

**City of Alpine  
Regular City Council Meeting  
July 16th, 2013  
6:00 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Darroll Wright gave the invocation and Mayor Rangra led the pledge of allegiance to the flags.**
  
- 2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra and Councilmembers Bermudez, Davidson, Gonzales and Castelli were present. Councilor Fitzgerald had an excused absence. Meeting notice had been posted at 4:45 P.M. on July 12th, 2013.**
  
- 3. Presentations, recognitions and proclamations –**
  - A) Proclamation – Alpine Middle School chosen for Middle School Matters Program. (A. Rangra, Mayor) – This presentation was postponed.**
  
  - B) Proclamation – Alpine recognized as Silver Star Affiliate by Keep Texas Beautiful. (A. Rangra, Mayor) – Mayor Rangra read a proclamation recognizing Alpine as a Silver Star Affiliate by “Keep Texas Beautiful”. He presented the proclamation to Martha Latta. Martha said this makes us eligible for applying for grants that are available through “Keep Texas Beautiful” and “Keep America Beautiful”.**
  
- 4. Reports –**

**City Mayor’s Report - Mayor Rangra said yesterday we had representatives from Senator’s Cornyn and Cruz here in Alpine. He said our City Manager and he visited with them for about a half an hour and we made them aware of our concerns and issues. He said we talked about the nursing home, health issues and Sul Ross. He said last week we had our own Congressman Pete Gallego who was born, raised and educated here in Alpine. He said we had about 100 people for breakfast with him and it was good to have him back. He said he is now in Washington representing us. He said years ago, part of a movie called “Fandango” was made in Alpine. He said this Friday, the actors who were in it are revisiting the various towns where the movie was made and they are going to be in Alpine on Friday. He said they would be at Sonic at 5:00 P.M. on Friday.**

**City Attorney Report – The City Attorney said he did not have much to report. He said he has supported the staff on various projects He said he will be out of town for a few days on vacation and wanted to give the**

Council a head's up.

**City Manager Report –**

**A) Financial Report –** The City Manager said he knew they gave the Council a preliminary report at the end of June but they have not gotten printed out an update yet. He said we have had a few little bugs as we would expect with a new system and are trying to sort everything out. He said we anticipate sending a report out by maybe by separate publication somewhere in the next week or two. He said the bottom line is that on our financial end our cash reserves are good. He said it is about 1.1 million dollars in cash reserves. He said that includes after getting everything processed through, we picked up some old invoices, past due invoices and we cleaned up quite a bit. He said financially we are very good and very stable. He said we just want to report that and will get you a more complete report later.

**B) Alpine Animal Shelter Leaks –** The City Manager said he knew this issue had come up before, concerning the leaks at the Alpine Animal Shelter and waterflow that has come back up into the building. He said we have been working on this and we have been trying to determine how we can correct the issue. He said we believe part of the problem is when the design was changed and was being built, where the down spouts came down they were not taken to an underground holding storage like the original plan. He said that left water flowing out and we are trying to figure out how we are going to deal with that issue to get that water away from the building. He said we have been working with the survey people to shoot some grades and try to figure out some things that we can do to take care of that problem. He said we just wanted to update the Council on that issue. Councilor Castelli said on August 6<sup>th</sup>, we are going to have a full review of the gas department and wanted to know how we were progressing on that. The City Manager said we are progressing. He said we have all of our accounting, in how much we have done, a full accounting of the work we are required to do by the Railroad Commission. He said we are working now in getting all the numbers together for Councilor Castelli since he asked specifically about the gas contracts and how we purchased it. Councilor Davidson asked about what our status was for bid packages for the Quiet Zone. The City Manager said it should be in the paper on Thursday. He said it is in Dodge Reports and we have the packages ready for the contractors to come and pick up. He said we are anticipating moving ahead with that. He said he believed the date they are due back in is August 13<sup>th</sup>, and that would allow us then to bring it forward to the next Council meeting in August. Councilor Davidson said at that point we would actually accept a bid and select a contractor. The City Manager said yes sir. Councilor Davidson said “great”. Councilor Gonzales said he just wanted to ask about the park and the

Survey and find out where the corners are and the middle is. The City Manager asked which park. Councilor Gonzales said he believed it was Pueblo Nuevo. The City Manager said we did that. He said we staked the corners probably a week or more ago. Mayor Rangra said the 1.1 million dollars is the good news. He asked if we had paid all the bills. The City Manager said we paid a lot of past due bills. Mayor Rangra said the other day he walked into City Hall and one of his friends asked him how the City was doing and he said great. He said he looked at him and said "Are you sure, because the word on the street is that the city is going broke." He said he hopes that he is listening and that other people are listening to what the City Manager has said. He said we are in good shape but that does not mean that we should take it easy. The City Manager said we are by no means where we should be.

#### City Staff Updates – None

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

Oscar Cobos – said he wanted to thank the leadership in this community for everything that is going on. He said he wanted to stress a few things about a couple of items here. He said it is his interest to stand for the people. He said back in 1994 he raised the issue of Church and State. He said that turned out very well. He said he also wanted to stress the property rights which worked out as well concerning the city, concerning the issue of condemnation of property. He said today he wanted to point to two items right quick. He said one is item #8 and he just wanted to stress this for the people concerning the \$35 charge for heavy trash pickup. He said he believed that if we met the people half way there would not be that much trash out there. He said \$35 is way too much for people that are struggling out there. He said he would say that we should reduce it to \$20. He said if we are to negotiate this we need to do something that will not turn out to be a big market for the disposal company. He said there needs to be fairness. He said on item #12, concerning funding for the Big Bend Film Commission, in reference to hotel/motel occupancy fund, he has been sitting here for the last few meetings and a lot of good events have come around. He said he has been looking at the Cowboys and Indians Magazine and noticed the advertisements in there. He said nothing about the City of Alpine on the advertisements was mentioned. He said he thought it would have been nice if the City of Alpine logo was on there. He said he knew that the City of Alpine has contributed thousands and their logo needs to be on there. He said also in the Big Bend Travel Guide there is no mention of the City of Alpine as well. He said he does believe that the City needs to be mentioned. He said every event that goes on in this town should mention the City of Alpine and have the logo, for the city's contributions.

#### 6. Public Hearings –

**A. Public Hearing to hear citizens views and comments on large animal Permit request by Gena Howle, at 1308 North 3<sup>rd</sup> Street in Alpine, Texas for one Arabian Mare Horse. (C. Harrington, CM)** – The City Manager said this is an item that has been moving forward through the Animal Advisory Board. He said the Animal Advisory Board met last month and had a public hearing on this. He said at that time they tabled the issue and did not make a final decision. He said they had some more questions. He said unfortunately what has happened is that we already had the City Council hearing advertised and what we would like to do is go ahead and conduct a public hearing and then we will place an action item back on the Council Agenda when the Animal Advisory Board finishes their work. **Mary Vongsavath** said she has been an Alpine resident since 1994. She said she and her husband live at 313 E. Stockton which was built in 2003. She said they strongly oppose the horse permit as requested by Gena Howle at 1308 N. 3<sup>rd</sup>. She said it is unhealthy and unsafe and would be an unharmonious environment. She said she and her husband own one of the three adjoining properties, directly South of this property. She said they live very close to this property. She said they should be able to enjoy their home day and night, without obstruction from large animals and filthy surroundings and offensive odors. She said the well being of the neighbors is at the core and the most important part of this issue. She said the tenant should be able to locate in an area more suitable for her horse. She said the horse in this location is detrimental to the neighborhood. She said she and her neighbors expect that the City Council will provide and enforcement to prevent the occurrence of this horse issue at this location. **Patricia Hambach** said she is also a neighbor to this property and she agrees with everything that Mrs. Vongsavath says and also opposes allowing a horse permit for this location.

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

**A. Approve Council Minutes of June 18th, 2013. (A. Rangra, Mayor)**

**B. Approve Accounts Payable. (C. Harrington, CM)**

Motion was made by Councilor Davidson, by Resolution 2013-07-07, to approve the Consent Agenda in full. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

**8. Information or Discussion items –**

**A. Discussion regarding \$35 charge for heavy trash pickup – Texas Disposal Systems. (A. Bermudez)** – Councilor Bermudez said at the last meeting we voted on this. She said she takes full responsibility that she voted yes on this but she does not know where her mind was because she did not want

the \$35 charge. She asked the people from TDS to come up front. She said she had several calls from people wanting to know, for example, if they give this \$35, will it go to the city. The TDS representative said basically the \$35 is just recouping their costs. He said they discussed various options. He said the citizens have the quarterly curbside pickups and every year everyone has four options, or four opportunities, to get rid of items. He said if someone replaces an appliance or a piece of furniture, a couple of weeks after one of the cleanups, they could possibly have to hang on to it for two and one half months, until the other regularly scheduled clean up comes around. He said we were discussing options for folks that might find themselves in that situation. He said this would be for someone to call City Hall and say they have an item to pick up and City Hall would arrange for us to come out and get that item. He said they would charge \$35 per 3 cubic yards for that pick up. He said about \$15 of that is landfill fee and they remit a portion of that cost to the city. He said the rest is transportation costs @\$140 per hour and for two guys to go and pick it up. He said it really is just a matter of recouping costs. Councilor Bermudez said let's say she wakes up one morning and finds a washer and dryer outside by her dumpster, which is located in front of her house. She said the first thing she would do is call the City and tell them that she does not want this mess in front of her house. She said when she does that they are going to ask her if she wants someone to come in and pick it up. She said then they will ask if I am willing to pay the \$35 to have it picked up. She said for something like this, she does not even know who put the washer and dryer there, does she have to pay the \$35. City Manager Harrington said what we typically try to do is supplement our work crews. He said we typically send out our own crew to pick it up and clean it up. He said we try to get it cleaned up as quickly as possible and do not call TDS. He said we would not charge back against anybody. He said obviously we cannot identify who did it. Councilor Gonzales said \$35 does seem like a lot of money and asked if there was any way that we could reduce that. He said if you are running it for an hour and it costs that much money, could we schedule a pickup once a week. He asked if we could schedule several pickups in the same hour. TDS asked if he wanted them to wait until there were 3-5 calls before they came out to pick up. TDS said that is something they could consider. He said he suspects that there is not going to be a whole lot of volume of folks calling in. He said when you have four opportunities to get rid of your bulky items per year it will be somewhat rare for folks to say they do not want to sit on this item for a couple of months. He said it could happen and that is why they want to have options available, but he thinks if we wait for 5 or more people to schedule something, it might be a month. He said the cost associated with that \$35 is for a couple of guys to hop in the truck, drive to the location, pick up the item or items and when the truck is full, take it out to the landfill. He said there is a pretty strong potential that it is going to cost us more than \$20 in labor and truck time but their objective was just to be reasonable. He said it was some of their thoughts to give folks an additional option for

getting rid of items. He said they can look at waiting for multiple people and we will have to make sure that residents know that is an option. He said if they have an item, and we have an option, we can see how many people really need the service. He said he suspects it will not be more than one or two every week or two. He said there will be some. Councilor Bermudez said if TDS has already picked up washers and dryers and all of a sudden her's breaks and she gets a new one and she has the old one washer. She asked if there was any way she could bring it to the recycling center that is close to the cemetery and deposit it there. TDS said he did not know but he would have to check into it. The City Manager said to do that we would have to change operations. He said that used to be a situation where we had that. He said there were some issues where it was taken away. He said it would be something we could look at to make a change and improve that kind of service. Councilor Bermudez said we used to do that and there were a lot of people who would go out there on Saturdays. She said another thing she wanted to ask was about the items that are left beside the dumpsters. She said if people start calling you, is that like the city is taking over the trash business. The City Manager said no. He said it is like we discussed at the last meeting, we have a problem out there. He said we are trying to get that problem cleaned up and addressed as quickly as possible. He said we have a long way to go. He said he can give an example of a location by the old dump. He said we cleaned the place up but within a week there was more material deposited there. He said we are really fighting to try and address all of these and we do not want to get into the trash business, we just want to stop the problem. He said we try to get it cleaned up so people do not think it is okay for them to go ahead and do this. He said we try not to involve TDS because obviously it costs more if we involve them to pick stuff up and if they can do it. He said we are trying to address the problem and we are trying to find every solution we can. Councilor Bermudez said on this \$35, we went ahead and voted yes. She asked if there was any way that we could make sure that if they call the city or if they call the TDS office, that people will be told they are going to be charged for this. The City Manager said yes, that we would do that. Councilor Bermudez said so they won't come back and say that they did not know anything about it. The City Manager said it is a volunteer thing anyway and you do not have to use it and you can wait, so certainly, we are going to let them know. Councilor Davidson said he would like to make a comment and he appreciates the city's efforts to clean it up without incurring extra costs but without proper education, you cannot educate people who are not listening. He said obviously four times a year, people see stuff piled up and then it goes away and unless they know the process they think they will put their stuff out there and it will go away. He said whoever threw that stuff out noticed it went away and why not put some more out there. He said it is a difficult situation. He said he solved one of his difficult problems the other day. He said one of his neighbors was cutting down trees and limbs and trash. He said then they stick it out right by the dumpster by his house. He said the guy knew that he was a

councilman and he said this was illegal and they could not really do this. He said then they said they would put it in the dumpster. He said that means that for a certain period of days, no one can put garbage out there. He said he finished up his chores and he went away and Councilor Davidson said he got his gloves out and dragged it out of the dumpster and put it over the fence in his yard. He said everyone is going to have to be creative. He said \$35 is a lot for hauling stuff off but when you really look at hiring a couple of guys to take your washing machine or a pile of trash, it is really cost prohibitive. He said everyone is going to have to be creative until we can come back together. The City Manager said we are working on a new flyer to go out and TDS marketing staff is working on it. Jay with TDS said they are working on something to go with the gas bill. He said it has been limited in the past because there are just a few lines that you can put on the water bill. He said you can put a full 8 ½ by 11 piece of paper with the gas bill. He said they are putting together a full color piece that will explain what the options are. He said they are working on that and they should have that to the city within 2 or 3 weeks. Councilor Gonzales said he wanted to ask about putting a camera at the old dump where people are dumping trash. He said we have the capability to do that and find out who these people are who are doing it. The City Manager said that is already in progress. He said we are taking steps to do that and anyone who gets caught doing that in the future will probably answer to the judge. Ray Hendryx said the radio station can help and can let the public know when the quarterly pick-ups are. Councilor Gonzales said they put it in the newspaper last week. He said as he mentioned before not everyone reads the newspaper and not everyone listens to the radio. Ray said it could be in Spanish and English. Jay with TDS said he thought it would be a really good idea for the flyer to be in Spanish and English as well.

**B. Discussion of modified audit report from auditor that was presented to Council on June 24, 2013. (A. Bermudez)** - Councilor Bermudez said we have requested for Shaw Skinner to be here but as much as Chuck tried to get in touch with him to come, he couldn't and she said she talked to him but he said he was going to be out of town. She said hopefully we can get him to come because she is still determined for him to come over here and explain the changes he did on the first audit and then she said if she is not mistaken the audit, with the changes, was put in a binder by the City finance officers. Deborah Pattison said we reprinted that. Councilor Bermudez asked why Shaw Skinner did not reprint it. Deborah said he was requiring that everyone bring in their existing copy and he would replace it. She said she wanted to get it in the Council's hands sooner so she reprinted it. Councilor Bermudez said that is the thing that she is getting at and she explained that to him. She said ten or twenty years from now, none of will be here. She said somebody comes and they see this, that there are two audits. She said she would like for him to come and explain it, just like he did the first one. She said it won't take

that long and hopefully we can get him here next time. The City Manager said it is on his list to do.

**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 purchase of tables for the Civic Center with Hotel Occupancy Tax Funds. (C. Harrington, CM) – The City Manager said the Lions club had come in last month and requested funds for advertising. He said last week Mr. Steele came to talk to him in his office. He said Mr. Steele had come up with an idea that the Lions Club would be willing to forego their request if the City Council would consider the possibility to purchase new tables for the Civic Center. He said every entity that uses that Civic Center, especially like shows like the Gem and Mineral Show, or events like the Lions Club. He said they have to rent or find their own tables because of the fact that the Civic Center is equipped with typical bar tables, 2 foot by 2 foot. He said they would have to go out and look and find tables from other places. He said the staff had previously been looking at that very concept of changing the tables out. He said this is an important venue for activities that come into town. He said he was amazed at how many people come to the gem and mineral show. He said they will need 40 tables for the gun show. He said this is an important aspect that we need to work with to make our Civic Center more usable for these people putting on these shows that are bringing more tourists and vendors into town. He said we had already been talking about that and we talked about the possibility of taking a look at this in the budget cycle. He said the Civic Center is an enterprise type activity and we need to make it more useful. He said Mr. Steele came in and asked him if we had thought about the possibility of using hotel/motel occupancy tax funds to fund that. The City Manager said he had not really thought about it. He said Mr. Steele showed him that particular section that says you can do maintenance and improvements to a Civic Center like we have, especially where we can justify that we bring in tourists and heads in beds. He said that is what we are bringing forward tonight. He said we did some initial pricing, just to get a ball park figure. He said there were two levels of tables. He said one was about \$1,700 more but they are a heavier duty table. He said the object here is to make those tables last longer and not get damaged as much. He said he had the opportunity to get an email from Councilor Castelli. He came up with another idea and had a pricing too. He said it was a little bit more and was around \$18,000. He said that included things like rolling carts to help move these things around. He said what we would like the City Council to do tonight is to authorize the transfer of funds from hotel occupancy tax to purchased these tables and make our civic center more useful for these types of events. Motion was made by Councilor Davidson, by Resolution 2013-07-08, to purchase tables and Roller Carts for the Civic Center, in the**

amount of \$18,000 as recommended by Councilor Castelli to be purchased out of hotel/motel funds. Motion was seconded by Councilor Bermudez. Councilor Castelli said these tables will last about three times as long if you properly support them. He said if you have 20 tables against the wall and they all slide down and fall. He said it is less than \$2,000 for the carts. He said the question he has is if we have room to store eleven carts. The City Manager said we will have to evaluate it. He said obviously you know that these tables are all out most of the time and typically we store the ones that are not being used. He said he will have to get with Eddie and evaluate that properly. Councilor Castelli asked if we could use 400 linear feet of tables in there. The City Manager said we had checked the measurements and could use that many tables. He said the round tables will give us a little more flexibility that we do not have now for dinners and things of that nature. He said we can still use the long ones to accommodate as many people as we can. Councilor Castelli said since this is an advantage to people, could it be included as part of the negotiation of the fee. He said you could rent the space and rent the tables as well. The City Manager said we can look at it. He said our goal is to make the facility utilized more and our thought was to make it function like a good Civic Center. Councilor Castelli said he knew a little bit about the process. He said these tables that we are looking at are probably B or C grade. He said he knows the ones that are referenced here have a three year warranty on them. He said the ones that he found that also manufacture the cart, come with a 25 year warranty. He said B and C grade tables, if sat on, would result in deflection and possibly some failure of the table. He said he found an A line manufacturer, for \$18,000, the same size and same quantities and everything so it is an extra \$5,000 for what we are talking about. He said an 8 foot table supports 2,000 pounds distributed on the table. He said it is not a table with just a support in it, it is a honeycomb structure and is an "A" grade and has a lifetime warranty. He said he knows the company and they manufacture a very high quality product. He said as a City spending money, that extra \$5,000, do we justify that or not. Councilor Bermudez asked if there would be rectangular tables and round tables. Councilor Castelli said there would be both rectangular and round tables. He said these are a higher quality and that is the price difference. Councilor Gonzales said this does qualify for hotel/motel funding. The City Manager said ultimately we will see a lot more use of our Civic Center. Councilor Davidson said he tends to think that one thing a City Government can do is think long term and make investments and unfortunately a lot of times, the use of hotel motel taxes is not productive. He said this is something that will last for years. He said when you think about a lifetime warranty, these tables will be much more useful. He said he is very favorable to somehow incorporating this extra charge for the tables, maybe a vendor for some of these shows, where they could rent tables as an additional part of their fee. He said it could be a very minimal fee and you could see the fee paying for the tables. He said he would change his motion to go with Councilor

Castelli's proposal. Councilor Bermudez said she would also amend her Motion to reflect that as well. Tex Toler said he was a former tourism director in Marfa. He said he wanted to support what the Council is doing. He said once his organization purchased the round tables and rectangular tables there, they paid for them several times over in the first year. He said not only were they able to rent them to people who rented the building, but they had some fees where if they rented the building you could use the tables and chairs. He said several organizations around town would rent them from the City as well. He said he thought it was a good investment and it helped them rent the building more for weddings. He said the round tables seat so many more people than the rectangular ones. He said it will allow people to look at each other. The amended motion unanimously carried.

10. Discuss and Consider authorizing City Manager to initiate a request for proposals to provide audit services. (J. Gonzales and C. Harrington) – Councilor Gonzales said he was just trying to get some bids for someone to do the audit for us. He said he thinks it is a good idea, especially since we are doing new software and everything is going to be hopefully on the up and up. Mayor Rangra said he thought everyone was eligible to apply. Councilor Gonzales said yes. Mayor Rangra said any qualified auditor can apply. The City Manager said Councilor Gonzales brought this forward to him and what he is saying, not just for audit services, but for any type of professional services. He said every three to five years, the City should sit back and look at their professional services that they are being provided. He said we are not going out for bid. He said we are just asking them to tell us what they are going to do and what we are going to get for our money. He said what we would do then is evaluate those proposals. He said this applies to audit services, engineering services, ambulance service and across the board when you have some professional services where there are third party operations that we need to evaluate. He said when Councilor Gonzales brought this forward we want to bring this forward to you because if we are going to do the audit as one of our first ones that we do, we need to stay within the guidelines of what the charter requires. He said the charter requires that this be done within 30 days at the end of the fiscal year. He said we will have to have it back on the Council agenda by the 20<sup>th</sup> of this month, which gives us a fairly tight window but it is not one of those that cannot be attained. He said he is asking that the Council authorize that to bring it back to the Council with some recommendations on August 20<sup>th</sup> and get it advertised, get our RFP out to address and then we would get it back to Council and go from there. Motion was made by Councilor Gonzales, by Resolution 2013-07-09, to authorize the City Manager to initiate a request for proposals to provide audit services. Motion was seconded by Councilor Bermudez. Councilor Bermudez said she wished Councilor Fitzgerald was here because she said we have been thinking that it is time for a change. Councilor Castelli said

he thought it was an excellent idea for any service that you should reevaluate what your options are. He said we are not showing the door to our current auditor, we are just looking at what our options are. Councilor Davidson said he would concur and he said he thought we should continue with our professional services, as appropriate, at the right time. Motion carried unanimously.

11. Discuss and Consider a request from Texas Municipal League Risk Pool to add Southwest Texas Municipal Gas Corporation as additional insured. (C. Harrington, CM) – The City Manager said this is a request that came from his counterpart in Marfa. He said they have been doing some investigations as far as Southwest Texas Municipal Gas and how they purchased their insurance. He said we have a lot of elected officials on that board but they are already covered but we have other ones that work and this is insurance that is supposed to help pay for that. He said they could not apply themselves through TML and so they were asking one of the cities if they would add them as an additional insured to their policy to cover them and also what it amounts to is about \$15,000 to \$20,000 that will be saved by this SWTMGC and ultimately would be split back between the two cities. He said his counterpart asked that we put this on the agenda and see what our council's wish was. He said Marfa said they would be glad to do it. He said our meeting came up first so he put it on our agenda to see what you wishes were. He said it is one of those things that ultimately he is looking at how much assets we can save down the road and what will come back to us in a year and a half by just adding these people as our additional insured on our policy. He said TML wants a current budget and the SWTMGC does not have a budget or income per se. He said the SWTMGC would have to create a budget to satisfy TML. The City Manager said the City of Marfa will be more than happy to buy the insurance if we pay for half. Mayor Rangra said he spoke with Steve Neu, our representative at the gas board and he later on left a message that the City of Marfa would be more than happy to buy the insurance, as long as we pay 50% of the premium. He said there is one portion of the message which points out that if there is a lawsuit filed, it will be filed against the city who has bought the insurance. He asked the City Attorney, who said he would like to apologize. He said he should have looked at the contract between the City and the gas company for both the City of Marfa and the City of Alpine to be sure that those contracts provide indemnification. He said he does not know which way the indemnification provision goes that also tie into this. He said in terms of whether the Council this evening wants to buy the insurance....either city can do it and Marfa is willing to do it. He said it is just a matter if Alpine wants to jump first or if you want to let Marfa take on that obligation. He said it is 6 of one or a half dozen of the other. He said the indemnification provisions, whether they exist or do not exist, and which way the indemnification blows, is there anyway, and so that is a given. He said he was sorry and

should have had that information for the Council but that is your only question this evening, do you want to do it? Councilor Bermudez said she thought that she heard Diana Asgeirsson say several times that the SWTMGC was no longer a company and had been dissolved. The City Attorney said they are functional but just bare bones functional. He said he does not know the extent. He said they meet and operate but they are not conducting business and they are just tending to basic details right now. He said they are a skeleton corporation. Councilor Bermudez asked if our Mayor was a part of that. Mayor Rangra said he was. Mayor Rangra said his understanding was that after the company was dissolved, a "shell" would stay for about 3 years. He said we have to have some funds at SWTMGC until 2015, just in case there are some bills and someone comes up with an invoice. Councilor Bermudez asked if this was to protect 6 or 8 people. Mayor Rangra said that there are 8 members. He said this insurance is to cover those who are not elected. Councilor Bermudez said the only ones we would have would be Steve Neu, Martin Benevich and Jim "Fitz" Fitzgerald. He said that is the only reason we need insurance. Councilor Gonzales said if they are a corporation and they were running their own show and paying their insurance before, why aren't they paying insurance now. He asked why get the two cities involved, he does not understand. He said they have the money. The City Manager said it was a way of cutting the costs of that insurance down. He said for what they pay, half of whatever they save comes back to us in the next year and one half. He said it was a way of cutting it. He said it is about a \$20,000 savings and half of that would come back to us, the City of Alpine, as a partial owner. He said that is where they are going after it. He said if both cities covered them, we would have two policies and a situation where if something happened, what money we had up front, both cities would be up front. He said the thought was to get cheaper insurance and pigtail along with one of the cities. He said at the same time, no longer would we have the deductible levels that we have. He said only one city would pay the deductible even though we would pay half of it. He said it would not be like both cities paid deductibles. He said there were some issues and they were trying to look at ways to save some funds that ultimately would come back to us. John Armstrong talked about prior acts. Councilor Gonzales said if things are so good, he did not know why we had to be liable. He said in one of these summaries, it says that currently the city of Alpine pays for the liability insurance for SWTMGC and wanted to know if that was true. The City Manager said he had trouble understanding that but we do in effect because the money that they are using to pay for that is half our money. He said that is the point that he was trying to get across. Councilor Gonzales said they are basically using their own money. He said the City Manager said when we dissolve, part of it is going to come back to us. Councilor Gonzales said he does not see why we need to get involved in it. He said it is a liability. The City Attorney said the City needs to decide whether or not the savings is worth the potential increase of liability. He

said it would be minimal at best. Mayor Rangra asked if we should postpone it until we get more information. Motion was made by Councilor Castelli, by Resolution 2013-07-10, for us to allow Marfa to purchase the additional policy that is required and reimburse Marfa at the 50% rate. Motion was seconded by Councilor Davidson. Councilors Castelli and Davidson voted in favor. Councilors Bermudez and Fitzgerald voted against. Mayor Rangra said it is a tie. Mayor Rangra voted yes with Councilors Castelli and Davidson. Motion carried. Councilor Bermudez said we are still going to have to put up money. Mayor Rangra said what it is, is that money is coming from SWTMGC and he understands that they have about \$80,000 right now. The money is coming from that pool. Chuck said there is no transfer of money in this situation. Mayor Rangra said the City of Marfa will negotiate with TML to buy the insurance. He said he wondered if there was any lawsuit and what would happen. Councilor Gonzales said he did not like the idea that if we decided to sue them we can't because we are actually participating. The City Attorney said he did not believe that was true. He said we could sue anyone. Councilor Gonzales said so we will not actually be paying money. He said it will be taken out of the funds that they have. The City Attorney said that was correct. Ray Hendryx said the City of Marfa is really just acting as an agent. Councilor Davidson said the premise of this is that it is cheaper to get insurance if you already have a policy and add an additional insured than it is to stand alone as an entity to purchase a policy by ourselves.

12. Discuss and Consider a request for funding Big Bend Film Commission from the hotel motel occupancy fund. (C. Harrington, CM) – The City Manager said we have a group, the Big Bend Film Commission, who has made an application to receive funding for the start up of a non-profit agency to promote filming activity in the Big Bend area. He said they submitted a proposal to the Council for your review. He said actually, it is for their first year of advertisements and expenditures which included promotions, advertisements and administrative costs associated with that activity. He said to date there has been activity filming in Brewster County. He said we have had a visit by the executive director of the Texas Film Commission. He said what they are asking is for some funds to provide seed support to the Commission to make an application for full funding starting in October. He said the funds are permitted by law as shown in the attached exhibit as part of the arts. He said while there was no formal amount requested, staff recommends that a minimum of \$5,000 be set aside for this. Councilor Bermudez asked when it says the staff recommends, who is the staff. The City Manager said it is him and the City Attorney, who discuss these issues and come up with a recommendation. Motion was made by Councilor Bermudez, by Resolution 2013-07-11, to approve \$5,000 to fund the Big Bend Film Commission from the hotel motel occupancy fund. Motion was seconded by Councilor Gonzales. John Green, the Co Founder and Director of the Big Bend Film Commission and

**Tex Toler, who is the Marketing and Development Director spoke to the Council. He said the intent for them is tourism. He said they have an opportunity here to expand the presence that they already have, attracting films here. He said in the last six months or so they have actually been doing fairly well with no funding and no advertising, they now have a history channel series that is going down on Terlingua Ranch. He said they are probably going to leave \$20,000 to \$30,000 a week in our coffers for sales tax. He said all the cast members are coming from people in the big bend. He said our intent is simply to advertise and attract people who make movies, commercials and television shows here and not to show movies. He said they tried to give the Council a list of some of the potential for income. Mr. Toler said when Mayor Rangra mentioned Fandango earlier, it was one of his favorite movies. He said he got involved in this organization from his long association with Big Bend. He said he has a love affair with this area. He said he has worked for 8 years with the Cantors, which is an ad agency for the State of Texas tourism, he said he was a mole in that agency, trying to make sure that the Big Bend got its fair share of promotions in the State of Texas. He said one of the things he did at that time was when they did get inquiries about Texas and this area, a lot of times he brought tours of the production companies out here and put them in touch with folks and he knows what the economic development of that was. He said as Director of Tourism in Marfa, it is not just motion pictures, but television ads, print ads and trying to gather up all the resources that we have. He said one of the things he thought about with Alpine is in the effective marketing Alpine has done with "Home of the Last Frontier" when a lot of people in the industry hear about Big Bend and want to come out here they kind of assume that we do not have much of anything. He said part of what they do in this organization was be a central resource and clearing house of all of the things that a lot of people do not realize when they are thinking about production coming to town. He said it is not just catering. He said it is anything from people who do construction to animal wranglers and trainers to drivers, all of the supplies and electrical material that people rent and purchase, earth moving machines and things like that, that have a far reaching effect. He said there is a return on the investment. He said right now there is no economic development office in any of our Big Bend counties. He said there is no one person to call about this. He said that will be the function of the Big Bend Film Commission. Councilor Davidson said this proposal is a field of dreams. He wants to see realism and he wants to see the burden of the hoops that they have to jump through to get people to come here. He said there is a lot of stuff that we don't have to do a fairly major show. He said Texas built up over the years. He said they mentioned the incentives that Texas has and that is great but they are not as good as New Mexico and Louisiana. Mr. Green and Mr. Toler said "they are now". They said if you will read the last page, Texas just passed a \$95,000,000 incentive clause. Councilor Davidson said we are getting up there but he is going to stand by his information. He said for**

instance, the “Lone Ranger” scouted this area and did not shoot here. He said for a show that big the hotel situation may be difficult. He said he is not trying to shoot this down by any stretch of the imagination but if the Council is asked to come and look at this, again, we will need to know how you get around that and how you target that. He said working with the Film Commission will be really important. He said you will also have to recognize that films can be disruptive and destructive. He said he worked a vampire movie in Houston. He said there were trucks up and down the road and the street was blocked off. He said you could not get home unless you show them your water bill, etc. He said commercials are always the best. He said they are short and there is good money. He said we are going to see some films out here but for his part in their long term proposal they need to be able to recognize the road blocks. He said they shot the Marlboro commercials in Terlingua. He said it can be real good but you have to mitigate the down side. Mr. Toler said this helps them get in the game and get their fair share. He said they are here to advertise the Big Bend in the biggest way possible and they need money for advertising. Motion carried unanimously.

13. Citizen’s Comments (limit 3 minutes) - None

14. Council Member’s Comments and Answers –

Councilor Castelli said he thought we had a good meeting.

Councilor Davidson said as long as we are on the film production, last year we authorized \$19,000 for Today In America, a 5 minute television show. He said he was nominated as the person to nurse that along. He said with cooperation from a great number of people in town, back in May, we did the principal photography for it. He said today we got the first cut to see if there were any errors in it and it looked really good. He said it should air in about a month. He said we will get a copy that we can use. He said it is a very good advertisement for Alpine, Sul Ross and the Rodeo and it looked really good.

Councilor Bermudez – asked if anyone was here in Alpine when they did a movie on 7<sup>th</sup> Street and Berta Martinez, County Clerk, was in it. He said there were a bunch of people in the movie.

Mayor Rangra encouraged everyone to recycle.

Motion was made by Councilor Bermudez to enter into Executive Session. Motion was seconded by Councilor Gonzales. Motion carried unanimously. Council entered into Executive Session at 7:45 P.M.

15. Executive Session – Pursuant to Texas Government Code, Subsection

**551.074, Personnel Matters –**

**A. Evaluation of the City Attorney and Municipal Judge. (J. Gonzales)**

**16. Action – Executive Session – Pursuant to Texas Government Code, Subsection 551.074, Personnel Matters –**

**A. Action on evaluation, City Attorney and Municipal Judge. (J. Gonzales) – Motion was made by Councilor Davidson, by Resolution 2013-07-12, to give a positive evaluation for the City Attorney. Motion was seconded by Councilor Castelli. Motion carried unanimously.**

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

I certify that this notice was posted at 4:45 PM on July 12th, 2013, 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 4:45 PM on July 12th, 2013, 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