doubt that we have to fix the lift station on old Marathon Highway. He said that is our number one priority. He said we have had a couple of reportable instances since he has been in office but we are really vetting through all the previous information that was utilized to instruct the plan around the sewer infrastructure update. He said being an old telecommunications guy he would like to look at what the data is behind the repair. He asked if we really needed to fix these items and if they were necessary. He said that is part of our five year capital plan. He said concerning the Finance Department, he and Megan talk almost**

daily about all of the account updates and the transition plan that has been outlined out for April. He said we are on track with the completion of those items. He said we will have our budget variance and income statement readout at the May 20<sup>th</sup> meeting. He said our annual inventory has also been completed. He said we will be updating the data to Hill Country Software post the decision this evening on the Fixed Asset level. He said the 5 year capital planning is underway. He said we had our staff meeting this morning and we did review Section 5.08 of our City Charter. He said he thinks it does a nice job and outlines some of the expectations. He said although our deadlines have not been met for the last several years, he feels very comfortable that we are on the right track to get back on the plan of the City Charter. He said they continue to welcome questions as they arise.

Hugh Garrett asked about the drainage in their neighborhood. The City Manager said a couple of things of concern were that we have had to work as you get East on Brown, and work to make sure the drainage comes down to that low point. He said he is a little concerned about the feed off. He said if we get a heavy rain and we do not feel that it is draining properly we will have to work on those curves that fall off into the creek. He said he knows exactly what Mr. Garrett is talking about. He said that will not impact our asphalt work but we may have to go back through this summer and adjust that drainage. He said if we get too heavy a flow there is the potential for backup. He said we did think about that and we have had so much disruption in that valley right there and he was anxious to get that cleared and see if we could force water into the creek. He said if not we do have that back-up plan.

#### City Staff Updates – None

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

Brian Shugart – said he had spoken at the last meeting about being charged \$25 for locating gas lines on your property. He said none of the other utilities charged for that except for the gas company. He said he thinks that is wrong. He said it is a safety issue. He said he is urging the Council to drop that fee.

#### 6. Public Hearings – None

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

- A. Approve accounts payable. (E. Zimmer, CM)
- B. Approve Council Minutes of March 4<sup>th</sup> and March 18<sup>th</sup>, 2014. (A. Rangra, Mayor)
- C. Approve appointment of Lucy Escovedo to the Parks Board to represent

Ward 2. (M. Davidson).

Motion was made by Councilor Gonzales, by Resolution 2014-05-01, to approve the consent agenda as a whole. Motion was seconded by Councilor Davidson. Motion unanimously carried.

**8. Information or Discussion items –**

**A. Discuss disconnect/late and other related fees and rates for water and gas utilities. (A. Rangra, Mayor) – Mayor Rangra said this is the third or fourth time we have had this item on the agenda. He said he has heard that this is an election stunt but as we heard from Mr. Shugart it is a real problem. He said if it is the wish of the Council to wait until next week he has no problem with that. He said all of the Council has the supporting documents. He said he has spoken to people who are not happy with the late fees and those who are not happy with the gas fee of \$25 to locate the lines. He said the taxpayers support the city and the taxpayers have some representation. He said he does not vote on the Council but the citizens have talked to him about this and they are concerned. He said if anyone wants to join in with him, be his guest. He said if the public wants to join in, be his guest. Councilor Bermudez asked if the City was still notifying the customer about their late bill and then holding their driver's license until they paid the bill. City Manager said we do not have that methodology with our water and gas departments. Councilor Gonzales said the city is charging for meter rereads after the first reread. He said we are allowing one rereading that the city does not charge for. He said if you ask for another one we charge for that. The City Manager said if we do a reread and it was inaccurate, the next reread was not charged for. He said what he thinks the spirit of this ordinance was, there are some individuals that will call in five or six times a year asking for a reread and every time the initial reread was accurate. Councilor Bermudez asked the City Manager about Brian Shugart who called in to have his lines checked. The City Manager said there are two different elements here. He said if you call 811, the Gas Company will mark the utilities that run in the public right of way. He said the gas company, from the advice that we recently received from the Railroad Commission, is that if you read on somebody's private property, through the meter on their private property, then if you give the reading on that, you are liable for the correct reading. He said if the city reads on someone's property, he said we do not always have the knowledge of how the lines are routed on their individual property. He said sometimes it is tough to read. He said if there is not a tracer wire on that gas line, we really do not have the equipment to read. He said there is a certain inherent risk. He said he has talked to Randy Guzman a little bit about this. He said he needs to research it further with Mick and understand what the legal ramifications are for the city. He said it is a little different from a telecommunications line. He said if**

you have a telecommunications line or AEP has a buried power line on the property, it is very easy to trace those. He said when you start getting into some of the poly piping without a tracer line on it, it is tougher to read. He said we are really talking about private property and he does need to spend some time with Mick on this to understand what the liability is for the City before he can present any type of recommendation. Councilor Davidson said regardless if the \$25 charge is legal, we are on private property and if somehow we were in error and there was a mistake, it could be a liability. The City Manager said with our technology and the composite material that the gas pipes are made of there could be a liability issue. He said truthfully he has not done deep research into this yet. He said it has been brought up by Mr. Shugart and it is on his list to address. He said he has not gotten to that item yet. Councilor Fitzgerald said he is not sure that this is the right time to address this. He said since there is a possible liability scenario if we do it wrong, the city could be in some serious grief. He said he believes the City Attorney needs to rule on this thing. Councilor Gonzales said he does not believe that \$25 will buy you enough insurance to cover yourself. Councilor Davidson said we can drop the \$25 but we have another issue there. Councilor Bermudez said on the disconnect fee and reconnect fee, we have a lot of people who are on a set income and retired and poor people. She said there was a lady who called her. She said if the lady owes \$50 for water and then we turn her water off and charge her a \$25 disconnect fee and a \$25 reconnect fee, then she owes \$100. She asked where the money would come from. Councilor Castelli said he had a question about our connecting and disconnecting. He asked what our collection policy was. He asked if it was one month in arrears, two months in arrears or longer. The City Manager said it is during the month of billing so it would be towards the end of the month, like the 25<sup>th</sup> of the month that we would actually cut them off. Councilor Castelli said a one month bill. The City Manager said correct. Councilor Castelli asked how many cut offs we did on an average month. The City Manager said he has not looked at that specifically. He said he can tell Councilor Castelli that there is a run into City Hall around the 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup> for people paying not to get cut off. He said he would like to address the gas item because he thinks we have to separate a little bit of the gas and the water. Councilor Castelli asked if he could stay on this before we got off of that. Councilor Castelli said your water bill is always due on the 23<sup>rd</sup>. The City Manager said it is due when you receive it. He said it is past due on the 15<sup>th</sup> and we would cut you off on the 25<sup>th</sup> or the 26<sup>th</sup>. Councilor Castelli said going back to what Councilor Bermudez said about the fixed income, generally you are flush the first of the month. He said if you are on government assistance or social security you get your check on the first of the month. He asked if we could be doing a better service if we modified our service by a couple of weeks so that you get your bill at

the end of the month so that within the next couple of days it is the beginning of the month, so people who have a hard time budgeting could do better with that. He said if it is due on the 23<sup>rd</sup> they may put it off and they may not have the money, but if it was due on the 1<sup>st</sup>, it could be a good service to people who are not good at budgeting and who are on a fixed income. Councilor Gonzales said his understanding is that they do not necessarily cut off someone's water. He said what they do is send a notice that the water will be cut off within so many days and then you can make arrangements and they will work with you.

**B. Discuss eligibility of Candidates or office holders based on delinquency of property taxes. (M. Davidson)** - Councilor Davidson said he thought this may have been settled. He said he had at least two constituents who approached him and thought there was some type of regulation about whether a candidate or officeholder was current in their property taxes. He said he had no idea so he simply talked to the City Manager and he spoke with the City Attorney who got a resolution on that. Mayor Rangra asked what the resolution was so that we could know the answer to this question. The City Manager said we spoke with the Secretary of State's Office as well as our City Attorney. He said the Secretary of State does not govern as far as criteria for local holders in a Home Rule City. He said they rely back on the City Charter. He said there is no provision in our City Charter that discusses any delinquency on property tax for people running for election or election officials. He said he and Mick had an email exchange on this as well and the City Manager asked Mick if there was anything else he would like to add or if he covered it okay. Mick said no he thought that was it. He said there is no state law that would address eligibility for candidacy for a local office based on any debt and you can have it in your charter however. He said our charter does not. He said the next time you have a Charter Review you might bring that issue up but he said as of today there is no provision to declare a candidate ineligible for a debt to the city or taxes owed. The City Manager said the gentleman we did speak to at the Secretary of State's office did indicate that there is at least one community in Texas who does have that as a provision in their Charter and it was challenged and upheld. Mayor Rangra said the reason he asked for clarification is, again, whenever they have a problem with public policy they ask this question. He said again, the question was, here we go again. He said he is going to take the liberty of asking the council members if we have any council members delinquent in their taxes. No council members answered that they were delinquent in their taxes. Councilor Bermudez had a receipt to prove that she had paid her taxes. Mayor Rangra said he wanted the public to know the answer. Councilor Davidson said this was brought to him by two different people and he himself has three pieces of property that he pays taxes on and he did not have the leverage. He said one of his taxes had been

delinquent. He said he paid it before this discussion came up. He said when this came up he wondered if that disqualified his votes. He said it opened up a can of worms and he is glad that it was settled. Carl Fleming said anybody who works for the public and is paid with public funds should be above board. He said we have to look at the IRS who have not paid their taxes. Ray Hendryx said he did not want to bore the city with history but maybe some of you remember that in the late 60's or early 70's there were some elections that decided on this issue. He said whether you are delinquent on your taxes is public record. He said you can go to the Appraisal District and get that information. He said if someone is running and in arrears on their taxes, you can expose them on that information if you so wish. He said we have open elections and this is not just for City Council and not just for school board but also bond elections that have been decided for the type of curve on that issue and they decided some of those on one side or the other who were way behind on taxes. He said that information is all there and it is public information. Ray asked the City Attorney if that was still public information and Mick said yes, the delinquent tax role was public information. Councilor Castelli said it is on line.

**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 and Reevaluate FY 2014 reserved award for Big Bend Film Commission and revise from matching grant to outright grant of the same \$20,000 with only the stipulation the funds be used in accordance with Hotel/Motel guidelines. Further authorize Financial Director to issue checks in accordance with two invoices dated 4/9/14 for the amounts of \$15,858.63 and \$500.00 in a timely manner outside of our usual window of council review. (M. Castelli) -** Councilor Castelli said he was asked to put this on the agenda. He said when they were given this award there was a stipulation on this award and this award only that it be a matching grant unlike all the others that were an outright grant. He said his understanding from the presentation was that this was because there was readily other funds available from other venues and it appears that issue has been exhausted and that those funds are not available and they are coming to us to ask for a regular grant, like all the other grantees. He said there is a gentleman here from the film commission who is passing out some information. John Green said he was the executive director and co-founder of the Big Bend Film Commission and what they have done is create a small information packet for the Council listing the accomplishments to date by estimated amounts. He said also they are giving the council an update on the webshoot that they are in the middle of and an exact copy of an email from the general council of THLA. He said while it is probably not absolutely true that the funds are not available,

they are difficult and they are reluctant. He said they have finally met with the people of Fort Davis and formally the people of Marfa and formally the people of Presidio and all of them have voiced an approval of what we are doing, especially some of the productions that we have brought in and they will probably put us on their agenda for next Tuesday. He said right at the moment this is our source of income. Councilor Bermudez asked how many films were made in Alpine. John Green said it is not that they have filmed here, that is not absolutely the way you should look at it. He said we should look at if they spent money here and stayed in our hotels and ate at Alpine's restaurants. He said if you will notice the very first item on the handout, we are talking about a feature film and even though they filmed it in Marfa they stayed in Alpine, all the crew stayed in Alpine. He said they ate breakfast and they ate dinner in Alpine and they went shopping in Alpine so there is a lot of money that was left in Alpine. He said most of these films have had some impact if not complete impact on Alpine. He said the previous City Manager said he knew they were going to film in other places but we have all the hotels in Alpine and they are going to stay here. He said he was right. He said Warm Springs Production and the cast and crew of "No Man's Land" was here. He said those people, even though they stayed on the Larremore Ranch down south, they stayed in Alpine and ate in Alpine and bought gas in Alpine, so most of the money gets left in Alpine. He said that is sort of a fact of life. He said a perfect example is Presidio which has two hotels. Councilor Davidson said he does not question that they are spending money here but we are spending public money here and we have a bill of \$11,000. He asked if we were paying the crews hotel bills out of that money. He said he also had another question on the billing. He said there is actually per diem and we actually pay a restaurant bill. He said for per diem you get a flat amount. He said if you were entertaining a producer or a film director that is the place you spend some money and take them out to dinner and buy them a \$50 bottle of wine. He said if he had any heartburn right now, they said first this looks great. He said now they are coming back in and asking for 100%. He said it was still presented in a way that it will be approved. He said if we are going to work together in the future, we need to clarify the percentages. John Green said as to the photography and how we chose them, there are differences between the types of photography that they are doing and the kind of photography that someone does locally. He said what we are making is location photos. He said to his understanding there are only two location photographers in this part of the world. He said there are lots of good photographers here in Alpine. John Green said he looked around and he got a person who is a writer/director, who had done this a great deal and had lots of experience on websites. He said if you look at our website you will see that. Councilor Davidson asked if it was bid out. Councilor Davidson asked him if the photos were in the public domain so we could use them. John Green said he did not see any reason why not. He said obviously the photos on the website are public. John said

absolutely. Councilor Bermudez made a motion, by Resolution 2014-05-02, to approve the FY 2014 reserved award for Big Bend Film Commission and revise from matching grant to outright grant of the same \$20,000 with only the stipulation that the funds be used in accordance with Hotel/Motel guidelines and to approve the financial director issuing checks in accordance with two invoices dated 4/9/14 for the amounts of \$15,658.63 and \$500 in a timely manner outside of our usual window of Council review. Motion was seconded by Councilor Castelli. Councilor Davidson said to clarify the motion is to pay these bills and not to give the whole \$20,000. Councilor Castelli said if the motion is made as he presented it, it is for the \$20,000 but right now it is to get these two bills paid, outside of our process so that the bills that we have been holding for 30 days. Mayor Rangra said we are approving the payment of \$16,158.63 and the remaining amount of the \$20,000 is still available, if billed per the guidelines. Councilor Fitzgerald said he would like to have the opinion of City Manager and he told Mr. Green that he noticed that what they are doing is a good thing but he noticed that the name of the organization is the Big Bend. He said if the whole region benefits from this why do we have to fund 100%. Mr. Green said the city of Alpine is not going to fund 100% if all the meetings that they have had for the last few weeks are correct. He said the other organizations have said they will step up and that they should fund this. He said the truth is that they do not have a lot of money. Councilor Fitzgerald said we are not exactly loaded with cash either here in Alpine. Mr. Green said he understands but there is a great deal less money in Jeff Davis and Presidio than there is here. He said most of the heads in beds are in Alpine. The City Manager said he spoke with Mr. Green a couple of weeks ago after the last council meeting, reviewed through the meeting minutes related to the discussion on this topic and one of the ideas that he had thrown out to Mr. Green was potentially recommending to the Council to fund instead of the 50/50 match, actually pay 50% of the bills which in the spirit of the approval there was still some level of responsibility on the Big Bend Film Commission to raise that other 50%. He said that was the initial idea he thought out. He said he looked through the bills and one thing he would also say was that the second invoice that was actually sent in for the \$500 would not actually fit the guidelines since it is a local Marfa publication and we do need to advertise outside of the area because it is supposed to be drawing people from outside of the area in. He said he hit that with the gentleman who runs the Marfa magazine a few months ago and had opted not to agenda his request because of that. He said he understands that it is a low dollar amount but because it is part of that motion he just wanted to be clear that if we say we are following the guidelines, that piece we could not pay for. He said the other note is that there is no representation of Alpine on that advertising piece and he thinks the council has been clear in the past about making sure every piece of advertising does carry the logo or some statement about Alpine. He said overall he thinks the Big Bend Film Commission is a great push into

drawing films and commercials and he has been pleased since day one to see the city supporting this type of institution. He said it is challenging, He said we have New Mexico just to the Northwest that is very aggressive at the state level. He said he thinks Texas is trying to get more aggressive and provide more incentives. He said he thinks it is just a matter of looking back at what the council decided to do in September and fast forward to today and say do you want to waive that 50/50 and look at it again next year. He said his initial thought when he bounced back to Mr. Green was possibly recommending the city to pay 50% of those invoices and then as the commission developed further for their efforts and then they would realize that. He said if they spent \$40,000 the city would obviously reimburse the full \$20,000. He said as long as the expenses met the criteria as outlined in the hotel/motel law. He said looking at the Marfa Magazine, he reviewed it with the gentleman who puts it out a few months ago and looked at it and visited with him where his distribution was did not fit the criteria. He said he sat down and visited with Stewart Ramser on how we needed to advertise with media outside of Alpine and in a three or four county region. He said you are really trying to draw people in the hotels and draw in people from afar. John Green said the reason they advertise with the Marfa Magazine is because they sat down with him and he assured them that his distribution was wide and much larger than an 150 mile area. He said that is why they felt it would be a good advertisement. Mr. Green said the City Manager was absolutely correct and the advertisement did not have the Alpine name or logo on it. Councilor Gonzales said he had a question about the \$15,658.63. He asked if that met the hotel/motel guidelines in the City Manager's opinion. The City Manager said he looked through it and Megan looked through it. He said Councilor Davidson raised the question about per diem versus entertainment. He said without looking detailed at the absolute expenses, he thinks as you bring people into town there is a certain level of entertainment that you do provide in order to showcase the area. He said there were not really any red flags that he saw other than the one publication, Marfa Magazine, that did not carry Alpine at all on the publication. Councilor Gonzales said he noticed that from the website photos taken out of a lot of photos taken there were only a few of Alpine. John Green said these were not all usable photos that they have taken to date. Councilor Gonzales said he did not understand why we were paying 100% of their expenses. He said we are only getting about 20% and giving 100%. He said he thinks that is wrong and he does not agree with that. He said he is not going to disagree with the manager. He said if he feels like it is meeting the criteria but he also would like to have the opportunity to see what the city is receiving for this. John Green said to please understand that the photos that were taken around Alpine and the rest of the surrounding areas, the producers who will produce the film will be in the middle of nowhere and they will come back to Alpine to stay, get gas and have meals and so forth. Councilor Gonzales said he is not asking for those. He said he is asking for the proof that that is happening. John

said if you will read pages one and two you will see that he is trying to cover all of the estimates of what money has been returned to our community. He said the hotels are not going to give us specific information about that. Councilor Gonzales said he has had the hotels give us specific information on events in the past and they do give us the information that we need. John said that they had asked and they would not give them a dollar amount. Councilor Davidson said he was going to join in with Councilor Gonzales in this. He said the in the ad in the Marfa Magazine he would point out that there was not a picture of Alpine or even the name Alpine anywhere on the ad. He said it has all the other cities in the area but they are expecting Alpine to pay for this ad. He said he hoped if we did approve this that we would get some recognition and that [visitalpine.com](http://visitalpine.com) would also be mentioned. Councilor Bermudez asked what was required from the groups that were awarded hotel/motel funds. The City Manager said they line item all of the expenses and we do gather the receipts as well. He said historically in the past some organizations just had a check cut to them but we do not do that anymore. He said we have a line item and they bring in receipts and that is the methodology. He said he has Mr. Greens breakdown that was provided in the packet. He said it was put in your packet as far as the information goes. He said if there was peculiar or something that sent up a flag, we would then ask about it. Councilor Fitzgerald asked the City Manager what his recommendation was to the Council on this item. The City Manager said he would have liked to have this documented a few days in advance to be able to review it and have some conversation about it. He said the generous side of him says we are trending well on the hotel tourism this year and we could make a stab at it and support it. He said he was not on the decision making end of this previously. He said we may want to put some more structure around it in the future. He said you can ask a question about what happened between September and April and why did they not get any of the other communities even to pony up a \$1,000. He said or \$1,500? He said we have a 7 month spread of time where they have not received any other commitment from any other entity so why is nobody else committing to this and why are we the only one? He said that had crossed his mind too. He said that is why he had kind of centered around the 50% reimbursement in modifying the match. He said if you really want this you need to go out and get the match. He said he understands that we do have a responsibility to help grow and cultivate and if the council feels strongly then maybe this year we should help it to cultivate it and obviously we will support that. He said he had a tendency to say to fund 50% of this. One of the Board of Directors also spoke about the producers coming to this area and that Marfa only had a total of 100 rooms. He said they stay in Alpine first and Fort Davis second. He said they are promoting the Big Bend Area and they will not always shoot in Alpine or Marfa but in the Big Bend. He said Alpine stands to receive the lion's share of the profits. He said Alpine has the stores and the personnel. Oscar Cobos talked about special interest and

public interest. He asked about the hotel/motel guidelines. The City Manager said there is not one in the packet but Oscar can come in and we will give him a copy of the packet. Oscar asked if there any stipulations in this area concerning placing murals on private property. Mayor Rangra said that was not part of this agenda item. Howdy Flower of Alpine said he worked on some production projects. He said they had a crew of 11 people here for 22 days and there were vehicles rented here, livestock rented here and the guys stayed in the best hotels and motels here. He said anything they needed they bought here. He said it was disbursed in this community. Carl Fleming said these people will go where there is something to do. Pete Smyke said Marfa Magazine is distributed in other places besides Marfa, even as far as New York City. He said if we have one good movie from here people will want to come here. Another member of a production said he had received a part in No Man's Land. He said the crews stayed here in Alpine and they drove back and forth daily. Councilor Davidson said when they first met with the Council the intent was good from the Council to help them raise \$40,000. He said the idea was good for us to match what they could obtain. He said we are committed to support of this. Councilor Fitzgerald said we are not trying to be adversarial but we are just trying to ask the questions. Councilor Castelli said his point of putting this on the agenda was because we decided to single out this one organization to make a special stipulation. He said he does not remember the conversation that Councilor Davidson was talking about. He said he does remember that there were other funding sources so we would be contributing to them. He said next year we can certainly grill this down and have more conversations with this organization as well as other organizations but today we need to pay them since they have provided something to Alpine and we need to honor our commitment with \$20,000. Councilor Castelli said Marfa Magazine winds up being a coffee table book throughout the world. Councilors Bermudez, Gonzales and Castelli voted in favor. Councilor Davidson and Councilor Fitzgerald abstained from voting. Motion carried.

10. Discuss and Consider disconnect/late and other related fees and rates for water and gas utilities. (A. Rangra, Mayor) – Mayor Rangra said we have discussed this. He said he thinks what he will do is postpone this item until the next Council meeting since it needs critical discussion. He removed this item from the agenda.
11. Discuss and Consider reviewing and possibly modifying the City's Public Information Request/Response Ordinance and Policy. (M. Davidson) – Councilor Davidson said once again this came in response to the City's Manager pointing out that there was quite a bit of TPIA activity. He said this was just in case there was any confusion. He said he is really not suggesting that we modify it. He said maybe at some point for the public the City Manager and City Secretary could explain the process a little bit. He

said we have a new website where this information could be placed. He said the state does require a certain response in a certain amount of time. He said there is a lot of conversation about transparency. He said this is election year and you cannot expect anybody to drop everything but maybe if this process could be explained, it would help. City Manager Zimmer said the Ordinance was updated last year. He said he is pointing that out because Molly is our public information officer as outlined in the ordinance. He said as an information request comes in it goes to Molly's desk. He said if it is a very simple one, she will administrate and will distribute the information as requested, typically within three to five days and sometimes the same day, depending on her schedule. He said if the request is more intricate and requires legal oversight, at that point she gives the City Manager the request and gives Mick the request . He said he and Mick review and understand that there are some of these where we have to go to the AG and get an opinion. He said the policy itself follows the state statute for ten business days. He said he thinks it is important that we continue to follow the state statute on that. He said we honestly strive to try to get the information out as quickly as possible. He said if we have to go into detail and discuss items and gather information through different departments. He said sometimes he has to reach out to elected officials and those requests will take longer and that is why the ten days is there. He said he thinks that every once in a while we will get a complaint about timeliness. He said if we were falling outside the confines of the ordinance and the state statute that would be of alarm to him but Molly and he discuss these as they come in and our goal is to get them out as quickly as possible. He said it is not a first come first serve type situation. He said right now we have three or four that are working. He said a simple one is going to get out the door within a day or two but those that we are having to work back with Mick and his staff on could take up to 7 to 10 days. Councilor Davidson asked if the statute was to respond in 10 days or provide the information in 10 days. The City Manager said you have to respond within ten days. Councilor Davidson asked if the response could be that the request was really complicated and would take longer. The City Manager said that was correct. He said if we have to get an opinion from the AG, we are at the mercy of the AG. He said we do have to communicate that within 10 days to the individual that we have sent it to that governing body or the AG's office and that we will be timely in our response to them. He said the response from the AG could be upwards to two to three months. He said we are at their mercy and there are no specific time lines. He said obviously we stay on them and try to get something back as quickly as possible but depending on their workload, it could be longer. He said he does want to review our ordinance and there are a couple of particulars that he does not believe are in alignment with the Texas Administrative Code. He said it becomes a little convoluted to him on administrative. He said case in point, the administrative code calls for 10 cents for every copy. He said once you exceed a request for 50 copies you can start addressing

whether there is a labor charge for information gathering. He said in our ordinance we spell out a different parameter. He said in one sense in the ordinance we say to follow the Texas Administrative Code and then in another element of the ordinance we give some instruction that does not fall in line with the Texas Administrative Code. He said he does believe that in conversation with Mick he has to clean that up a little bit. Councilor Davidson said he does not have any motion. He said that was just something that he thinks the next council will need to address. He said if the City Manager had recommendations, they would welcome them. Motion was made by Councilor Davidson to table this item. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

12. Discuss and Consider threshold for City Fixed Asset Program and Inventory Control. This item was identified in FY 2012/2013 Audit and subsequently updated 180-Day Plan. (E. Zimmer, CM) – The City Manager said the threshold for fixed assets is requested to be set at \$2,500. He said he has spoken with our auditor, Craig Gibson and he has confirmed \$2,500 for the threshold for the fixed asset program and inventory control. Motion was made by Councilor Bermudez, by Resolution 2014-05-03, to approve \$2,500 as the threshold for the City Fixed Asset Program and Inventory Control. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.
  
13. Discuss and Consider authorizing the City Manager to draft an ordinance to amend the FY 2013/2014 budget implementing franchise fees and administrative fees to maintain indirect costs associated with City Enterprise Funds. This item was identified in FY 2012/2013 Audit and subsequently updated 180-Day Plan. (E. Zimmer, CM) – The City Manager said this was an item that we had discussed in the January timeframe that came out as observation 11 in the fiscal year 2012/2013 audit. He said we did note that the city was not charging a franchise fee or an administrative fee to the enterprise funds. He said he and Megan Antrim, the finance director, visited with several of the adjoining communities up to and including our west region representative from the government finance officers association and settled on two different options. He said one option would be a recommendation of ten percent of actual gross revenues for each enterprise unit. He said this item would be shown as a line item expense on each enterprise unit, the revenue line item for the government fund unit. He said we would implement this monthly based on the revenues. He said he has provided some data on what we are currently budgeting annually on our revenues for our gas department, airport department, and water, sewer and sanitation department. He said option 2 is a rate where we take 5% of our actual gross revenues, charged to each enterprise unit as a franchise fee. He said really your gas department and your water department will get the five percent franchise fee if we would exclude the airport from that. He said then there would be an 8% of gross budgeted

expenses charged to each enterprise unit, gas, airport and water, sewer, sanitation, as an administrative cost. He said how we would administrate that is we know what our annual budget is for the expense side, out of those individual business units so we would basically take that amount and charge it monthly, that 8% amount monthly. He said on a franchise fee of 5% the total revenues that we book monthly for each of those departments would also be charged. He said the west region representative from GFO administrates this way in her city and has found it to be very effective. He said it takes a blend of both what you are actually doing and what you budgeted to do. He said through careful consideration and discussion with Miss Antrim we are recommending option number 2 as we outlined in the packet. He said overall we have to start addressing the indirect costs that the government fund historically has absorbed. He said because we are asking for a budget change, it would require us to go through the ordinance process. He said currently there are a couple of minor administrative expenses that he bills to the enterprise units. He said the audit cost is one of them. He said we will rework this to only show the 8% administrative cost and a 5% franchise fee once the ordinance is passed. Councilor Castelli asked if there was a simple answer on why the airport is excluded. The City Manager said because traditionally they are not viewed as a utility providing that month to month service. He said they need to be excluded because of that. Councilor Fitzgerald said this is quite common in other profit centers. He said this is something that should have already been in place. Councilor Gonzales said based on the fact that we want to charge this are we banked separately so that we see the difference and determine the 5% or 8%. The City Manager said yes. He said monthly we realize that the revenues in a lump sum fashion. He said that is the finance department's responsibility. He said you would see that monthly. He said the administrative costs that we are proposing is 8% of the annual expenses that were budgeted so we would know once we approved the budget what that 8% figure is and then we would overlay that for 12 months. He said it will be consistent. He said he will not fluctuate it 11% one month or 13% the next. He said it would be 8% divided by 12, administrated once a month for 12 months. Motion was made by Councilor Fitzgerald, by Resolution 2014-05-04, to accept the recommendation of the City Manager to draft an ordinance to amend the FY 2013/2014 budget implementing franchise fees and administrative fees to maintain indirect costs associated with the City Enterprise Funds, specifically option 2. Motion was seconded by Councilor Davidson. Mayor Rangra said option 2 is 5% of actual gross revenues charged to each enterprise unit as a franchise fee, gas, water, sewer and sanitation only with the Airport being excluded. He said 8% of the gross budgeted expenses charged to each enterprise unit, gas, airport and water, sewer and sanitation. Pete Smyke said he had one question regarding the sanitation fees. He asked if we administered that or if TDS administered that. The City Manager said we pay TDS a fee monthly but from an administrative standpoint we are obviously paying them the fee. He said he goes out for a

monthly inspection and the recycling program. He said we do work and coordination with TDS and our Keep Alpine Beautiful and recycle program is all paid out of the administrator of the general fund. Mayor Rangra asked if these enterprises funds made a profit. He said he wanted everyone to know that these enterprise funds are not there to make a profit. Mayor Rangra said if these enterprise funds are charged this franchise fee, would that cost be passed on to the customers. The City Manager said in answer to his first question, in order to make a decision around rates, and what the end user is being charged, we have to ensure that we are administrating and have a clear picture of all of the costs to run the enterprise unit. He said because historically we have not had the government fund charge the enterprise units for the work that our administrative team is doing, then we do not have a clear picture. He said in order for us to gain a clear picture, we have to move forward and start administrating those costs and then from that point we will know if we are operating in the black or in the red for those enterprise units and then rates can be predicated on that. Mayor Rangra said so the gas rate and the water rate are not going up because of this. The City Manager said no. Mayor Rangra said if that has to happen, it will be brought up to the council for discussion. The City Manager said correct. Mayor said the public is watching and they need some understanding of what we are doing. Motion carried unanimously.

14. Discuss and Consider approving curb cut and driveway installation for Tara Gaugler's construction/development project for 306 S. 7<sup>th</sup> Street in Alpine, Texas. Any and all repair and replacement costs shall be paid by petitioner. According to the Code of Ordinances, Sec. 86-44 (Bldg. Code – Subsection 22-21), this type of alteration must be placed on the City Council Agenda for consideration by the Council. (J. Gonzales) - Councilor Gonzales said he brought this to the Council for their approval. He said what Tara is doing is trying to build a driveway where there is a sidewalk. He said if you will look at her drawing she has given a detail of what it is going to create and her plans have been approved by Hector Ramirez, our public works director. He said there will be no charge to the city for this and she will incur all costs. Motion was made by Councilor Bermudez, by Resolution 2014-05-05, to approve the curb cut and driveway installation for Tara Gaugler's construction/development project for 306 S. 7<sup>th</sup> Street in Alpine, Texas. Any and all repair and replacement costs shall be paid by the petitioner, Tara Gaugler. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.
15. Citizens Comments (limit 3 minutes). This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Texas Attorney General Opinion JC-0169) –

Joseph Goldman – said he thought he heard in the conversation and

discussion about the inspection rates of the water and gas. He said since gas is a volatile fluid he thinks it should be considered differently from water. He said he thinks it should be charged separately. He said the risk with gas is much greater than anything that could happen with a water line.

**16. Council Member's Comments –**

**Councilor Bermudez** – said this is the last meeting of this council and she thanked everyone and said she enjoyed the past year.

**Councilor Davidson** – said he agreed with Angie and thinks that we have seen a lot of changes and done a lot of work. He said he would also like to point out what a delightful time we had this weekend with the Cinco De Mayo festivities. He said the parade was excellent and the weather was excellent.

**Councilor Fitzgerald** – said he would like to say that he enjoyed working with everyone. He said one thing he would like to point out was that yesterday there was a meeting of the PILOT club and there was a presentation of 200 awards for volunteers and all of the clubs were represented. He said not one member of the media was there but the City Manager was there.

**Councilor Gonzales** – said he also enjoyed the Cinco De Mayo Celebration. He said the Mayor and himself judged the menudo. He said that was pretty cool.

**Councilor Castelli** – said this has been a hell of a first year and he looked forward to the second.

**Mayor Rangra** - said he thought this year had been very productive. He said our State Representative was with us and they walked in the parade. He said Councilor Gonzales said that they had judged the menudo and it was good. He said he might just have an entry next year. He said the PILOT club was well attended. He thanked everyone for coming.

**17. Executive Session – Pursuant to Texas Government Code - None**

**18. Action After Executive Session – None**

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

**NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real**

**property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).**

I certify that this notice was posted at 4:30 P.M. on May 2nd, 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 4:30 P.M on May 2nd, 2014, 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