

## City of Alpine

### Regular City Council Meeting, Tuesday, March 12th, 2013, 6:00 P.M.

Notice is hereby given that the City Council of the City of Alpine, Texas will hold a Regular meeting at **6:00 P.M. on Tuesday, March 12th, 2013 in the City Council Chambers, at 803 West Holland, in the City of Alpine, Texas** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

#### **PUBLIC NOTICE – THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

Members of the audience will be provided an opportunity to address the Council before agenda items are discussed. The audience is also allowed to comment during the discussion of the agenda items with the Council. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.**

#### Agenda

1. Call to Order, Invocation and pledge of allegiance to the flag —
2. Determination of a quorum and proof of notice of the meeting –
3. Presentations, recognitions and proclamations –
4. Reports –
  - City Mayor's Report -
  - City Attorney Report –
  - City Manager Report –
  - City Staff Updates –
5. Citizens Comments (on agenda items) –
6. Public Hearings –
  - A. Public Hearing to obtain citizens views and comments concerning approval of large animal permits for two goats and six chickens. City of Alpine animal Advisory Board recommended that the permits be approved. Goats and chickens will be located at 1201 Fighting Buck Avenue. Applicants are Ron and Marsha Wells. (C. Garcia, CM)
7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –
  - A. Approve Council minutes of February 19<sup>th</sup> and 21<sup>st</sup>, 2013 . (C. Garcia, CM)
  - B. Approve Accounts payable. (C. Garcia, CM)
8. Information or Discussion items –

- A. Discuss Councilor Julian Gonzales' letter dated January 17<sup>th</sup>, 2013, and misleading City of Alpine letterhead letter dated February 13<sup>th</sup>, 2013, to the City of Marfa Mayor Dan Dunlap regarding financial situation, and distribution of assets of the Gas company. (C. Lujan)
- B. Discuss supporting Texas for Health Care Reform Organization to urge Texas Legislature to expand the Medicaid program. (C. Lujan)
- C. Discuss Pueblo Nuevo Park and progress or lack thereof in reference to park lights and a date when they are going to start working on the park. (J. Gonzales)

**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 the following: (A. Rangra, Mayor)**

- A) Discuss the October 10, 2011 opinion of the Texas Attorney General; issued in response to a request from Mayor Dan Dunlap of Marfa, Tx. and in his official capacity as the President of Southwest Texas Municipal Gas Corporation Board (SWTMGCB); concerning the relationship of the cities of Alpine, Tx. and Marfa, Tx. As it relates to the Texas Open Meeting Act (TOMA) and the ownership of the SWTMGC: (A. Rangra, Mayor)
- B) Based upon the aforementioned opinion, that the Alpine City Council vote to take appropriate legal action(s); including, but not limited to, directing the SWTMGCB to obtain reimbursement for any and all material(s), personal property, inventory, business records and notes pertaining to the assets obtained from the SWTMGC warehouse located at 203 N. Apple Street, Alpine, Tx. by the contractor and his employee(s) and any persons or agencies acting under their directions; (A. Rangra, Mayor)
- C) Direct the Alpine City Attorney or appropriate legal authorities to commence such legal process as necessary to obtain reimbursement for any unfinished portion or portions thereof, of the contract executed March 28, 2011 between the SWTMGC and the contractor, Paragon Corporation, its owners, including, but not limited to Joey DeHart, President of Paragon Corporation, its stockholders, employees, consultants and sub-contractors, if any, and their employees. (A. Rangra)

**10. Discuss and Consider taking action, to respond to the City of Marfa Mayor Dan Dunlap's request, and inform him if these letters are personal, or of the City of Alpine investigations. (C. Lujan)**

**11. Discuss and Consider setting date(s) and establish procedures for Employee evaluations – John Armstrong. (M. Davidson)**

**12. Discuss and Consider taking action to request easement from Brewster County in reference to flooding in the Avenue K and Pvt. H. Cordova Street area, to prevent flooding in Avenue K and the southern area of Alpine. (J. Gonzales)**

**13. Discuss and Consider approving a resolution to support to expand the Medicaid Program and contact our State Senator and Representative to urge them to support the expansion of the Medicaid Program. (C. Lujan)**

14. Discuss and Consider approving large animal permits for two goats and six chickens. Animal Advisory Board recommends that the permits be approved. These animals will be located at 1201 Fighting Buck Avenue and applicants are Ron and Marsha Wells. (C. Garcia, CM)

15. Discuss and Consider taking bids on getting a new and up to date action plan for the Airport as recommended by the City of Alpine Airport Board. (C. Garcia, CM)

16. Discuss and Consider awarding regulator and poly pipe for gas department. (C. Garcia, CM)

17. Citizen's Comments (limit 3 minutes) –

18. Council Member's Comments and Answers -

19. Executive Session – Pursuant to Texas Government Code, Subsection 551.071, Consultation with Attorney – possible pending or contemplated litigation or settlement offer, Subsection 551.072, Texas Government Code, Consultation with Attorney concerning Real Estate Issues, and Subsection 551.074, Texas Government Code, Personnel Matters.

- A. 1. Rey Dominguez to address Council concerning grievance. (C. Garcia, CM)
- 2. Consider calling witnesses concerning grievance of Rey Dominguez. (M. Davidson)
- 3. Consider possible reinstatement of Rey Dominguez to original position (job). (C. Lujan)
- B. Discuss job status of City Manager, including possible termination, and if necessary, appoint an interim City Manager for a period of six months. (D. Asgeirsson)
- C. Discuss Scown lease. (C. Garcia, CM)
- D. Consider proposals for old landfill use. (C. Garcia, CM)

20. Action- Executive Session – Pursuant to Texas Government Code, Subsection 551.071, Consultation with Attorney – possible pending or contemplated litigation or settlement offer, Subsection 551.072, Texas Government Code, Consultation with Attorney concerning Real Estate issues, and Subsection 551.074, Texas Government Code, Personnel Matters

- A. 1. Consider action concerning Rey Dominguez grievance. (C. Garcia, CM)
- 2. Consider possible reinstatement of Rey Dominguez to original position (job). (C. Lujan)
- B. Consider action concerning job status of City Manager, including possible termination, and if necessary, appoint an interim City Manager for a period of six months. (D. Asgeirsson)
- C. Consider Scown lease. (C. Garcia, CM)
- D. Consider selecting proposal for old landfill use. (C. Garcia, CM)

**21. Adjournment –**

I certify that this notice was posted at 2:30 P.M. on March 8th, 2013 pursuant to Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is Wheel Chair 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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Margaret "Molly" Taylor, City Secretary