

**City of Alpine
Regular City Council Meeting
Tuesday, November 4th, 2014
5:30 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Pro Tem Bermudez called the meeting to order. Lana Covington with First Christian Church gave the invocation. Mayor Pro Tem Bermudez asked Councilor Fitzgerald to lead the pledge of allegiance to the flags.**

- 2. Determination of a quorum and proof of notice of the meeting – Mayor Pro Tem Bermudez, Councilors Salas, Fitzgerald, Gonzales and Stephens were present. Mayor Rangra was absent. The meeting notice had been posted on October 31st, 2014 at 5:30 P.M.**

- 3. Presentations, recognitions and proclamations – Proclamations Read by Mayor Pro Tem Bermudez, Councilors Fitzgerald and Gonzales and City Secretary Molly Taylor**
 - A. Texas Arbor Day – Read by Molly Taylor and presented to Patsy McWilliams, Keep Alpine Beautiful Coordinator, proclaiming November 7th, 2014 as Texas Arbor Day in the City of Alpine.**
 - B. Texas Municipal Courts Week – Read by Mayor Pro Tem Bermudez and presented to Municipal Judge Trook and Municipal Clerk, Gloria Brownell recognizing their accomplishments and proclaiming the week of November 3rd through November 7th, 2014, as Municipal Court Week in the City of Alpine.**
 - C. Pilot Club – International Care and Kindness Week – Read by Councilor Fitzgerald and presented to Megan Antrim and Betty Fitzgerald, members of the Pilot Club, proclaiming the week of November 10th through November 16th, 2014 as International Care and Kindness Week in Alpine, Texas.**
 - D. America’s Recycling Day – Read by Councilor Gonzales and presented to Patsy McWilliams, Keep Alpine Beautiful Coordinator, proclaiming November 15th, 2014 as America’s Recycling Day.**

- 4. Reports –**
City Mayor’s Report - No Report

City Manager Report –

City Manager Zimmer said he would like to start with a Public Works update. He said the seal coat is complete on Sul Ross as of this past week.

He said they are now working on the final block in front of the gas department. He said we have about 800 gallons of asphalt remaining. He said Hector's team is also going through town and picking up large piles of trash with the grabber truck. He said these are some of the larger items left over from the bulky trash pickup.

He said concerning "Keep Alpine Beautiful", on November 1st we had that bulk trash drop off at the recycle plant. He said it was a little bit slower due to heavy activities in town. He said we have three trees going in at the Dog Park. He said we noticed as we opened the dog park that there is lack of shade there. He said on December 6th there will be a free tire drop off at the recycling plant in relation to the grant we got for tire abatement. He said the first go round in our effort to clean up will be a free drop off for our citizens. He said after that we will have it where citizens can pay a nominal fee at city hall and drop the tires off at the recycle plant.

He said concerning Code Enforcement, there were 51 code violations this past month, 6 of those were reported by residents. He said permits issued were down a little bit this month. He said we have a 91% abatement rate from the city since March of 2009.

He said concerning Law Enforcement, last week was Red Ribbon week at the Independent School District. He said this was a very important week as we talk about drug and alcohol use and ways to help keep kids on the right path.

Concerning Human Resources, our Personnel Policy Review team started this past week on the changes and the updating of the personnel policy. He said we will have sexual harassment training this quarter and there will be quarterly training with all employees.

He said concerning the water and sewer, we are still hauling sludge at the rate of 10 tons a week, as our permit allows. He said we are processing 400,000 to 450,000 gallons of wastewater daily. Lawrence Cutrone, our New Director of Utilities is reviewing some options for a new digester for the wastewater treatment plant. He said a digester is critical because the more we can process organically, the less sludge we create long term. He said we will target that application through the Community Development Block Grants for the 2015/2016 cycle.

He said one of the things Megan Antrim, the Finance Director is looking at is when new customers or residents come on line and we put in a new meter, how do we digest that into our billing system and ensure it is accurate and our billing is timely. He said she has taken over that process and is working with the gas company and Gracie and Cora. He said he thinks that will ultimately provide a better product for the citizens. He said

we have completed our quarterly audit of 10% of our gas customer bills. He said this is something that was called out by Gibson and Ruddick in our annual audit. He said we are on track with that. He said we are also working on software conversion to harvest our water billing with the Assyst software platform. He said one of the items that you might have seen on the accounts payable list from the gas company was the annual \$6,000 payment for Assyst Software. He said this is really going to allow us to do some combined billing with the water and gas and do some more customer friendly elements.

City Staff Updates – None

5. **Citizens Comments (on agenda items) – (limited to 3 minutes) – Carl Fleming** – said the citizens need a map to figure out where the land is for the land sale.

6. **Public Hearings –**

Mayor Pro Tem Bermudez said she needed to read something to the Council before we started on our Public Hearings. She said this comes out of the Texas Government Code, Chapter 211, under Municipal Zoning Authority. She said “The Zoning Commission shall make a preliminary report and hold a public hearing on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the zoning commission. The governing body may not take action on the matter until it receives that final report of the Zoning Commission.” She said as far as item B and D, she does not show any final report from Planning and Zoning. The City Secretary said under item D she believed the council had the final vote of the Planning and Zoning Commission in a section of the minutes. Mayor Pro Tem Bermudez said the minutes are different from a final report. The City Secretary said that is the only thing we get from the Planning and Zoning Commission. Mayor Pro Tem Bermudez said if you go back there have been others that state the whole thing, that you do, that are signed and everything and they are not the minutes. She said it goes on to say what the outcome was. She said that is what the final report is. The City Secretary said we have never done that as long as she has been here. Mayor Pro Tem Bermudez said that is just like we have always had variances. She said she thinks that it is time if we start doing this that we are going to do it right. Councilor Fitzgerald said he would like to hear what the attorney has to say. Barbara Quirk, with the City Attorney’s office said the Mayor Pro Tem is correct that the Local Government Code requires that the City has received a report from the Planning and Zoning Commission before holding a hearing. She said the question is what does your city consider the report from the Planning and Zoning Commission. She said if you have always just gotten the vote from the Planning and

Zoning Commission, and considered that as the report, then she would be comfortable with the council proceeding with that vote, just as you have always received it. She said if you have gotten in the past, a separate report that is signed by the Planning and Zoning Commission, in a different format than the one that you have received this time, then she would recommend that you wait and get the appropriate report from the Planning and Zoning Commission. Mayor Pro Tem Bermudez said she wished that she had made copies of the ones that she has, and they are the final reports. She said she suggests that if we are going to do things right, let's do them right. Councilor Stephens asked what the Planning and Zoning Commission had to do with regards to recommendation upon the Board of Adjustments. Mayor Pro Tem Bermudez said because the Council sent it back, if you recall at the last meeting, sent it back to zoning to see what they wanted to do. Councilor Fitzgerald said they had a meeting. Mayor Pro Tem Bermudez said they did but we did not get the report, that is what she is getting at. Barbara said the reason that the Planning and Zoning Commission report is important is because anything you do with this Board of Adjustment procedure changes your zoning ordinance and in the Local Government Code it sets out the procedures for changing your zoning ordinance and in order to change your zoning ordinance you have to follow the procedures in the Local Government Code and one of the steps of those procedures is that if you have a Planning and Zoning Commission, that you have to receive the report from them first before you have your hearing. The City Manager said he would tell Barbara that in his year he has never seen the Planning and Zoning Commission produce any report. He said they obviously ought to be given that direction but he has never seen anything from the Chairman from the Planning and Zoning Commission as far as any formal report post to meeting. He said Molly has always produced the outcomes from the agenda items as to a vote. He said he has articulated in the meetings as to what they were but if the council wants to proceed or does not want to proceed, it is really their call. Barbara said normally the report from the Planning and Zoning Commission can be in different forms. She said there is no specific requirement that it be in any particular form. She said if your council has always just received from them, the vote, then that could be considered the report but unfortunately she does not have the benefit of knowing what your city usually receives from the Planning and Zoning Commission. She said she would think that if they have their vote on there, and it's in writing and received from the Planning and Zoning Commission and that is what you usually see, then you would consider that the report if that is what they usually give you. The City Secretary said she gave the Council an excerpt from the minutes from the Planning and Zoning Commission. Mayor Pro Tem Bermudez said that is something the City Secretary did and it was not something from the Planning and Zoning Commission. The City Secretary said she never receives anything from the Planning and Zoning Commission and that they never give her anything from the

meeting. Mayor Pro Tem Bermudez said but they are supposed to. She said it says so in plain black and white on here. The City Secretary said in the nine years she has been here they have never done that. Councilor Gonzales said we have done variances too for a long time but that does not make it legal either. He said he is agreeing with the Mayor Pro Tem by saying let's do it the right way. He said if we need a report from them, it would not take them very long to say here is what we decided and have it signed by the Chair. He said he does not have a problem with that. He said it also says something about that you should not hold a public hearing right away. He said it is something like 16 days after they have met. He said it has not been 16 days. He said he is not here to argue that point. He said he is just trying to point that out. Mayor Pro Tem Bermudez said she suggests that we go ahead and do it like we are supposed to do it from now on. She said if you want we can take a vote on it. She said she knows that if we do it, it will be illegal. Councilor Salas said we need to follow the rules. She said if it says that we need a report then let's do it the right way. She said just like we have to do everything else, with variances and the Board of Adjustment, if there is a policy in place then we need to follow it. Councilor Fitzgerald said if we are going to do it that way, how soon can we have a meeting. He said he does not want to stall this any more than we have to. He asked if we needed to wait for the next monthly meeting or can we call a special meeting of the Planning and Zoning Commission and have them start doing that report. Mayor Pro Tem Bermudez said they are meeting tomorrow. Barbara said it would not be posted in time for tomorrow's meeting. The City Secretary said it is not on the agenda. City Manager Zimmer asked what did the council expect from the Planning and Zoning Commission. Mayor Pro Tem Bermudez said she can bring in the paper report that had been done in the past, where it says that it is the final report. She said it said what the agenda item was and what was the vote that they took and then there is a signature. She said she imagined that somewhere along the line there is supposed to be a report like that. Councilor Fitzgerald said he wished this had been brought up when we first started talking about this. Mayor Pro Tem Bermudez said she is sorry, she knew someone was going to come up with that, but yesterday on her way to Odessa, she took her paper to read and that is where she found this out. Councilor Fitzgerald said we have to have a 72 hour meeting notice. He asked if we could move the Planning and Zoning meeting up to three or four days from now. City Manager Zimmer said if all it is, is putting down their output of their decision, what format do you want. He asked if they wanted the chairman to write a report that says this is the output. He asked if they had to have that in a meeting. Councilor Fitzgerald said that is a good point. He said it has already been decided and voted on and all the Chair has to do is fill out a piece of paper. City Manager Zimmer said he does not think that Jerry Mitchell has been given that direction. Mayor Pro Tem Bermudez said there are a lot of things that he has not been given, like no cell phones and all of that stuff. She said if we are going to

get straight by the law let's start doing it everywhere. She said let's start now. She said if we start seeing mistakes, let's start correcting them. Councilor Fitzgerald asked take a vote on what? Mayor Pro Tem Bermudez said on items B and D. Councilor Salas said if we are going to follow the rules, then there is no reason to vote on it. Councilor Stephens said he thought it would be nice when we find something out to not wait until the city council meeting without talking to the City Manager ahead of time. Mayor Pro Tem Bermudez said that is what she told them. Councilor Stephens said no, before the meeting. He said he senses that the City Manager and City Secretary have heard this for the first time tonight. Mayor Pro Tem Bermudez said she is not going against anything...Councilor Stephens said but for us to come in and spend a debate here in the meeting, we could have taken it off the agenda without having to go through all of this. Mayor Pro Tem Bermudez said there should have not been a debate because legal is legal. She said she is the presiding officer right now and let's go ahead and move to A.

- A. Public Hearing to hear citizens views and comments concerning NAPA loading and unloading Ordinance, Ordinance 2014-10-02. (E. Zimmer, CM) – Sheila Ness asked if this changing a zone or changing an Ordinance. She said this is something that she sees that the City Council cannot decide. City Manager Zimmer said any time that we are creating signage on a public right of way, that has to be done via an ordinance. He said this includes a stop sign or speed sign. He said this is to create the ordinance or possibly change it if the sign is already in place. He said for this particular one, there is no ordinance in place.
- B. Public Hearing to hear citizens views and comments concerning the Zoning Board of Adjustment Ordinance, Ordinance 2014-10-01. (C. Salas) – This hearing was postponed.
- C. Public Hearing to hear citizens views and comments concerning Civic Center Usage Ordinance, Ordinance 2014-10-03. (E. Zimmer, CM) – No citizens comments.
- D. Public Hearing to hear citizens views and comments concerning a Rezoning request (R-4 to C-1) by owner Charles Sanders. Owner wishes to warehouse and park commercial vehicles at this property. The property identification/street address is W. Avenue J and South 12th Street. Legal description is Gillis 3rd Addition, Block 19, Lots 5-6. (E. Zimmer, CM) – This hearing was postponed.

7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) – (Notice to the Public – The following items are of a routine and administrative nature. The Council has been

furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

- A. Approve Accounts Payable. (E. Zimmer, CM)
- B. Approve Council Minutes of September 2nd Special Meeting, September 2nd Regular Meeting, September 9th, Special Meeting and September 9th, 2nd Special Meeting, September 17th Special Meeting and September 23rd Special Meeting. (A. Rangra, Mayor) -

Motion was made by Councilor Salas to approve the Consent Agenda as a whole, by Resolution 2014-11-01. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.)

- A. Review of City Financial reports to include Income Statements, Budget Variance and Cash Position Reports for FY 2014/2014. These results are unaudited. (E. Zimmer, CM) – City Manager Zimmer said these were water, sewer, sanitation, airport and gas. He said Fund 75 is the interest and sinking account that we have started utilizing aggressively this year to tender our debt payments from. He said these were unaudited results. He said when Megan and he started last fall, one of the big challenges was that everything was funneled through the government fund. He said this year has been an extraction and we have created a certain amount of journal entries in order to minimize diffusion from an accounting perspective they have done that hand in hand with Gibson and Ruddick. He said he thinks when we did the revisit of the budget back in January one of the things they projected was about a \$640,00 to \$650,000 positive cash flow scenario for the city. He said you look at our unaudited results and we are at about \$690,000. He said we also have about a \$292,000 balance in our I & S Account. He said overall he is extremely pleased with the performance. He said we are very tight right now with cash flow when you think about our government fund. He said one of the challenges when you separate out into distinct checking accounts is during this time of the year for our government fund, we are far away from the ad valorem tax that we received in January or February. He said we are starting to get a little trickle in at the end of March and at the end of November from mortgage companies and some early payers but we also, when Megan and he started last fall, were holding, on order, of \$270,000 or \$280,000 in bills at any given time. He

said we were a little bit behind. He said being on plan and trying to operate positively in that \$650,000 to \$700,000 range was very good output from our staff. He said for hotel occupancy tax, the thing we are really looking at on that is really the revenue side. He said it is about \$441,000 in revenue. He said one of the other elements he put in the packet to look at is our expenses out of our government fund. He said the prior year was about 3.8 million and of that \$269,000 was debt payments. He said this year our expenses out of our government fund was about 3.3 million and that is not inclusive of debt payment. He said it is about a \$220,000 reduction in spending out of our government fund He said much of that was really driven by what he would categorize as our department head engagement. He said included in the packets were some of the write ups by our department heads articulating their feelings about the behavior from this year, specifically purchase order process, monthly reporting, and just overall access to the information to the department heads. He said this is a deeper dive into the budget variance from each department, unaudited. He said he is very pleased with the work. He said communication is the key. He said we had a couple of elements with Municipal Court that we need to keep an eye on. He said he thinks Judge Trook has it under control and we are very pleased with what we are getting from Municipal Court output right now. He said the work around the debt expense is critical. He said we are going to look at our ambulance service and fire department during the second quarter, after Christmas. He said that is the primary driver of expense for us. He said we need to make sure that our spending and utilization of staff is appropriate. He said he thinks it is really a good news story for us this year and he is really pleased with the staff. Councilor Fitzgerald gave his compliments to the City Manager and staff and said the turn around this year was outstanding. Councilor Stephens asked why the City Council had a 25% variance. The City Manager said primarily due to under-budgeting on the legal expense. He said we are working on separating out the day to day legal expenses from the litigation expenses.

- B. Discuss abandoning portions of two (2) streets and one alley. 1) Alley, Gillis Block I, 1008 W. Sul Ross 2) Street in front of La Loma Inn, Metta Harms Orient Block 016, 1809 W. US Hwy 90 3) Unnamed street, Kokernot, Lots 24,25,27, 1 Las Brisas. (E. Zimmer, CM)** - City Manager Zimmer said one of the strategies that we discussed this year was selling off assets to be used for Capital dollars (Airport repair) and our parks and future road projects. He said we are going to try to sell off some streets and these would be separate from the lots. He said there are 3 streets or alleys that we have been asked to close. He said those areas have had no usage. He said one is a dead end street, one is an alley adjacent to a property owner but there is no thoroughfare there and the third is a street easement through the property owner. He said

Barbara said Home Rule cities have the right to close the streets under the Local Government Code. She said we need to look at where the street goes or what members of the public use the street. She said a person could potentially file a lawsuit. She said we need to make sure that no one is using the street who might be denied access to their property and who might challenge the street closure. She said the property owner who is adjacent to the street can buy the street if no one has any objections. She said the property owner can file a petition with the city and the city would need to have a hearing to decide if the city was going to accept the petition and sell the street to the property owner. She said usually property owners own the underlying fee simple to the middle of the street. She said there are different configurations that may occur in your city. She said usually the way that cities get streets is by dedication on a plat. She said in that case the property owner still owns that underlying fee simple. She said in that case we really cannot just sell the street itself to someone else other than to the adjacent property owner. She said there are situations where an entire area is being redeveloped and those might be exceptions to that. She said normally you would just sell it to an adjacent property owner. She said when you sell a street, normally we sell city property for fair market value. She said if a person has dedicated the street to the city or for an easement, rather than getting the street appraised, we can negotiate with the person. She said if it is not an adjacent land owner we could not sell that type of property without getting an appraisal. She said the next step would be to get the petitions from the adjacent land owners and for the city to determine whether or not they are going to get an appraisal or set some other price for that land. She said you would then have a hearing and determine at that time whether or not the city is going to sell that property.

Joseph Goldman – asked if this was a consideration where the Planning and Zoning Commission needed to look at the alley? He said usually the alleys were for utility access and also access for garbage, etc. He said we should look at this carefully before we make a decision.

Councilor Fitzgerald – said this was a non-performing asset and we can turn it into cash and he thinks we should pursue that.

Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to) 10 per meeting.) (Citizens are allowed to comment–limited to 3 minutes – after being called upon by Mayor)

9. Discuss and Consider second and final reading of Napa Loading and Unloading Ordinance, Ordinance 2014-10-02. (E. Zimmer, CM) - Motion was made by Councilor Fitzgerald, by Resolution 2014-11-02, to approve the

second and final reading of Napa Loading and Unloading Ordinance 2014-10-02. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

10. Discuss and Consider second and final reading of Civic Center Ordinance. Ordinance 2014-10-03, which updates fees and procedures for the Civic Center Usage Ordinance. (E. Zimmer, CM) – Motion was made by Councilor Gonzales, by Resolution 2014-11-03, to approve the second and final reading of Civic Center Usage Ordinance 2014-10-03. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.
11. Discuss and Consider zoning change R-4 to C-1 for Sanders as recommended by P & Z Commission. Owner wishes to warehouse and park commercial vehicles at this property. The property identification/street address is W. Avenue J and South 12th Street. Legal description is Gillis 3rd Addition, Block 19, Lots 5-6. (E. Zimmer, CM) – Motion was made by Councilor Gonzales to postpone this item until an official report is received from the Planning and Zoning Commission. Motion was seconded by Councilor Salas. Motion unanimously carried.
12. Discuss and Consider approving the first reading of Ordinance 2014-11-02, to authorize the City Manager to execute the sale of city property at auction as indicated on the property list. Property list will follow the agenda. (E. Zimmer, CM) Motion was made by Councilor Salas, by Resolution 2014-11-04, to approve the first reading of Ordinance 2014-11-02, to authorize the City Manager to execute the sale of city property at auction as indicated on the property list. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.
13. Discuss and Consider approving appraised valuations and minimum bid amounts of City owned property listed for auction/sale. Property list will follow the agenda. (E. Zimmer, CM) –
City Manager said we took the appraised value off the Appraisal District site. He said there is one property that we do have to remove and it is parcel #8. He said through further research we identified that the records were not correct on that property. He said the city owns several lots around town. He said when he went through the list and worked with Robert and Molly, we really tried to look for lots that seemed to make sense, where people would buy them and develop some type of home or residence on there. Or some type of business. He said we certainly are anticipating that by starting the bids at this appraised value we can generate a little bit more.
Councilor Gonzales asked if we had ever sold city property before. The City Manager said we have, in fact one of the items that would have been number 11, was one we had dug into and we had actually sold and the individual did not record the deed so it was still showing for us on record. Mayor Pro Tem Bermudez asked if we had to auction the property or if

someone could just come in and buy the property. The City Manager said we could not sell it without an auction or sealed bids and could not sell it outright to an individual. Motion was made by Councilor Fitzgerald, by Resolution 2014-11- 05, to approve the valuations and minimum bid amounts of City owned property listed for auction/sale, with the exception of item 8 which was stricken from the list. (Councilor Stephens noted that we needed to strike item 8 from the original list in the motion) Motion was seconded by Councilor Bermudez. Motion unanimously carried, 5-0.

14. Discuss and Consider first reading of Electrical Ordinance, Ordinance 2014-11-01, amending Ordinance 2011-01-02, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 18, ADDING DEFINITIONS UNDER SECTION 18-251 (c), ELECTRICAL CODE, STANDARDS, AND AMENDMENT BY ADDING TO LANGUAGE IN SECTION 18-252, PERMITTING (a) NEW CONSTRUCTION AND REMODELING (1) PERMIT REQUIRED (a) CONCERNING COMMERCIAL INSTALLATIONS TO REQUIRE A LICENSED JOURNEYMAN ELECTRICIAN UNDER THE GENERAL SUPERVISION OF A MASTER ELECTRICIAN AND RESIDENTIAL INSTALLATIONS REQUIRE A LICENSED RESIDENTIAL WIREMAN OR GREATER UNDER THE GENERAL SUPERVISION OF A MASTER ELECTRICIAN. (J. Fitzgerald) – Councilor Fitzgerald said this is a potential liability issue. He said at one point in time in Alpine, out of 13 electricians, one had a current license. He said this is a safety issue and a liability issue. He said the City Manager and the Code Enforcement Officer have been concerned about this. He said there was a lack of correlation between the state and local standards. The City Manager said it is good to be at or above the state standard. He said we do not need to make it so stringent, however, that people cannot make a living. Councilor Fitzgerald said all construction needs to be compliant and more elements like this need to come to the table. Carl Fleming asked if the city kept a list of master electricians and plumbers or contractors. The City Manager said Robert does keep a list of that. Councilor Stephens asked what our process was with the City to make sure that we stay up with the state and other codes. The City Manager said the process really falls in Polanco’s lap as far as the building side of things. Sheila Ness asked if it was Robert’s responsibility to check licenses and make sure they were current and how often he checked them. Councilor Gonzales asked about repairs to homesteaded property. Motion was made by Councilor Salas, by Resolution 2014-11-06, to approve the first reading of Ordinance 2014-11-01, amending Ordinance 2011-01-02. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

15. Discuss and Consider first reading of Ordinance 2014-11-04 for stop sign placement on Means and Avenue I. (E. Zimmer, CM) – City Manager Zimmer said we should not take action on this item since Avenue I on this Agenda should read Avenue H. Motion was made by Councilor Salas, by Resolution 2014-11-07, to postpone this item until the next meeting. Motion was

seconded by Councilor Fitzgerald. Motion unanimously carried.

16. Council Members Comments –

**Councilor Salas – thanked everyone and told everyone to go and vote
Councilor Bermudez – thanked the city manager and said the city staff was doing a great job.**

Motion was made by Councilor Stephens, by Resolution 2014-11-08, to enter into Executive Session. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

17. Executive Session – Pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney regarding pending litigation) and 551.072 (Deliberations about real property)

A. Scown Litigation update regarding pending litigation. Civil Action No. PE-14-CV-00057-RAJ; Emily Livingston Scown and Barbara Scown v. The City of Alpine, Texas; in the United States District Court for the Western District of Texas, Pecos Division and Cause No. 2014-04-B0564-CV; Emily Livingston Scown and Barbara Scown v. The City of Alpine, Texas; In the 394th Judicial District Court of Brewster County, Texas. (E. Zimmer, CM) -

18. Action – Executive Session –

A. Take action, if any, regarding Scown litigation. (E. Zimmer, CM) – Motion was made by Councilor Stephens to take no action on this item. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried. None opposed.

19. Adjournment – Motion was made by Councilor Gonzales and seconded by Councilor Fitzgerald to adjourn. Motion unanimously carried. 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 5:30 P.M. on October 31st, 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.

Dr. Avinash Rangra, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 5:30 P.M on October 31, 2014, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary