

**City of Alpine  
Regular City Council Meeting  
Tuesday, January 5th, 2016  
5:30 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flags – Mayor Rangra called the meeting to order. Angela Bermudez 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 – Mayor Rangra, Councilors Fitzgerald, Gonzales and Stephens were present. Councilors Antrim and Salas had excused absences. The original meeting notice had been posted at 3:45 P.M. on December 30th, 2015. The amended notice was posted at 4:30 P.M. on December 30<sup>th</sup>, 2015. City Manager Zimmer, and City Secretary Taylor were also present.**
  
- 3. Presentations, recognitions and proclamations – None**
  
- 4. Reports –**
  - City Mayor’s Report - (A. Rangra, Mayor) –**
    - Centennial Park Restroom Project – Mayor Rangra said on the 28<sup>th</sup> of December he had to sign another letter, addressed to the Texas Department of Agriculture, concerning a problem we had, concerning the restrooms at Centennial Park. He said we are asking for more time, which they said they would give us. He said that was not a big problem. He said there was a problem with the engineer turning in the information that we needed. He said he called the engineer on the 29<sup>th</sup> and left a message. He said he tried several times to reach him and finally asked for the engineer’s phone number and also his boss’ phone number. He said the boss finally called him and said the information was on the way. He said we now have a picture of the building for the two restrooms. He said the cost will be \$89,000 and some change. He said you can build a pretty good sized house for that. He said this is the way the state works. He said they want certain conditions met and all of this money is coming from the state. He said the way it is going to happen is we are going to get the pad ready for the building. He said we will have the water and the sewer and the power available. He said these guys will bring in the building and put it on the pad, connect the sewer, water and the power. He said they need to make sure there is pressure. He said we have a five year warranty on this building. He said he wanted the council to know where we are at and how we got there.**

**Mayor Rangra said this is also an election year. He said if anyone was interested in running for the Council for Wards 2 and 4 or the Mayor, the starting date to file is January 20<sup>th</sup> and the ending date is February 19<sup>th</sup>. He**

said anyone who is interested can go by the City Secretary's office to get the forms, get the information and turn them in. Mayor Rangra said every year we pay our dues to be a member of the Rio Grande Far West Texas Planning Group.

Councilor Stephens said it amazes him that the restroom is costing us \$730 a square foot. He said even if this is a government contract he has never seen a cost like that. Mayor Rangra said this could have been built much cheaper. He said we went through this last year also. He said he does not know why it is costing us so much money. He said he knows we do need the restrooms.

#### **City Manager Report – (E. Zimmer, CM)**

The City Manager's Report included the following information:

- **2016 Paving Schedule/Approach –**
  - **2016 Primary Focus will be on Seal Coating – targeting up to 200 City Blocks – dependent on cost**
  - **List sent out to Elected Officials in December and updated to website this week**
  - **Will also gather quote from Jarrett Dirt Works for rebuild of major problematic streets**
  - **Based on spending through project, look at Equity Transfer from Gas Fund to cover additional work**
  - **Received firm cost quote from ERGON already (8% lower than last year)**
  - **Information available on Website for Community**

#### **Parks Update –**

- **Parks Committee has completed analysis of existing parks and primary usages**
  - **Looking at how people use our City Parks**
  - **Reviewing assets related to AISD, SRSU and County**
  - **Survey to be constructed at January 28<sup>th</sup> meeting**
  - **Output to be presented to Council, along with recommendation, by Spring 2016**
- **Kokernot Park**
  - **ADA Swingset – Frame is placed, forms for concrete set, targeting to pour concrete Wednesday**
  - **Material is here for the baby-fence around the new 0-2 playset area at Kokernot Park**
  - **Restrooms – Mild vandalism recently, also remediating some leaks on the roof**
  - **Prairie Dogs – growing colony**
- **Contract Update – Land Use – Agreement with Alpine Country Club**
  - **Current Land Use Agreement with ACC is set to expire March 2, 016**
  - **There are no expiration provisions in current lease language**
  - **Intent of ACC is to continue to use property in same manner**

- **Having a Golf Course is an important recreation amenity for the City**
- **Resolution passed in 2002 giving ACC control of the well on the corner of Brown and Fighting Buck Avenue**
  - **This needs to be addressed as part of the new lease**
- **New billing software conversion update**
  - **Original conversion performed December 10, 2015**
  - **Complication with input methods, added cash receipt component to program**
  - **We expected some conversion challenges—both employees have learned various parts of the new software and continue to mature in their competency**
  - **Was not able to run bills for January – not all information was converted properly**
  - **Switched back to old system to print bills**
  - **Data pulled again for second conversion**
  - **USTI/Asyst working with data to complete 2<sup>nd</sup> conversion**

**Might be more downs than ups right now but in the end the new software will help us streamline billing, have more reliable maintenance backup and ultimately have ability to accept credit cards and online billing. Councilor Gonzales asked about equity transfer. City Manager Zimmer said equity transfer is where each city department has a different operating fund. He said utility funds are owned by the city and they build up a certain level of reserve. If you have debt tied to that fund there could be restrictions for transferring money out of that fund for other uses. The gas fund has no debt tied to it, so we could take any excess that we have in that fund and do a transfer for another specific project for the city. He said the transfer has to call out the specific activity and the specific dollar amount. He said he had talked to Craig Gibson about this as well. He said cities across the United States will own utilities in varied instances and one of the byproducts or benefits of that is the ability to finance other expenses. Councilor Gonzales asked about Enterprise Funds. He said isn't that one of our enterprises? City Manager Zimmer said yes it is. Councilor Gonzales said isn't it the rule if you have an enterprise fund you are supposed to use the money for that enterprise. City Manager Zimmer said no, the City does not have to solely use it for gas. Councilor Gonzales said there was an Ordinance or a regulation for that. He asked what City Manager Zimmer was using for a basis for that information. He said he always heard that you could not take money from enterprise and use it for something else. City Manager Zimmer said he conferred with City Attorney Mick McKamie who said there was no state law or local ordinance that precludes it. He said he also conferred with Craig Gibson, our auditor, who confirmed that is a common practice with municipalities, and that we would be eligible to do that as the City of Alpine. Councilor Gonzales asked if that was**

something in writing, that we could do that. City Manager Zimmer said he has not asked Craig to write up an opinion on that or Mick to write up an opinion on that. He said he trusted that neither one of them would purposely lie to him about this. Councilor Gonzales said he did not imply lying, he was just wondering if they researched it. City Manager Zimmer said Mick has researched it as well as Craig Gibson. He said they are both seasoned people in their vocations and have come across this situation multiple times. Councilor Fitzgerald said the club pro at the Country Club asked if it would be possible to have a little more fresh water. He said they cannot use affluent on the greens. City Manager Zimmer said he knew all the Board members of the Country Club. He said the Country Club is a great asset but the City is not in a position to give the Country Club free water. He said they pay for the water that goes on the greens today. He said he would not recommend that we discount our water rates to a business entity. He said the council would need to create an ordinance if they wanted to lower their water rates. Councilor Fitzgerald said he did not think they wanted the water free but they wanted access to more water. City Manager Zimmer said they need to learn their irrigation system there. He said they have plenty of availability out there to have water. He said we do not have a pressure issue out there and we have a new meter. Mayor Rangra said he does not understand why they cannot use gray water out there. Councilor Fitzgerald said the way they explained it to him, it cultivates diseases. City Manager Zimmer said there are different schools of thought about that around the country. He said several facilities use gray water and some don't. City Manager Zimmer said ultimately decreasing the rates for the businesses in Alpine would require raising the rates for the residents, and he is not in favor of that. Councilor Gonzales asked about John Cordova. City Manager Zimmer said he did not think it was appropriate to speak about this at this meeting. He said it was an unfortunate situation.

#### City Staff Updates – None

#### 5. Public Hearings – None

6. 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 Minutes of December 8th, 2015 (A. Rangra, Mayor) –**

**B. Approve appointment of Eileen Rouke as representative of Ward 3, Planning and Zoning Commission. (J. Fitzgerald) -**

Motion was made by Councilor Fitzgerald , by Resolution 2016-01-01 to approve items 6A and 6B of the Consent Agenda. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

**7. Information or Discussion items –**

**A. Discuss creating an Ordinance that would create an expiration date on checks tendered by the City of Alpine. Currently there is no expiration date on our checks. (E. Zimmer, CM) –** City Manager Zimmer said he thought this was something that was long overdue for the city. He said in order for us to effectively move forward he thinks we need to establish an expiration date for the checks. He said this will really help us for this fiscal year as well. Mayor Rangra asked if this needed to be brought to the Council. City Manager Zimmer said he wanted to inform the public so he thought this would be the best way to do this.

**B. Discuss Jason Sullivan’s Application for Water Production in Sunny Glen. (E. Zimmer, CM) –** City Manager Zimmer said Mr. Sullivan’s application is in the County. He said it will come before the Brewster County Groundwater Conservation District Board on January 13th. He said both the Council and the Environmental Advisory Board have received copies of this packet. He said part of what our Environmental Advisory Board is looking at right now is how we get water. He said we know we get 25 or 30% from Sunny Glen and 50 to 60% from Musquiz and a couple of wells in town. He said over time we may migrate off of some of our usage from Sunny Glen. He said two of our Musquiz wells, 8 and 9, are not on line and we pay a fairly minimum fee to Jeff Davis County to pump water out of the Musquiz site. He said more than anything, because of information that is being spread around, he wanted to bring this to the Council. Mayor Rangra asked if this would affect our water production. City Manager Zimmer said Dr. Daugherty feels that if we continue to permit wells out there and they pull 100 acre feet a year it will impact the water supply long term for the Sunny Glen area. He said Dr. Daugherty and Jason Sullivan have their own opinions on this. Mayor Rangra said as long as it does not affect us. City Manager Zimmer said another document included in the packet was a report by LBG Guyton. He said it is a wonderful document and he plans to put it on line. Mayor Rangra said he does not want to abandon any water wells. He said he fought for Musquiz for 6 years as a Councilmember. City Manager Zimmer said especially Musquiz. Councilor Stephens said we do

not get feedback from the public on discussion items. Councilor Gonzales said he was the one who provided the report and he wanted to point out that the information in it is 9 years old and a lot of things have changed. City Manager Zimmer said the LBG Guyton report is from 2007 and the application from Sullivan is current. He said the report from LBG Guyton is 7 years old but the information is still very pertinent.

- C. Discuss Far West Texas Water Planning Group. Discuss roles of group, annual agreement and correlation to Brewster Groundwater Conservation District and City of Alpine Environmental Advisory Board. (E. Zimmer, CM)** - City Manager Zimmer said he enclosed the Far West Texas Water Planning Group agreement. He said it is a bi-annual agreement. He said we do have a file a plan with the state every five years for far west Texas. He said we divide the costs among the member cities and our share is usually around \$1,800 annually. He said we budget that and it has already been approved. He said with more and more discussion about water, he wanted to see if the council has any ideas, thoughts or concerns on this. He said he touched base with Annette and Marissa from COG for an updated list of upcoming meetings and he will give that to the EAB. He said the list of people supporting the group has not been updated since 2010. He said he wanted to make sure that list got updated.
- C. Discuss and future actions necessary for City Ordinance, Chapter 2, Section 2-258, in the City of Alpine Code of Ordinances. (E. Zimmer, CM)** – City Manager Zimmer said he had citizens bring this up in a couple of Council meetings. He said once the Budget is approved, when do you bring back items to the City Council. He said when you look at the items that you pay annually, for example fuel at the airport. He said when you are looking at fuel for the airport or gas for the gas company we may not be able to wait three weeks for approval by the Council. He said he thinks we need to take a look at 2-258 and see if it needs to be amended. Councilor Stephens said the recommendation is that anything that is in the approved budget would not come to Council but anything that is not approved in the budget would go to Council.
- D. Discussion related to 2016 goals and objectives for City/County liaison team. (R. Stephens)** – Councilor Stephens said at the last meeting Councilor Gonzales pointed out that he is the liaison to the County but it is up to the City Council to bring him items that he can discuss with the County. He asked the city council to bring him items. He said the City Attorney recommended that we discuss the list of items as a Council. He said Texas Local Government Code 42, Extraterritorial Jurisdiction of Municipalities, commonly referred to as ETJ, designates certain areas as the extra territorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities. He said the extent of the ETJ of a municipality is the

unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within one mile of those boundaries for a municipality of between 5,000 and 24,999 inhabitants. He said the Brewster County Commissioner's Court and the City Council of the City of Alpine each must make their own decisions about actions they would take, but the City Council having a list of items of interest to it relative to the ETJ will provide an excellent forum of discussion at the respective governmental bodies. He proposed 5 items on a list for discussion and consideration to promote and protect the general health, safety and welfare of the citizens of the City of Alpine. These were 1) Ensuring that Brewster County has adequate plans and resources in place for emergencies in Brewster County that would have a potential impact on the City of alpine. 2) Potential for the county to provide financial support to the Airport of a value not to exceed the property taxes collected on property at the Airport. 3) Ensure alignment of the ambulance service contracts, fees paid and overall contract structure which could be of benefit to the City and the County. 4) Put into place an agreement between the City and County about how property will be utilized within the ETJ of the City which could be of value to the citizens of Alpine and help the P & Z determine appropriate uses and zoning of city property and 5) The city should discuss Brewster County Ground Water Conservation District, the scope and understanding of water supply, along with usage and the long-term plan for water resources under county jurisdiction so that the City can plan accordingly. Councilor Gonzales said the City and County and trying to come up with an interlocal agreement. He said the County has changed their meeting dates and times. He said he would get into this. He said these were things that needed looking into. Mayor Rangra talked about the ETJ and annexation and the impact in the future and now. He said he was glad that Councilor Stephens brought up those items to be discussed. Councilor Stephens said one good thing that could come out of this is documentation, what are some of the agreements that exist and so on. Councilor Gonzales said we have had a lot of problems with the County Water Board in the past. He said they were asking us for our information but they had no information for us in return. Mayor Rangra said it is 2016 and we will have more cooperation. Councilor Gonzales thanked Councilor Stephens for his list of items and input.

**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 or Mayor Pro Tem)**

8. **Discuss and Consider changing the meeting time on Tuesday, February 16, 2016 to start at 3 P.M. (E. Zimmer, CM) –** City Manager Zimmer said the request was made to him to start the meeting later. He said two gentlemen who were in Benghazi for the battle that the movie "13 hours" was based on will be at Sul Ross on that evening, sponsored by West of the Pecos

Republican women. Motion was made by Councilor Fitzgerald to approving changing the meeting time on Tuesday, February 16, 2016 to start at 3 P.M.. Motion was seconded by Councilor Stephens. Joseph Goldman asked if that was the only day that we were going to change the meeting time. City Manager Zimmer said that was correct. Joseph Goldman asked if this was going to be a continuation? He said personally 3:00 is not a good time for anyone in Alpine who works. He said he did not think they would get off at 3:00 to attend the meeting. He said this is saying that we are not going to have any working people and give them the opportunity to attend the meeting. He said there seems to have been in the last few meetings, more and more obstacles put up to citizen scrutiny. He said while he is not against one meeting time change, he thinks we should be very aware of what this decrease in the amount of citizen activity means and we seem to be going in that direction. He said he does not think it is fair with all the items that they are now discussing, water, gas, moving money etc. He said he thinks there needs to be more citizen scrutiny. Mayor Rangra said he thinks this is just for one meeting. Bob Litton, said there is an alternative to change the meeting day. Oscar Cobos said hopefully in the near future there are meetings scheduled in accordance with the wishes of the people. Councilor Gonzales asked if this was political. Councilor Stephens suggested moving the meeting to the 17<sup>th</sup>. City Manager Zimmer said committee meetings was his thought in pulling the time up. Councilor Stephens amended the motion to meet on the 17<sup>th</sup> at 5:30 P.M. instead of the 16<sup>th</sup> at 3:00 P.M.. Motion was seconded by Councilor Fitzgerald. Barbara with the City Attorney's office asked about an existing city ordinance. City Manager Zimmer said we just changed the date two months ago without amending an ordinance. Mayor Rangra said a special meeting would not take the place of a Regular meeting. Mayor Rangra said we need consistency from the City Attorney. Barbara said the last time we did this it was an entirely different situation. Mayor Rangra asked Barbara to give us something in writing. Barbara said she would do that. Mayor Rangra asked if we could change the date of the meeting. Barbara said yes, the council could. Mayor Rangra said he would like to have a paper trail so future councils would know what to do. Mayor Rangra asked for the vote on the amendment. The amendment was to move the Regular meeting date from the 16<sup>th</sup> of February to the 17<sup>th</sup> of February at 5:30 P.M. Motion was made by Councilor Stephens, by Resolution 2016-01-02 to move the Regular Council meeting date from the 16<sup>th</sup> of February to the 17<sup>th</sup> of February at 5:30 P.M. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried. The Original motion was to change the meeting time on February 16<sup>th</sup> from 5:30 to 3:00 P.M. The original motion was made by Councilor Fitzgerald and seconded by Councilor Stephens. The amendment to that motion was to move the Regular meeting date from the 16<sup>th</sup> of February to the 17<sup>th</sup> of February at 5:30 P.M. Councilor Gonzales asked if there was a meeting on Wednesday, February 17<sup>th</sup>? The City Secretary said there were no other meetings scheduled yet for February

17<sup>th</sup>. Bob Litton questioned Barbara about her concern about changing the Meeting. Carl Fleming said he thought they made a wise decision. He said now they can go to both. Betty Fitzgerald questioned whether the people who had already spoken, could talk again. Mayor Rangra said the presiding officer has certain discretions. He said he had to be fair to everyone and everyone had to have a chance. Motion carried unanimously.

9. **Discuss and Consider approving first reading of Budget Amendment Ordinance 2016-01-01. Budget amendments are for Fund 05 (Airport) and Fund 06 (Hotel Occupancy Tax). (E. Zimmer, CM) - City Manager Zimmer** said because this is an Ordinance relating to the budget it will be made available to the public, if the first reading is approved tonight. He said we are looking at two funds. He said the first item regards taxiways and the second item is the crack/seal project. He said part will fall under the NPE funds. He said the city will need to pay 10% which is \$18,292.50. He said we currently have some funding in the Texas Class reserve account in the amount of \$83,001.30. He said that was the proceeds from the land auction and gas money. He said he is asking that we take \$38,292.50 out of that fund to fund the taxiway and crack/seal project. He said the second fund is hotel/motel. He said last year our revenues exceeded our expenses. City Manager Zimmer said originally we budgeted \$40,000, for the Civic Center renovation. He explained why we exceeded the estimated amount. He said he is requesting an additional \$40,000 for Phase I of this project and he gave the council an outlined list of renovation expenses. He said we also have a Texas Class Reserve Fund set aside for the Hotel Motel fund. He said we are not going to use any of those dollars in the reserve fund but from our Hotel/Motel checking account. Motion was made by Rick Stephens, to approve the first reading of Budget Amendment Ordinance 2016-01-01 for the budget reallocation of \$38,292.50 for the crack seal repair and other at the Airport as part of the City funding and TxDot funding and that we allocate \$40,000 to complete the Civic Center Remodel with those excess funds coming from the city's Hotel/Motel funding. Motion was seconded by Councilor Fitzgerald. Councilor Stephens asked how much would be left after the \$40,000 was taken out of the Hotel/Motel checking account. City Manager Zimmer said we would have \$19,000 in the Hotel/Motel checking account and \$80,000 in the Texas Class fund and that would equal almost \$100,000 still in Hotel/Motel funding to get through the rest of the events through the year. Councilor Gonzales asked a question about what the proposals were. Erik said they were the proposals for the crack/seal project. Oscar Cobos asked where the airport funding came from. City Manager Zimmer said Councilor's Stephens hangars were built last fiscal year. He said we had two hangers built this year. He said the money in the reserve fund for the Airport would fund the taxiways in this project. Councilors Stephens and Fitzgerald voted in favor. Councilor Gonzales voted against. Mayor Rangra said the motion passes. City Manager Zimmer said it does not pass because a budget amendment like

that requires three votes in favor. Mayor Rangra asked if he could vote. He then said there was no tie. Mayor Rangra said he stood corrected and the Motion did not pass.

10. **Discuss and Consider approving first reading of Ordinance 2016-01-02, establishing traffic control devices for five uncontrolled intersections. These intersections are on West Eagle Pass Street and the intersections of N. 15<sup>th</sup> Street, N. 16<sup>th</sup> Street and W. Uvalde Street at the intersections of N. 15<sup>th</sup> Street, N. 16<sup>th</sup> Street and N. Middle School Drive. Chief Scown has studied and recommended these changes. (J. Fitzgerald, E. Zimmer, CM) –**  
**Councilor Fitzgerald said we need to make it safer for kids. He said the police are happy with this and it makes sense. City Manager Zimmer said Chief Scown has made a recommendation on this and we certainly need traffic control for the kids in this intersection. Motion was made by Councilor Fitzgerald, by Resolution 2016-01-03 to approve the first reading of Ordinance 2016-01-02, establishing traffic control devices for five uncontrolled intersections. Motion was seconded by Councilor Gonzales. Councilor Gonzales said he has seen many people go through the stop signs. He said he would recommend that Chief Scown do a little more vigilance. Councilor Stephens said it is four yield signs and one stop sign? City Manager Zimmer said that was correct. Sheila Ness said the yield signs would be a waste of time. She thinks they should just have a stop sign. City Manager Zimmer said the yield signs are in place to direct who has the right-of-way. Councilor Stephens said he was struggling with the yield signs as well. Mayor Rangra said even if there is no sign, we ought to be driving slow. Motion carried unanimously.**
11. **Council Member Comments And Answers –**  
**Councilor Fitzgerald said he wanted to wish everyone a Happy New Year and thanked everyone for coming.**  
**Councilor Gonzales also wished everyone a Happy New and thanked everyone for coming.**  
**Councilor Stephens wished everyone a Happy New Year and welcome 2016.**  
**Mayor Rangra wished everyone a Happy New Year and said we would see everyone at the next meeting.**
12. **Executive Session - None**
13. **Action after Executive Session - None**
14. **Adjournment –** Motion was made by Councilor Stephens to adjourn.  
Motion was seconded by Councilor Fitzgerald. 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 December 30th, 2015, 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 December 30th, 2015, 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