

**City of Alpine
Regular City Council Meeting
May 7th, 2013
6:00 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Chris Rodriguez with First United Methodist Church 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, Lujan, Gonzales and Asgeirsson were present. Meeting notice had been posted at 5:00 on May 3rd, 2013.**

3. Presentations, recognitions and proclamations –

Mayor Rangra presented a proclamation to the City Secretary, Molly Taylor, declaring Municipal Clerk's Week from May 5th through May 11th.

Mayor Rangra presented a proclamation to Martha Latta for her help to the City of Alpine as a volunteer.

Mayor Rangra read a memorial resolution from the City of Alpine to the City of West, Texas in sympathy and compassion for the recent tragedy in their town.

4. Reports –

City Mayor's Report - Mayor Rangra said a week ago he was in Austin, with the Elected Officials and also met with the Texas Water Development Board. He said they had a fruitful meeting. He said he thinks everyone enjoyed Cinco De Mayo.

City Attorney Report – The City Attorney said he did not have much but he thought with the new interim City Manager the City was getting their information pretty quickly right now. He said he had nothing else to add.

City Manager Report – City Manager Harrington said we had a deadline to respond to for the Texas Water Development Board on April 25th and we met that deadline and got a response to them. He said he anticipated another communication from them next week. He said as far as the EDAP funding, the funds are still not available. He said we did meet all the

deadlines that were required however. Mayor Rangra asked about another letter that was received from TWDB. The City Manager said the Mayor was correct and it was actually a letter was regarding some water planning funds and if we had met all our requirements. He said that project is now closed out since we met all our requirements. Councilor Lujan asked the City Manager about denying the grievance process to Ricky Chavez, the former finance director and he asked him why that was done. The City Manager said that was a personnel matter and he would be happy to discuss it with him out of open session. He said only Mr. Chavez could discuss this item in public. He said he would be happy to meet with Councilor Lujan or if he wanted to set this matter on an Executive Session, we could certainly discuss it. Councilor Lujan said he asked the Manager a couple of times what the grievance was about and he told him that he was going to show him something. He said he called Molly again and she said she was going to ask you. The City Manager said he had been available and he assumed Councilor Lujan was going to come by and see him. Councilor Lujan said the reason he was asking was because he was denying Mr. Chavez's due process but he would like to know why he was doing that. He said to him, really, get the complete information. The City Manager said he understood what Mr. Lujan was saying but what he is saying is that by law he cannot talk about that in public session, unless Mr. Chavez requests it. Councilor Lujan said he requested information from the City Manager two times, once in his office and the other time, he called Molly and he did not get an answer from the Manager. The City Manager said he sent Councilor Lujan a copy of the letter that he sent all the rest of the Council. Councilor Lujan said the City Manager sent him a copy of the letter denying it but what he was asking for was what he was admitting. The City Manager said he would be happy to answer that but he cannot answer it in public. Councilor Lujan said he was going to make a point. He said he asked for the information twice and now and did not get anything. He said now the City Manager is inviting him again to visit with him. He said he will go ahead and do that. He said the other question he had was about the status of Rey Dominguez. The City Manager said he is still on Workman's Compensation. Councilor Lujan asked if he was collecting Workman's Compensation or if he was collecting pay from the City of Alpine. The City Manager said it is his understanding that he is on Workman's Compensation since he is still injured and has not been released. Councilor Lujan said so he is not getting a check from Alpine for being off. The City Manager said that is enough in reference to what he is asking, he said he is injured. Councilor Lujan said apparently this Council instructed the ex City Manager to reinstate him in his job. He said Rey said he had not heard anything since. He said according to the grievance process, Mr. Dominguez should have been notified two days after the decision was made. He said apparently he had not been notified and did not know about that. Councilor Lujan asked the City Manager to take care of that. The City Manager said he had met with Mr. Dominguez. Councilor

Lujan said he just wanted to make sure that we were not paying him just for sitting around at home. He said the other question he had was that the City Manager sent him a letter the other day telling the Council that he was going to hire a finance director for some time. The City Manager said we have an interim person coming in to serve us temporarily. He said after that we will go through the formal process of hiring. He said this person will be here to try to solve some of our issues. Mayor Rangra asked what the interim finance director would be paid. The City Manager said we are paying around \$35 per hour. He said there would be no benefits. He said they are just here to help us. The City Manager said when we get ready to advertise the position, we will advertise it locally and also on the TML website. The City Manager said the interim finance director has some other commitments and he is not sure that we could even entice her to stay with us. Councilor Lujan asked the City Manager about besides discharging Ricky Chavez, the finance director, he asked if anyone else had been discharged. The City Manager said no, not discharged. Councilor Lujan said there were a lot of people directly involved in the problems of the city and they are still working here. He asked if the City Manager was going to do anything about that or if he was going to keep those employees. Councilor Lujan said he cannot address that right now since that is under investigation by the Texas Rangers. He said he cannot address those issues right now.

City Staff Updates –

The City Manager said under staff updates, Judge Schlosser had previously scheduled a meeting and is out of town. She did leave copies of the monthly court reports.

5. Citizens Comments (on agenda items) –

Tomi McDaniel – said she thought the City should stay with the computer system they have for a long period of time before they get an new one, until all the issues that are circulating have been addressed. This regarded item 9.

6. Public Hearings –

Interim City Manager Harrington said we had two Public Hearings on this meeting, on schedule and previously notified and item 6B was withdrawn before the last Planning and Zoning Commission meeting. He said at that time they had already been notified and placed on the agenda. He said there is no real action taken in that particular case. He said he also had a call on 6A this afternoon and that applicant also asked that her case be withdrawn. He said again this had already been advertised in the paper and we had already put it on the agenda and he said in that case people can still speak on any of the issues but there are no action items on these at

this point.

- A. Public Hearing to obtain citizens comments and questions for zoning change requested from C-2 to R-1. Owner wants to refinance their home and get a lower interest rate as well as equity to fix fences, new windows, etc. They cannot get a home equity loan on a commercial property. Property identification/street address is Lot 5 and the North 18.44 feet of Lot 4, Block D – 109 N. 14th Street. Legal description is Gillis Addition, Block D, Lot 5 and the North 189.44 feet of Lot 4. Record owner is Kerri A. Artz Blackman. (C. Harrington, CM) -

- B. Public Hearing to obtain citizens comments and questions for zoning change requested from R-1 to R-3. Owner wants to renovate existing building and turn into apartments for rent. Property identification/street address is Old Nursing Home, 1003 Loop Road, Alpine, Texas. Legal description is .234 acres + or – out of Lot 8, Kokernot Addition and all of Lot 6 and 7, Block 9, Kokernot Addition. Record Owner is MSL Associates, Missionary Foundation of America, Inc., Agents – James L. Ahern, Jr. or Rhonda Cole. (C. Harrington, CM) –

There was no public comment on the public hearings.

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

A. Approve Council Minutes of March 14th, April 2nd, April 9th and April 16th, 2013. (C. Harrington, CM)

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

Motion was made by Councilor Davidson, by Resolution 2013-05-01, to approve the Consent Agenda as a whole. Motion was seconded by Councilor Lujan. Motion unanimously carried.

8. Information or Discussion items – None

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 authorizing the City Manager to enter into a contract with Website Movers for technical assistance in converting the city to a new website server. (C. Harrington, CM) – Interim City Manager Harrington said our system is a kind of an antiquated operating system. He said he would like to go into the technicalities of it but he is technically challenged. He said to bring Alpine's web server up to date, this system was used by

only two people and Alpine was one of them. He said it is out of date and does not function well and this is a move to upgrade that and approve the services. He said there is a proposal attached from Website Movers which requires special technical skills to do this and perform all the necessary activities at the rate of \$109 per hour. He said we estimate 3 to 4 hours. He said this will be accomplished with little or no disruption to our system. He said it will be transparent and will put us where we can better operate our website. He said there are funds available. He said there were funds set aside for IT services that were no longer usable because that person is no longer our IT administrator. He said based on all that information, the staff is recommending that the Council authorize up to \$1,000 to do that website, and also authorize a contract. Motion was made by Councilor Davidson, by Resolution 2013-05-02, to authorize the City Manager to enter into a contract with Website Movers for technical assistance in converting the city to a new website server. Motion was seconded by Councilor Gonzales. Councilor Asgeirsson asked how much the yearly charge was for this. The City Manager said it comes out to roughly \$1,200 a year for our server. He said we are also investigating some other possibilities and providers. Councilor Asgeirsson asked if we were currently paying \$1,200. The City Manager said yes. Councilor Asgeirsson asked by doing this, what would it do. The City Manager said it would just improve our website and how it operated and we will have less problems. Motion carried unanimously.

10. Discuss and Consider zoning change requested from C-2 to R-1. Owner wants to refinance their home and get a lower interest rate as well as equity to fix fences, new windows, etc. They cannot get a home equity loan on a commercial property. Property identification/street address is Lot 5 and the North 18.44 feet of Lot 4, Block D – 109 N. 14th Street. Legal description is Gillis Addition, Block D, Lot 5 and the North 18.44 feet of Lot 4. Record owner is Kerri A. Artz Blackman. Planning and Zoning does not recommend approval of this zoning change. (C. Harrington, CM) - This item had been removed.
11. Discuss and Consider approving ordinance adopting new open records policy. (C. Harrington) - City Attorney Armstrong said one of the things they are trying to do is trying to modernize the city's policies and procedures. He said the first effort of this was the update of the city's travel policy. He said the second one was one that was near and dear to him and was the public information policy. He said hopefully the Council has had a chance to go through the public information policy that we have updated and introduced a better series of forms. He said this also deals with timely responses to information requests. He said they have also implemented 70.3 of the Texas Administrative Code which sets forth the amounts of money that can be charged by the City of Alpine for responses to an open records request. He said we also have the flexibility to our policy of

waiving charges. He said other than that, the biggest change in the policy is that under the current policy the City Manager is the records officer and he believes that to be antiquated because the City Secretary is the keeper of all Municipal Records and every place he has been, has the City Secretary as the Public Information Officer. He said the other thing he would bring to your attention in connection to the Open Records Policy is that it does not apply to requests for information for the Municipal Court. He said that has rules promulgated by the Texas Supreme Court that apply to all courts throughout the state, including our municipal court and that is contained in this policy. He said the police chief maintains police records for his designee and this policy does not apply to police record requests. The City Attorney said this will require two readings. Councilor Lujan asked if we could postpone this item until the new council. He said this is Councilor Asgeirsson and his last meeting. Motion was made by Councilor Lujan to postpone this item. Motion was seconded by Councilor Asgeirsson. Councilors Asgeirsson and Lujan voted in favor. Councilors Davidson, Bermudez and Gonzales voted against. Motion failed. Motion was made by Councilor Gonzales, by Resolution 2013-05-03, to accept approving ordinance 2013-05-01, adopting new records policy. Motion was seconded by Councilor Bermudez. Councilor Gonzales said he read the ordinance and it is pretty much what is involved with trying to get information. He said he does not see anything wrong with it and thinks it is right on the money. A citizen from the audience asked about a public hearing. The City Attorney said there is no public hearing required on an ordinance. He said he would remind the council that this does require two ordinance readings and the new council will have a pass at this also. He said it does not go into effect until it is published. Councilor Lujan said he just wants to make a comment, he said we should give respect to the new council. Mayor Rangra asked if this policy discouraged people from seeking information. The City Attorney said hopefully this would be the opposite. He said with a stylized and standard policy we should be able to get open records through the website through a form promulgated by the City Secretary. Mayor Rangra said we want to make sure people have access to information. Bryan from the Avalanche asked if there would be any charges for the information. City Attorney Armstrong said this was contained within the ordinance and the only charges that would be significant would be for voluminous requests and requests that require staff time for example to redact clearly confidential information by law or if information has to be compiled on a computer disc. He said if that kind of media is involved, again the policy follows what is set out by the State and the Texas Administrative Code. He said the simplest might be photocopying and it is 10 cents a page. Councilmembers Bermudez, Davidson, Gonzales and Asgeirsson voted in favor. Councilor Lujan voted against. Motion carried.

12. Discuss and Consider recommendation of Planning and Zoning

Commission, regarding request of Big Bend Minerals, Agent Billy Cowell, for special conditions, allowing not more than three family members to work at said business, located at 902 N. 5th Street, Alpine, Texas, pursuant to Section 18, Home Occupation, Subsection (h), of the Zoning Ordinance of the City of Alpine, Texas. (C. Harrington, CM) – City Attorney Armstrong said this was placed on the agenda and it is not a council action item. He said the zoning ordinance is very specific that the action of the P & Z in setting conditions for the Home Occupation business is all that is required to establish special conditions and this council does not need to take action on it and would in fact not be able to take any action on this. He said this item should be withdrawn as well. Councilor Gonzales asked if Planning and Zoning had already okayed this. City Attorney Armstrong said they had with conditions and limitations. He said there was a limitation on the number of vehicles and the number of people that are within the home occupancy. City Attorney Armstrong said the limitation was four vehicles and four individuals in the residence at any one time. Councilor Gonzales said he had a couple of questions about the request for application. He said he thought it was if an owner owns a house he can have a business in there and limit the number of people. He said the owner does own the house and reside there from time to time. Councilor Gonzales asked who owned the house. He said he had a packet before him and there was a difference between the person who applied for the occupancy and the owner. City Attorney Armstrong said Jack Mayfield was the owner. Councilor Gonzales said if you go back to the application it is signed Don Edwards so it is not exactly the same person. The City Manager said the confusion may be in how the ordinance reads. He said it talks about the family residing in the residence and does not really address the ownership. He said a person who rents a home somewhere could actually have a home occupation. He said they are the resident. Councilor Gonzales said the owner would be who was paying the rent then. The City Manager said yes. Councilor Bermudez said the occupant must maintain the property as their main residence. She said she understood that the owner was in and out of the residence. The City Attorney said again, this is what the Planning and Zoning Commission considered in their decision. Mayor Rangra asked if the Planning and Zoning Commission gave them a year, the City cannot do anything about it. The City Attorney said the item was placed on this agenda in error and that was correct. Mayor Rangra said in the future if Planning and Zoning has an issue and says yes, will those items still be coming to the Council for approval. The City Manager said only that type of issue does not come before the council. He said the City Council still has control of ordinance changes which includes zoning amendments and there are other items listed in the code or ordinances that the council has authority over. This item was withdrawn.

- 13. Discuss and Consider accepting donation from Alpine Humane Society. (J. Gonzales) – Councilor Gonzales said the Council received a letter from the**

Alpine Humane Society that if we provide them space at Kokernot Park that the City Manager and they have discussed, they will provide fencing for us to build a dog park in this area. Motion was made by Councilor Gonzales, by Resolution 2013-05-04 to accept the donation from the Alpine Humane Society in reference to building a dog park at Kokernot. Motion was seconded by Councilor Bermudez. Councilor Lujan asked what a dog park entailed. Councilor Gonzales said we need to have the area surveyed to find out where the pipes and lines are and volunteers will give us a hand in finishing the park. The City Manager said this item is to accept the donation. He said we still have to come forward with plans to see what it will look like and the plans will have to go through the process of going through the Animal Advisory Board and Parks Board and then go back to the Council. He said it will take a while to get back to the Council. He said we have the Humane Society now saying they will give us a donation and we want to make sure we take advantage of it. Mayor Rangra said we are just accepting a donation and not starting on the park yet. The City Manager said that was correct. Carl Fleming said we need to do something in Kokernot Park about dogs. He said on numerous occasions he has seen dogs at the park and very few of the owners clean up after them. He said either we need to enforce the laws or find another place for the dogs to run. Bryan from the Avalanche asked if the project does not go through, does the donation go back to the Humane Society. Councilor Gonzales said we will be successful. He does not foresee that we will not build a park. Tomi McDaniels asked who would maintain the park. The City Manager said we have not determined all the details. He said all we are trying to do with this item is accept a donation. Councilor Davidson said he would like to point out to the Avalanche that the offer is for material and not for money. He said they will not deliver the fencing material until the park is finally approved. Motion carried unanimously.

14. Discuss and Consider approving a Resolution authorizing a contract renewal for water rights. (C. Harrington) – The City Manager said this was in place prior to his arrival here. He said in negotiations with Ms. Smith he said there were some issues that they were concerned about and changes were made to the contract, specifically the old contract talked about the city being responsible for repair to the water lines for the RV park. He said because it is state law we cannot do that. He said so what we are changing the contract to is to indemnify any damages that have been caused due to our water system. He said we just wanted to bring this back to council so that the council knew about it. He said this would also be for 5 years instead of one year. Motion was made by Councilor Davidson, to approve Resolution 2013-05-05, authorizing a contract renewal for water rights. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

15. Discuss and Consider rescinding Ordinance and approving Public

Information Request Policy. (C. Harrington, CM) - The City Manager said this was a duplicate item and we can delete it from the agenda.

- 16. Discuss and Consider approving plans for Pueblo Nuevo Park as recommended by the Parks Board. (C. Harrington, CM)** – City Manager Harrington said he was excited to bring this item before the City Council. He said the Parks and Recreation Board has been doing a considerable amount of work trying to develop Pueblo Nuevo Park. On April 17th they met to consider the plans presented by Martha Latta. She said she put in a number of key features including a central star with flagpoles representing each one of the branches of service and the American Flag was in the middle. He said the plan also included a pavilion and some activity areas. He said during the discussion it was noted that Ms. Latta’s construction estimate was about \$56,000 which was considerably more than what was in the original budget of \$44,000. He said the parks board took that under consideration and decided to divide this project into two phases. He said the first phase would include getting all the basics done but pulling out the construction of the pavilion and the other recreational activity areas to get us started. He said then, if the possibility occurs that people might want to donate trees and flagpoles, we can recover some of the money and then we can look at our budget again and see if we can go ahead and finish the rest of the park. He said if not, we can bring it forward to another budget year to add the rest to the park. He said at this point they decided they would rather opt to do construction when they had the funds. Councilor Lujan asked if we were talking about the difference of \$16,000. He said he had a conversation with a gentleman at a coffee shop and it came up that we had funds to place a monument in the park. He said it is a \$40,000 fund and can we use the rest of the money to finish the park. The City Manager said he is kind of old fashioned and would prefer to go ahead. He said we will come back with a second phase and that may be two months from now. Councilor Lujan said he was just relaying a message. The City Manager said he appreciated that. Councilor Bermudez said she heard that we had some more money for a monument and wanted to know if that was true. The City Manager said all he knows about is the \$44,000 budgeted for this Park, which we have. Tomi McDaniels wanted to know where the park was located. Councilor Gonzales said the \$44,000 was for the park itself and not a monument. He said he does not know about the \$20,000. The City Manager said he would research that. Mrs. Fleming said they use that park for baseball practice. Mrs. Fleming said she is not against the park but she is asking about having a large cement area for activities, she asked since it is so close to Centennial, if we needed to use it for another Pavillion. Councilor Bermudez said this was money that was given to each park, Pueblo Nuevo and American Legion, back in 2009, \$44,000 for each park. Martha Latta said when she was asked to come in to the project and look at what had been developed already, she said it has been going on for many years with a lot of input from the community and from the neighborhood.

She said what the neighborhood wanted was a picnic pavilion in their neighborhood in this neighborhood park. She said the monument is really not a monument but a memorial. She suggested that the memorial be more appropriate in a more public part of town but that was not her decision. She said this has been going on long enough. She said there has been a lot of input over the years and in an attempt to not step on anybody's toes, they are going forward. Motion was made by Councilor Davidson, by Resolution 2013-05-06, to approve the plans for Pueblo Nuevo Park. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

17. Discuss and Consider authorizing the expenditure of funds from the Hotel Motel Tax Revenues in the amount of \$6,000 to Sul Ross State University. (C. Harrington, CM) – The City Manager said this is another exciting project that we have to bring to council. He said the University of Texas at El Paso proposes to bring in their summer training here in Alpine and bring in many coaches, players and sports staff for a two week period to do their training before they can start their season. He said what they expect will be a number of media, family members and other individuals who will come for the two weeks. He said the team and staff will be housed at Sul Ross the rest will be housed locally in this area at local hotels, and eat at local restaurants. He said in addition this will be an opportunity for the city to get a lot of media exposure in the broader market. He said the budget is \$106,000 but it is negotiated and UTEP expenses were reduced down to about \$12,000. He said in order to attract them, Sul Ross is requesting that the city contribute \$6,000 from hotel/motel tax. He said he had reviewed the request and determined that it was a valid contribution. Councilor Bermudez made a motion by Resolution 2013-05-07, to approve authorizing the expenditure of funds from the Hotel Motel Tax Revenues in the amount of \$6,000 to Sul Ross State University. Councilor Gonzales made the second. Dr. Maestas said he is only Dr. Rangra's boss for 3 days. He said Dr. Rangra is going to retire and they will miss him. He said the miners would be in Alpine from August 8th through the 21st for 12 days, Councilor Davidson said he thought this was an ideal use for Hotel/Motel funding. Councilor Gonzales said it is a terrific idea. Dr. Maestas said the school district will be using their busses as part of the costs. He said we will also be using their fields. Bryan from the Avalanche asked if this would be a recurring thing. Dr. Maestas said we have asked and if we do a great job they will want to come back. He said he had been trying for three and one half years to bring them to campus and they are finally successful. Dr. Rangra said it is wonderful that the city and the university are working together. He introduced Cesar Valenzuela to the audience. Motion carried unanimously.
18. Discuss and Consider authorizing the City Manager to enter into a contract with Nectar Computers to act as the IT Administrators for the City of Alpine at a rate of \$70/billable hour. (C. Harrington, CM) – The City Manager said in

the past the city systems were under an in house person. He said due to a recent turnover in staff it has become necessary to find some other alternatives. He said in reviewing issues and separation of powers, he said they looked at that and said rather than hire staff to do that, it is more economical for us to hire professionals on a billable hour basis. He said with that money we are getting some training. He said the funds are available. Motion was made by Councilor Gonzales, by Resolution 2013-05-08, to authorize the City Manager to enter into a contract with Nectar Computers to act as the IT Administrators for the City of Alpine at a rate of \$70/billable hour, Motion was seconded by Councilor Bermudez. Councilor Gonzales said we really do need our computers right now. He said he understands that we have a little bit of a problem right now. The City Manager said we have been going through some issues recently. He said he is not sure what is going on. He said a lot of our billing issues are having problems. He said nowadays we need a real expert. Councilor Davidson said Mr. Hanna with Nector computers is very good. Councilor Lujan wanted to know when the city was going to sign the contract. The City Manager said he would probably sign it tomorrow. Councilor Lujan said due to the investigation, why don't you hold off. The City Manager said he did not think we could. He said the investigation really does not center around everyone and everyone's computers. He said one of the computers just shut down and it has nothing to do with the investigation. Councilors Bermudez, Davidson, Gonzales and Asgeirsson voted in favor. Councilor Lujan abstained. Motion carried. Mayor Rangra said we have talked with the Texas Rangers about everything that has happened.

19. Citizens Comments (limit 3 minutes) – None

20. Council Member's Comments and Answers –

Councilor Bermudez – said she would like to offer her condolences to the family of Vidal Torres.

Councilor Davidson - said he really enjoyed the Cinco De Mayo festival. He said the Council agreed for Alpine to do a 5 minute show, A Day In America. He said they are coming on the 17th and will be in town shooting on that day. He said they are trying to divide this up in four different themes. He said the first one is Education – the University, the Next one is Western Heritage, the next one is downtown businesses and then our special events. He said there are going to be a very few people. He said they will meet at 8:00 A.M. at City Hall.

Councilor Lujan – said he just wants to comment that this is supposed to be his last meeting with the City of Alpine. He said he wanted to thank all the constituents who put their trust in him. He said he ran under making some adjustments in management and in the financial department. He said

he thought he did his part and kept his word. He said he wanted to thank them for their support. He said the other comment he wants to make is that it is very surprising that Judge Schlosser is not here. He said he is very concerned about unethical behavior on her part and several violations. He said he had several questions for her and he expected for her to be there. He said he would like to call for a special meeting in the next few days, Mr. Harrington, for him to question her about that. He said hopefully the board can attend and hear him on what he has to say. He said he thinks it is very serious. He asked the City Secretary to request a special meeting, hopefully as soon as possible. The City Secretary said the Judge would not be back until Friday. Councilor Lujan said as soon as she is back, he is ready.

Councilor Gonzales - said he went by and looked at the Municipal Pool and It is looking a whole lot better. He said he is still hoping that we can open it up by June.

Councilor Asgeirsson – said she just wanted to thank everybody for their support. She said she really enjoyed the years of City Council. She said she will miss it and appreciated everyone’s input. She said she thinks we have a good group of people here and hopes the City Council will look forward and focus on the future and stay on the right track.

Mayor Rangra – said he thought everyone had a copy of the audit and he suggested everyone read it, instead of believing what they hear or read somewhere else.

Motion was made by Councilor Davidson, by Resolution 2013-05-09, to adjourn the meeting without going into Executive Session. Motion was seconded by Councilor Bermudez. Councilors Bermudez, Davidson and Gonzales voted in Favor. Councilors Lujan and Asgeirsson voted against. Motion carried. Council did not enter into executive session.

21. Executive Session – Pursuant to Texas Government Code, Subsection 551.074, Personnel Matters

- A. Evaluation of the City Attorney and Municipal Judge. (C. Lujan)**
- B. Possibly take action, up to termination, if necessary, concerning City Attorney and Municipal Judge. (C. Lujan)**
- C. Discuss, possible unethical behavior and abuse of title by the city Attorney (C. Lujan)**
- D. Discuss, possible TOMA violations by the City Mayor, City Attorney, and Council Board regarding discussions of firing, and hiring top City Employees. (C. Lujan)**

22. Action – Executive Session –Pursuant to Texas Government Code,

Subsection 551.074, Personnel Matters

- A. Action on evaluation, City Attorney and Municipal Judge. (C. Lujan)**
- B. Possible action resulting from evaluation, up to termination if necessary, concerning City Attorney and Municipal Judge. (C. Lujan)**
- C. Discuss and Consider, regarding item D, above, reporting information to the proper authority, if necessary, to determine if any TOMA violation occurred. (C. Lujan)**

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

I certify that this notice was posted at 5:00 PM on May 3rd, 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.

Dr. Avinash Rangra, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 5:00 PM on May 3rd, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary