

**City of Alpine  
Regular City Council Meeting  
October 15th, 2013  
6:00 P.M.  
Minutes**

**1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra**

called the meeting to order. Jo Beth McLeod with First Presbyterian 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 Councilors Bermudez, Davidson, Gonzales and Castelli were present. Councilor Fitzgerald was absent. The meeting notice had been posted at 4:30 P.M. on October 9<sup>th</sup>, 2013.**

**3. Presentations, recognitions and proclamations – None**

**4. Reports –**

**City Mayor's Report** - Mayor Rangra said last week quite a few members of the Council went to Austin for the TML Annual meeting. He said he visited a few other agencies and individuals. He said he visited TWDB and asked him about the status for the sewer project. He said we need to take care of some correspondence which has not happened for some time. He said we need to take care of some of those things and he has asked one of the local attorneys, Mr. Bob Steele to help us with that in legal matters. He said he also visited with the vice president of the bank for the bank of Texas. He said this bank has the money that the water development board has allocated for us for the planning and design of the sewer plant. He said it is \$204,000 plus some change. He said half of which is a grant and it was approved way back. He said he found out that there is some money, \$112,000 in this bank that we need to retrieve. He said he talked with our financial advisor and found out that the correct name is municipal advisor. He said he is here today to talk to us. He said the various sessions that he attended, he enjoyed. He said he was sure that the council enjoyed them as well.

**City Attorney Report** – No city attorney.

**City Manager Report** – The Interim City Manager said she has been busy. She said she has visited with TCEQ concerning compliance and we have put in Virgil Clark who has been nice enough to come in and help us in an

interim capacity and who is making us comply with our licenses. She said he has an A in water and an A in wastewater and he has been very helpful. She said Mack Morrow is also with us in an interim basis over the sewer plant. She said Ray is the head but until Ray gets another license covered, we are going to use Mack Morrows license to make sure that we comply in that area also. She said TCEQ is happy with us now for the moment. She said we do have other issues but we are working on them. She said we seem to have a lot of cleanup with the sewer plant and we are working on that very heavily and it will take a lot of effort and a lot of work. She said she has been talking about the landfill situation with Jim Gregory with TDS and Grant Jackson with Naismith. She said they have helped her with a letter to prepare and we will be talking about that later on the meeting, about what we might do with that. She said she has also been talking with Tom Brown about some issues with the water development board, generally. She said she is also taking care of day to day stuff and people walking in her office with problems in their departments, wanting to know if they can spend money and wanting to know where we can take the money out of. She said we have been trying to keep a tight purse string and we have been doing good. She said the employees seem to be happier and things seem to be moving in a positive direction. Mayor Rangra asked how the Interim City Manager/City Secretary was doing. She said she was good but tired. Councilor Gonzales said he would like to make a statement that he thinks Molly is doing a great job. He said he knows it is a tough assignment but she seems to be on top of it. Mayor Rangra said one thing that he would like to mention is if we have to transfer funds from one department to the other, we need to bring it before the council. The interim City Manager said yes. Mayor Rangra said if we have those items we need to bring them to the council at the next meeting and let the council raise questions or give their blessing. Bryon Garrison asked if any money had been transferred as of now out of any budgeted departments. Mayor Rangra said he would let Deborah Pattison, the finance director respond to this. Councilor Gonzales said Bryon needs to go to the podium to speak. Mayor Rangra reminded everyone when they had a question to go to the podium.

#### City Staff Updates –

Randy Guzman – Director of Gas Department – said he was asked to do a yearly report. He said he was able to do one from August 2012 through August 2013. He said each month was broken down by residential and Businesses. He said on February and November and May and August of this year we had some gas loss which was 2.2 percent which was better than usual when we have about 4.5 percent. He said it is getting better. He said all of this infrastructure change is really doing us well. He said we will still have leaks out there but we are working very, very hard at trying to get all of those taken care of. He said you can see that we were billed for the

amount of \$643,843.12 from West Texas Gas. He said our revenues were \$1,852,975.39. He said that might sound like a lot of money but our budget that we had last year was for \$1,808,700. He said that gives us a total of leftover money of \$44,000. He said it sounds like a lot of money but we are not making a whole lot. He said he knows he has been requested to do a monthly report so basically we will start new and we will be a month behind. He said September billing will actually be August so we are always a month behind. Mayor Rangra said the 2.2 percent was not bad. Randy said they are upgrading the infrastructure and it helps us figure out what areas of the cities that we need to work on. He said we submit all that into DIMP and they break it down for us and that is where we do our 3%.

Councilor Castelli said if you have 1.3 million dollars gross revenue, are we spending the entire 1.3 million dollars on expenses?. Randy said pretty much. He said it is averaging \$100,000 alone just to do the infrastructure change. He said any emergencies that occur are costly. He said last year alone they had to spend over \$60,000 on new meters because it just so happened that all the schools, those big 10,000 meters were all leaking. He said they are not cheap. He said they are about \$15,000 a piece. He said on the same note it is constant infrastructure change. He said they had an RAS meter go out on them so basically what they do there is try to guesstimate on last year's on what they spent this year until we can change it and until he gets approval on a new meter. He said that is the best that they can do. He said he is going to need to change that meter. He said there are two, there, sitting side by side. He said one goes to one building and the other one goes to the other building. He said they are trying to see if they can get Sul Ross to combine and instead of having two meters, if they would just let them hang one meter there it would help us on that cost. He said if not, he thinks they spoke to Eddie and Eddie said that they had it broken down like that because somebody pays this and somebody else pays that, and they have to have it divided that way. He said they are working on it and they will try to let us know as soon as possible.

Councilor Castelli said in this year's budget didn't we budget for revenue coming in from the gas department, a significant amount that our budget is based on, and now we say we are doing this on zero revenue. Deborah said we based the budget on prior budgets and as soon as the budget was realistic, the budget amount dropped off. Councilor Castelli said so we are running the gas company at zero gain. He said we are running the gas utility and are not going to realize any profit from it. He said but we based our budget on it this year. Deborah said she believed that some of those expenditures are already assuming the transfers and what he is using as the budget figures are already including the transfers.

Councilor Castelli said your gross profit is 1.3 million but if you have expenses of 1.3 million, we have zero net profit. Councilor Davidson said he would like to concur that the cost of that also includes the cost to run the gas company, such as light, water and other bills. He said the billing of these things is a practice that we have not really done very well in the past.

He said we are about 18 months into this gas operation now and we have had one full calendar year to look at it so hopefully we will do better. Randy said when they were a corporation, they were at 17 dollars per mcf. He said the profits were definitely a little bit bigger than what we are getting now. Councilor Davidson said he has talked about the obvious savings that we could make and he knows that we have talked about this before. He said while he knows that there is software training and hardware issues that will have to be implemented but when we combine water and gas billing, there is going to be a nice little savings there for both water and the gas department, hopefully. Mayor Rangra said about the meters, is there any way that we can train somebody to work on these meters. Randy said any old meter that they pull they send off to somebody to get recalibrated. He said these are old, old meters. He said the bigger meters we are trying to do away with. He said you used to have a meter that would take five guys to lift and now you can have one guy install it. He said you are going from a big meter to another meter and those could be calibrated once a year. He said those could be calibrated once every three years. Mayor Rangra said the meters are not undersized. Randy said no they are 10M meters which is 10 million mcf's. He said they are a little more pricy but they are the way to go and you will get a more accurate read. Mayor Rangra asked if that proposal was brought before the council. Randy said yes, last year when they had those go out at the school they brought it before the council, and it was approved. Mayor Rangra asked if Randy could give the information to the council as to how many meters are being bought and replaced. Randy said they could do that. Mayor Rangra said the more information the council has, the better it is. Randy said last year he and Chuy got together and they were going to propose replacing some meters with some new Roots meters. Mayor Rangra asked if we could trade the old meters in. Randy said nobody wants them. He said you could sell them for scrap. Mayor Rangra said Sul Ross has ten or fifteen different accounts. Randy said this was the one at RAS. Mayor Rangra asked if there were two meters over there. Randy said there are two meters over there. He said what they are trying to do is, in the past they wanted it broken down because there were two different individuals were paying the two different bills. Mayor Rangra said if it is better for us to have one meter and the customer wants two or three, then let them pay for them. Randy said they are trying real hard to work with us. He said they are trying to get all of that information together. Councilor Davidson said he knows when water meters fail they register low. He asked if that was the same with gas meters. Randy said it is the same thing. He said you have some that just stop and if you go three months with the same read it automatically gets put out to be a meter change, because something is definitely wrong. He said you cannot have zero usage unless someone has a customer cut off. Mayor Rangra said how much does it cost to buy gas. He wanted to know what we were paying per mcf. Randy said right now it is \$4.62. Mayor Rangra said what we are showing is that we lost a total of 4,600 mcf. Randy said no, that is a gain.

Mayor Rangra said a plus is a gain and a minus is loss. He said we are not losing anything. Randy said exactly. Randy said our meters may not be registering what West Texas Gas meters register. He said our meters may be more accurate than theirs. He said that is why it is showing a little more. Mayor Rangra said and we are paying what their meters show. Randy said exactly. He said if you see on August 12<sup>th</sup>, that we purchased 4,349 but we sold 4,582 mcf. He said that was a gain of 237 mcf's. He said now in these lawsuits, we backtracked and saw in those months was when we were doing infrastructure changes. He said you have to bleed out your old main and you have to reenergize the new main and that is all lost in the loss of gas. He said it shows that those months we were actually replacing mains and they are trying even harder now to log each time so we can account for every loss. Randy said on the other months we had no negative but positives. Mayor Rangra said \$4 per mcf means we came out \$16,000 ahead. Councilor Bermudez mentioned recalibrating. Randy said any old meter that they have right now has a dial read. He said it has numbers. He said there are four hands. He said when we take those out, we are doing away with them. He said we are sending them off to be recalibrated and they come back with an odometer reading. He said it actually gives us a number like a speedometer for your car. He said that in return gives us a little easier way to read the meters. Councilor Bermudez asked what tells them when a meter is ready to be replaced. Randy said right now we have a lot of them that are that type of meter that has that dial. He said we have a bunch of Lancaster meters that were probably put in the system around the 80's. He said on top of that we have Superior meters that were put in at the very beginning of the system in 1964. He said they have figured out that when they replace a superior meter, if per month they are registering 1.5 mcf's per month. He said in placing a new meter, it actually brings it up to 3.5 mcf's. He said there are actually about 500 out there. He said it was their goal in 2007 to try to get all those meters replaced because we are actually losing money on those because they are old. He said any new meter that we get now, we stamp it with an R number and what year we got it and how many we did that year. He said any new meter that we get we engrave it with our number and 14-. He said that way they know and if that meter has been out there for three to four years it is time to pull it and replace it. He said you will always have a replace a bad meter. He said it costs about \$55 dollars per meter to get it serviced. He said once it comes back from there, we are good to go again. Councilor Bermudez asked if we had anyone from Alpine that can service the meters. Randy said no, the closest one was in Monahans and he sent them 30 meters and it took him two years to get them back to us. He said there is a guy from Oklahoma who is doing them now and they do not charge us to receive them and they do not charge us to deliver them to us. Mayor Rangra asked how much they charged per meter. Randy said \$55. Mayor Rangra asked how many meters a month do we send. Randy said we wait until we fill three baskets. He said we send them every four to six months. Mayor

Rangra asked what the annual cost was. Randy said it was about \$15,000. Randy said last year we did purchase 500 new meters so that we could start to do the replacement program of the superiors. He said we are kind of ahead of the game. Mayor Rangra said we cannot train one of the workers to do this job? Randy said we have been looking at that too. He said he is trying to build a meter station to where we can have an approved meter, a brand new meter. He said we could set one of the ones that they have taken off to make sure that the dials turn at the same rate. He said we can honestly say if the dial moves too slow it is time to take it back. Councilor Bermudez said she spoke to someone in Mexico that has their own shop. She said they do all of that themselves and they say it is a lot cheaper in the long run. Randy said we could definitely look into the right equipment to approve our own meters. Councilor Davidson asked if there was a certain certification required for this. Randy said they are going to come in and want a copy of the proposal if that is accessible to them.

Deborah Pattison – Interim Finance Director – said she provided a September Dashboard Report. She said she would like to receive information from the Council as to what kind of information they would like to receive every month. She said this report is her first attempt. She said this report consists of utility billings, the gas department billing, some of your major receipts, sales tax, property tax, airport fuel sales and franchise fees, municipal court, hotel occupancy and that type of thing. She said she will keep adapting this report for the council's needs. She said this is just an initial chart, establishing the basic numbers that may be of interest to the council. She said concerning the question about the budget accuracy, that is why during the budget process, we had an interim city manager, an interim finance director and we were all new to the system. She said we adopted a budget within thirty days of going live with the new software. She said account numbers were changing. She said we gave it our best shot to get it done and to reflect back but we may have to amend once we start getting some actual data to compare against. She said there may be some considerations that we missed. Councilor Gonzales said he had a question on the adopted budget. He said on the second page on the bottom it says General Fund and Airport Revenue. He asked if the Airport was an enterprise fund. Deborah said right now the way the system and the software are set up, the Airport does not have a separate bank account. She said everything is in that consolidated account. She said she took the expenditures and historically the Airport was listed along with general fund in that section of the budget. She said we need to straighten out bank accounts for all of these. She said really the only distinct enterprise fund that has its own bank account right now is the gas department. She said all the others are in that consolidated account. Councilor Bermudez asked if there was any way that Deborah could get the accounts out of the consolidated account. Deborah said we can do that or again, we are still working through the accounting set up. She said the accounting system

can handle it, it is just that we have to get everything set up properly to be doing the due – to's and the due – froms between those funds. She said it is cleaner up front to just separate it out into separate bank accounts. She said it is a lot of extra work because we already have so many accounts. Councilor Bermudez said the reason she is asking is because she got to speak to one of the directors of the Water Development Board and that is exactly what they want. Deborah said they want separate bank accounts. Councilor Bermudez said they want transparency in everything. Deborah said it makes it a lot easier. She said there are a lot more bank reconciliations but it is cleaner. Mayor Rangra said there are two issues here. He said one is here on a piece of paper showing the enterprise as a separate fund, and how much is listed as enterprise. He said the other issue is having accounts at the bank. He said that may take a little time but in the meantime, if Deborah could, have the General Fund to include separate accounts for water, sanitation, sewer, airport and get them out of the General Fund. He said he thinks Jim Stateczney with Hill Country, said we could do that. He said in that way we know how much we are making plus the big boys at Texas Water Development Board. He said you have heard about money transfers and all that sort of thing. He said he visited with the TWDB and Angie and Julian were with him. He said there is nothing illegal about that except they had to explain and write it down, how the staff prepares bills, say for the gas company. He said they had to say how much time the staff is taking to prepare that bill and how much of their salary should be allocated to the gas company. He said the same thing with the water and the same thing with the sanitation. He said the building where the gas company is, is owned by the people of the city of Alpine. He said we have to charge for that. He said later on they were pretty well clear. He said once you do that, everything is legal. He said there is nothing illegal. He said it is just one of those things where the press went overboard and said we are stealing money and something like that. He said no. He said hopefully we will have that information. Deborah said the budget structure will look different this next year. She said we had thirty days from start to finish to finish that budget. She said we added two new account codes and we split out some items because we just ran out of time. She said everything will be separated out. Mayor Rangra said another thing is they were told that once they did this and take care of some correspondence, that had not happened, we should be able to get money for the sewer fund, sometime in November or December. He said this is why we need to do this. He said the money is there and it has been already approved. He said it is just the paperwork that we need to take care of. He said he wants to assure the public about that. Councilor Bermudez said she would like to say something. She said while they were there with the Water Development Board, a lot of the questions they were asked were already supposed to have been answered and they had not been. She said the Mayor starting answering all of those questions and that kind of settled them down because they knew that we had been working on it and it made

it a lot easier. She said she wanted to thank Mayor Rangra for his help in this situation. Mayor Rangra said that is why she gets \$25 more a month. Councilor Gonzales said in the water board meeting that we had, they were also talking to us about all the information they were getting from the newspapers. Councilor Gonzales said that was not good. He said we are the ones that need to be talking to them and not necessarily the newspapers. He said these letters and the questions need to be answered. He said they should not be put aside. He said if we see something like that we need to respond to it. Mayor Rangra said that is what Bob Steele, the lawyer is going to help us with. He said he asked him today so we can get that correspondence out and get the money and start the project next month. He said the council approved the project earlier this year and now we have the money, let's see how long it takes to finish it. He said we need to finish that project. Bryon Garrison asked if there was a grant associated with the Airport. Deborah said she did not know any details but knew there was grant paperwork that had the due date of the end of this month. He asked if there was any part of the grant that required a separate bank account. Bryon asked if the City was in violation of the grant would that be illegal or something that we could rectify. Deborah said it would be something we could rectify. Councilor Davidson said he believed there was kind of an annual grant process with the RAMP grant. Mayor Rangra told Bryon if he knew something that we did not know, let us know. He said let us know and we will try to fix it.

Ray Dominguez – Head of sewer plant. The Interim City Manager said she did not see Mr. Dominguez. She said he was going to take some pictures of the sewer plant and bring them to us at some point. She said he may not be ready yet and that may be why he is not here. She said she believed they were going to do some work on the sewer plant which it seriously needs.

Judge Schlosser – Municipal Court Judge – said she has asked to have a place on the agenda to give her report every month. She said she is reminding the council of that now. She said the report that she prepared is a five page report and the Council has it and she is prepared to answer any question that the Council has. She said since she is on the agenda for review she gave the council a summary of some things in the past three years that she has done for the city of Alpine. She said when she arrived at the Municipal Court three years ago there was not docket, which is violation of state law. She said they now have a Juvenile docket in the open court docket. She said they also took over the school docket that first year from the JP Court and they have been hearing those cases for nearly three years. She said they do a 10 AM Code Enforcement Docket and before she was Judge there was no Code Enforcement Officer so there were not many Code Enforcement cases. She said it has been very helpful that the Council has named a Court of Record because now they can hear those cases if they are properly brought before them. She said they can hear either



criminal or civil matters. She said the docket has become so large that they often had to work through lunch to get it heard. She said it also accounts for a substantial percentage of the trials. She said the 11 AM docket has continued to evolve. She said that is the time that they hear first appearance cases. She said recently she discovered that there were no show cause cases being placed on the docket and so she did some training with the clerk and now we are hearing the show cause cases. She spoke about magistrating. She said sometimes she was the only Judge available at night to do warrants. She said she has issued emergency protective orders and warrants. She said the reports have substantially increased and non judicial duties have increased by 400%. She said she has requested an independent audit to ensure that fines have been collected and distributed. She said they can go back four years. She said she wants a complete balance to make sure that money was not entered into other areas. She talked about OMNI which is a Drivers License fine. She said you enter into a third party contract. She said the JP Court and other Municipal Courts have adopted this and credit card access so that people can pay their fines on line. She said the clerk is fully trained with Hill Country Software and does a monthly report to the office of court administration. She said the judgments are properly entered now. She said there are docket sheets in every file. She said the clerk was trained to properly prepare the docket and notify the witnesses through subpoena and summons. She said the dockets were arranged to minimize the public's wait time and police overtime pay which was a big issue last year. She said the court has a special fund for court security and they have used that for bailiffs. She said the clerk has been trained in appeals procedures and procedures for requesting a jury. She said since they have become a court of record they have not had an appeal. She said some of the work that still needs to be done is updates of their old forms and they need to create some standing rules and review the fines and they need to be increased. She said the fines have not been increased in a long time. She said that is an issue that she needs guidance from, from Council because we are a very poor city. She said we need to review our old pending cases to get them cleared out. She said we do not know if there was a judgment in some of those cases or anything. She said the cases are all over two years old. She said she reviewed the three applicants for Municipal Clerk since the position was already closed. She said she recommends that we repost the position to see if we can get more applications. She said the biggest problem they have faced in the last three years is lack of a good qualified court administrator. She talked about the qualifications she wanted for the future court clerk. Councilor Gonzales said he would like to know about the three applications that she received. He said the Judge was saying that they were not qualified? Judge Schlosser said she was not going to say that because what she would like to happen is have the ad reposted so we have more applicants. She said if she makes the determination that they are not qualified here tonight then we will not be

able to consider them. She said what she would like to do is just say we welcome them to leave their application there and reapply if they feel necessary. She said in that way we will not have to exclude them but she will tell the council that of the three applicants, the one that had court experience was not bi-lingual in Spanish which is one of the essential required elements in the job description. She said we do have three applicants and she would love for them to reapply but she would like to get a better pool. She said she has talked to several people who did not know the ad was posted who are qualified for this job. She said they are interested in applying if the ad is reposted. She said she can mention to the council that one is Mrs. Sotello and she has a lot of years as a Court Administrator and she is bilingual and serves as an interpreter in the District Court right now. She said she thinks we will get more applicants. She said she thinks it just needs to be reposted and she would like to see that happen if it is agreeable with the council. Councilor Gonzales and Judge Schlosser talked about the job description. Councilor Castelli said

he

would like to say that he has had the pleasure of being in Judge Schlosser's courtroom and we are fortunate to have Judge Schlosser and he thanked her. Mayor Rangra asked what we were doing now that we do not have a City Attorney. Judge Schlosser said the docket this month is going to be real interesting this month since we do not have a clerk either. She said she thinks we will manage. She said we will only be able to do

first

appearances. She said typically in the court people will come in and want

to

arrange something and most people plea bargain when they come in. She said we will be reading them their rights and setting them for trial. She said if they want to talk further, we will, after they have been given their rights, talk to them. She said they will not be able to have a trial docket this

month.

She said you cannot have a trial without a prosecutor. She said if this

drags

on, the city might want to consider an interim so that they can come in on a temporary basis. She said we could maybe pay them by the hour and have them come in and prosecute. She said it is perfectly legal. She said it

would

help to keep the docket moving along and keep the money coming in. She said she thinks the biggest change we are going to see in revenue is if we do get those two improvements made, the OMNI base system and online payments. Councilor Davidson asked about any costs for the payment on line to the city. Judge Schlosser said the City would not have to pay anything. Councilor Davidson asked how long a fine has to be in arrears before a court collection agency can take over. Judge Schlosser said it is only 60 days and that is a problem for them because they only have a docket every 30 days. She said something that comes in today will not be

on the next docket. Councilor Gonzales asked about the Hill Country Software. Judge Schlosser said she asked when Margaret was coming back and no one seems to know. She said she would like the council to give some guidance to the finance director and the city secretary and city manager to get her back here as soon as possible. Councilor Gonzales asked if that was who was going to fix the software. Judge Schlosser said Hill Country is going to fix the software but Margaret is going to make a list of things they need to fix and make sure they do it right. She said that is what she is hoping.

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

**Dale Christopherson** – said he wanted to mention a couple of things. He said the two items he wants to comment on are 10 and 17. He said before he does that he wants to thank the Council members for their service. He said they do not get paid a lot and they get a lot of flack. He said they have had a pretty rough last several months and they have serious business still to do. He said he appreciates the fact that this council has invited citizen comment. He said he sent last night, extensive remarks to the council and city manager concerning the selection of a new city manager. He said on item 17 he would encourage the council to set aside some time to do that in a workshop. He said he does not know what the expenditure would be. He said on item 10, it seems that it needs to be in Executive Session concerning the selection of the candidates for interview. He said he is encouraging the council to look at the candidates in a very serious way. He said this is very important to us in this community. He said it would be good if the council could find some way to engage public participation in this.

**6. Public Hearings – None**

**7. Consent Agenda- (Minutes, Financial reports, Department written reports, board appointments, etc.) -**

- A. Discuss and Consider approving minutes of September 10th, 2013. (A. Rangra, Mayor) -**
- B. Approve Accounts Payable. (M. Taylor, ICM)**

Motion was made by Councilor Davidson, by Resolution 2013-10-15 to accept item A of the consent agenda. Item B was moved to action items. Motion was seconded by Councilor Gonzales. Motion carried unanimously.

**8. Information or Discussion items –**

- A. Emergency Mock Drill – Gas Department. (M. Taylor, ICM) – The interim City Manager said Randy Guzman would like to talk about the emergency mock drill that they had at the gas department. Randy said the mock drill**

was held on October 2<sup>nd</sup>. He said they have been getting together with the County and having these round table drills, scenarios where they have recently gotten involved with. He said they were able to get involved thanks to Chuck Harrington, with the PD and the Sheriff's Department and DPS for any kind of situation that might occur here in the City of Alpine. He said they finally decided to do an on-site mock drill which involved a gas department truck. He said they and the other city and county emergency responders conducted a mock drill. He said the scenario for the drill stemmed around a gas truck respondent who learned of gas leaks and it was caused by running into a tanker truck filled with ammonia. He said the city and county officials played out their roles regarding the tanker truck spill and all that was necessary to keep the accident victim safe and the public as well. He said the gas department acted out their roles regarding the gas leak emergency. He said upon completion of the drill the gas department reviewed the events of the mock drill and discussed the things that went right and those that needed improvements. He said the staff visited about the importance of having a mock drill and how such trainings are vital when it comes to safety. He said the City of Alpine Gas department strives for a safe work department and a safe community. He said the City of Alpine Gas Department would like to thank Judge Val Beard for inviting us to participate with our mock training units and our mock drills. He gave a special thanks to Powers Auto Service for agreeing to place the emergency call to the office and allowing them to set up the drill. He said there are so many components and they allow emergency respondents to review emergency protocols and techniques to allow proper training. He said with respect to the community, it is important for the Alpine gas department to get gas safety and damage prevention awareness information out to the public. He said some of this information is on the back of the gas bill. He told the public to remember to call 811 before you dig and if you suspect a gas leak, call 911 or call the gas department. He said they do have an emergency number. He said it is 294-1529 for after hours. He asked the public to always be mindful of safety. He said the mock drills are very important. He said they try to come up with different scenarios because you never know what will occur. He talked about a scenario where a tanker flipped over. He said everyone needs to be on the same page when it comes to emergency situations. He said he would like to thank Mike Davidson also who attended the round table. He said they would like to get more people involved. He said it is real interesting to see that there are a lot of things required to keep everybody safe. He said he just thought he would bring this up to the city council. He said they are going to keep striving to keep everybody safe. Councilor Davidson said sometime these scenarios can be kind of far fetched. He said they make them as realistic as possible. He said they did set up a gas leak and one of the gas responders actually had to stop a leak. He said everybody makes mistakes but they learn from them. Councilor

Bermudez said it was very good that they do this. Randy said you would be surprised how many people would stop to see what was going on. It was agreed that this was very worthwhile.

**B. Discuss Avenue K drainage situation. (Mayor Rangra)-** Mayor Rangra said he visited with Commissioner Ortega. He said he is going to take him over there to that location and talk about this with him more in detail. He said what this is, is Avenue K is County Property. He said we have to take care of our people who live North of that especially when it rains and the water starts running in to people's homes. He said that is all he has on this issue. He said we may talk about this later on as he gets more information.

**C. Mark with Nector Computers to discuss city web site. (M. Taylor, ICM) –** Mark Hannan with Nector Computers was present to give the Council an update. Mark said the website has been moved to cord hosting. He said the transfer will take about 36 hours to complete. He said this will give us access to make changes to the website. Councilor Gonzales said thank you. He said we have had a lot of inquiries as to why it has not been updated. Mark said they started out with no information at all. Councilor Davidson said he spent a lot of time today talking to Mark on the phone. He said he has done a real good job and there are a number of interesting circumstances that made it hard. He said there were some serious problems that we had that may become subject to discussion later. He said for now it looks like we are off and running and he thinks that we should feed our minutes to him and have Mark complete the updates so that we are actually in real time. Sharon Gonzales said she noticed in looking at other cities websites and some of them seem to maintain their websites and keep everything up to date and basically say nice things about their city and whatever. She asked if Mark recommended that Alpine does the same. Mark said he thought we already had everything in place and as far as maintaining the website, it has been many years since the software has been used to manage the website. He said sometime in the future we will do an update to the website and at that point you will see everything you want to see. Sharon said she would like to see what the council really says on the website instead of what the press says. Mark said once we have made a few changes in the future it should be good. Bryan asked about the difficulties that Mark had in the past few weeks regarding the website. Mark said they came on board in April and due to the servers owned by IBM. He said it took two months to clear up the problems and it was very difficult.

**D. Discussion of Audit Procedure by Craig Gibson with Gibson, Ruddock, Patterson LLC, Certified Public Accountants. (M. Taylor, ICM) –** Craig Gibson was present and said the audit will be in compliance with the

State requirements and the single audit requirements. He said the single audit deals primarily with your federal grants however it sound like you have a number of challenges ahead of you. He said they do have a great deal of experience with governmental entities and helping get the accounting records straightened out as well. He said they are looking forward to working with Ms. Pattison as well. He said the audit process will begin by just gathering information about the city organization and how it operates. He said what they are primarily interested in are the types of controls that you have in place. He said basically a control is who is looking over whose shoulder. He said if he can initiate a transaction, it needs to go to someone else who is independent of that transaction for approval. He said those are the types of things that they will be looking for at first. He said once they get a handle on what the organization does and how it operates, then they will design the tests of those controls to verify that personnel are actually following those controls. He said once they do that they will make a number of recommendations on how to improve internal controls system. He said of course the end result is the issuance of a financial statement. He said it does sound like this council is very eager for some good useful information. He said he thinks they can help Ms. Pattison design some monthly reports that will be meaningful to the council as well. Councilor Gonzales said he welcomes them because we have a challenge here. Councilor Castelli said welcome. Councilor Davidson asked about all of their travel. Mr. Gibson said they will be staying for a few days when they come back. He said they are requesting some information ahead of time. Mayor Rangra thanked Mr. Gibson for coming.

**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.)**

**7B. Approve Accounts payable.** – Councilor Castelli said he would like to apologize in advance for not being completely prepared but he asked some questions this morning and at 10 to 5 he got some answers that he has not been able to process but if we could answer some questions he thinks it is important this evening. He said if not maybe we can just pull these items off. He said he does appreciate this and it is not a reflection on why it took so long. He said it is just the reality of preparing for the meeting. He said there are a couple of issues. He said he has been on the Council not very long but he has been on the council long enough for the inception of Hill Country Software where we voted to spend \$17,300 to do this software program. He said he keeps seeing on the accounts payable report HCSS and HCSS where we are spending more and more money. He said this month we spent \$12,675.00. He asked when we ever authorized spending a penny more than \$17,300 for Hill Country Software. He said we pay Jim \$125 an hour to prepare debits and credits.

He said he does not remember approving this. He said he thought this was an opportune time to ask a question. Deborah said part of this is the annual maintenance that goes to that company and on the Municipal Court Software are taken out of that. She said that is \$6,300 that is taken out of that. She said it has been a question of this conversion being a nightmare. She said it was not a clean process and it took Hill Country a lot longer than they had anticipated when they started. She said she had been seeking approval through the Chain of Command through the City manager and she thinks now she realizes that absolutely needs to be put back on an agenda even if it is delayed two or three weeks and if what we need to do is go back through the bank transfers and anything that went through the City Manager for approval and bring them back and get the council's approval on record, that is what we need to do. Councilor Castelli said this is a significant amount of money. Deborah said the implementation process for the software was more than anyone anticipated or estimated to take or require. Motion was made by Councilor Davidson to approve the accounts payable, by Resolution 2013-10-16. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

9. Discuss and Consider providing the authority to the Interim City Manager to manage all City operations including the ability to hire and fire. (J. Gonzales) – Councilor Gonzales said he put this item on the agenda because there was a question and he thinks we kind of cleared it up at the last meeting we had where we were giving Molly the authority to do what is written here, to hire and fire. He said he thought he would make it clear and bring it back up again so that there would not be any question as to her capability as an Interim City Manager. Motion was made by Councilor Gonzales, by Resolution 2013-10-17 to provide the authority to the interim City Manager, to manage all city operations, including the ability to hire and fire. Motion was seconded by Councilor Davidson. Councilor Castelli asked if we did it last meeting, how come we are doing it again. Councilor Gonzales said we just discussed it last meeting. Councilor Bermudez said it was during the Mayor's report. Councilor Davidson said we authorized her at the last meeting to do a specific Action and he brought it up that there is nothing in the charter that says an interim manager will have fewer powers. He said it was clear to him that she had that power but since there was some question it is good that we just clear that up that this is our city manager. He said whatever the description of her job, she does have the powers of the city manager. City manager Taylor said she believed it was under the emergency meeting when we hired Virgil Clark and that was the question. She said they wanted to make that clear. Mayor Rangra said also the word limited kept creeping up. Councilor Castelli told City manager that his question was not because he did not think she was doing a good job. Bryon said in the last two meetings there has been some discussion on the term

limited interim and he just quotes the council. He said he went back and checked his notes and when she was presented to the city as the interim manager. Bryon made other comments and Mayor Rangra called his comments back, stating that he was not commenting on this agenda item. Motion unanimously carried.

10. Discuss and Consider the selection of three candidates by each Councilmember, for the position of City Manager, and select final candidates to be interviewed and vetted and set date for interview of final candidates. (M. Taylor, ICM) – The Interim City Manager said that Councilor Fitzgerald gave her the three names in a sealed envelope. She said that each council member could write the names down on a piece of paper and she could compare them and see what the duplicates are and wind up with a final list. She said we will not be doing that this meeting. She said we will not be saying names unless the council wants to go into executive session. She said if they would like to all give her their recommendations, she can come up with a list of people who will be interviewed and vetted and that could be at a later meeting. She said it has even been discussed that this be done at a special meeting. Councilor Davidson suggested that the Council all submit their names to Molly, in a sealed envelope, promptly, and that she determine the list of candidates and that we hold an executive session at the next meeting, November 5<sup>th</sup>, simply to announce those candidates and have a special meeting the following week, which would be on November 12<sup>th</sup> and at that meeting have our finalists determined as to who will be interviewed, etc. He said we could have a list of the top five candidates by the November 5<sup>th</sup> meeting. He said at the November 12<sup>th</sup> meeting we could interview candidates. Mayor Rangra suggested that we have a special meeting on the 22<sup>nd</sup> of October since Councilor Castelli asked why we were waiting three weeks to choose the final names. Councilor Davidson said in terms of vetting, all of these people have submitted references and he thinks since they have submitted references, it does not seem like that is a violation of privacy that we could all independently call these references and talk to them and see what is up. He said in terms of background checks there are a lot of online sources and maybe we could delegate that to somebody. Councilor Gonzales asked if Councilor Davidson was saying to slim down the list to maybe three people, and go ahead and use the information that we have to try to find out about them, and then ask for their permission to investigate them a little further, whichever source we might want to use. Councilor Davidson asked if we wanted to take the top three votes or if we wanted to give everybody they nominated a shot at it. Molly said give everyone you nominated a shot at it, but she is thinking there will be duplicates. Councilor Castelli suggested that everyone write down their names and give them to Molly so that we could find out quickly who were the choices. Ray Hendryx suggested that if that was done in an open meeting, the information became public. Bob Steele said it could be public. Ray



suggested that the Council give Molly the names after the meeting. Councilor Davidson suggested having a special meeting one week from today to come up with our list of five candidates and then that would give us a period of time to do our due diligence, background checks and call references for a special meeting on November 12<sup>th</sup>. Councilor Davidson said he was concerned and he had been listening to Dr. Christopherson and a lot of people who are urging us to take our time. He said there is no rush and we have all expressed our confidence in how Molly is doing her job and he just wants to make sure everybody has time and between the 22<sup>nd</sup> and the 12<sup>th</sup>, that should give us some time to do some background checks. Councilor Castelli asked if Councilor Fitzgerald had given any indication as to how long his absence would be. The Interim City Manager said Councilor Fitzgerald said he may not be back until the end of the month. She said she had told him that there was a possibility that they might have a special meeting. Molly was asked to call Councilor Fitzgerald and let him know about the special meeting. Motion was made by Councilor Davidson, by Resolution 2013-10-18, for the Council to all submit their three candidates to the interim City Manager. She will provide the Council of the ranking of the candidates, by number of votes and the council will discuss those candidates in a special meeting one week from today, on October 22<sup>nd</sup>, 2013, in executive session and then the council will determine how they want to proceed, who they want to interview, the mechanism for vetting and background checks. He said we would have another special meeting on the 12<sup>th</sup> of November for the interviews. Councilor Castelli said we might need to change the time of the special meeting if he has jury duty. Councilor Davidson said it is his intent by his motion to move the ball on down the road. He said he understands that Councilor Castelli wants to take action and keep the process moving but he has also read Dr. Christopherson's opinion, whose opinion he values very highly and the idea that we need to be deliberate. He said this both moves this along and keeps us doing our homework. He said we need to anticipate that this may even take longer but this gives us a timeline. Motion was seconded by Councilor Gonzales. Joseph Goldman said they are making choices based on resumes. He said he would suggest that they make their choices after doing some background checks. Councilor Castelli said he had already been online for some background checks and after doing that he had trouble coming up with three names. Dale Christopherson said if they do not get something that the council all comes together on, go back to square one. He said Molly can handle things. He said do not feel pressured to have to settle on something that you are not sure of. Deborah Pattison talked about the Cole Group, which was a vetting agency. She said she had used it in the past and it was very helpful. Motion unanimously carried.

11. Discuss and Consider revisiting Big Bend Film Commission award for hotel/motel funding. (M. Taylor, ICM) – Interim City Manager Taylor said Big

Bend Film Commission did come and speak to her. She said they would like to just have an amount for funding rather than matching funds. She said they claimed they did not have many sources to obtain matching funds from. She said she told them she would put this on the agenda. Mayor Rangra asked if we could postpone this item until they could be present. Councilor Davidson said he knew that they already had their registration but asked why it was not the Alpine Film Commission. There was no motion. Item died for lack of a motion.

12. Discuss and Consider appointing Municipal Clerk for two year term for Alpine Municipal Court as recommended by Judge Schlosser. (M. Taylor, ICM) – The Interim City Manager said we need to pass on this item since Judge Schlosser wants us to re-advertise for the position again. She said we did not receive enough applications. Motion was made by Councilor Davidson and seconded by Councilor Gonzales to postpone this item. Motion unanimously carried.
13. Discuss and Consider obtaining bids and purchasing belt press for sewer plant. (M. Taylor, ICM) – The Interim City Manager said we have gone through this belt press process for quite some time. She said we have approved purchasing a belt press in the past, and we are not quite sure of the standing, but it looks like we never went through with the purchase of one. She said it also looks like we never asked for bids on this, even though it was approved. She said this was really needed in the sewer plant now. She said we just want to move ahead as fast as we can because it is of the utmost urgency that we get this belt press as quickly as possible. Mayor Rangra asked how much it costs. Deborah Pattison, Interim Finance Director said about \$100,000. Mayor Rangra said not 1.2 million? Mayor Rangra said the former Utility Director said it would cost \$1.2 million Dollars. Councilor Davidson said he believed that was all during the 2011 Certificate of Obligation issue. He said they were about \$350,000. Deborah said she was talking about a small one. Councilor Davidson said the \$350,000 may have included engineering. The Interim City Manager said they would get Virgil Clark to look at it and see what size that they needed. She said we would have to ask for bids but it is an emergency situation. She said this seemed to be an extreme emergency. She said maybe we could go ahead and call three bidders to get that information instead of advertising or call several bidders. Councilor Davidson made a motion, by Resolution 2013-10-19 to authorize the City Manager to get with Virgil Clark to make the necessary steps to get three bids on the belt press that Virgil gets the specs from and do this by telephone in a rapid matter, ideally to review those bids at the next meeting, on October 22nd. He said he did not know enough about this to put a price on it. The Interim City Manager said perhaps she could also have this item next week on the agenda as another item for the special meeting. Councilor Gonzales said he would like to make a suggestion. He said we should just obtain bids for a belt press for

the sewer plant. He said we will have enough meetings that we can add this in there. Councilor Davidson said if we have the bids by the next meeting we can put that on the agenda. The interim City Manager asked how many bids the Council would like, at least three? Councilor Davidson said he thought at least three. Motion was seconded by Councilor Gonzales. Councilor Castelli said when he was in Austin last week he took the opportunity to have several meetings with TCEQ folks. He said as a Council person, being responsible to make policy decisions, he keeps hearing that we need this or that or this is wrong. He said he does not have a credible source of information. He said he was talking to the actual TCEQ people and he found out that there are two sides of it. He said he was talking to the enforcement side and telling them about the current violations that he was aware of and the issues with the landfill and the issue with the sewer plant, etc. He said they told him that there was someone that they needed to talk to and there was another group over there, an Organization called Take Care of Texas which is sponsored by TCEQ and they are not on the enforcement side. He said they are not on the enforcement side. He said they are specifically designed to assist small communities and small businesses through all of the regulations. He said they put out some phone calls for him. He said when he called the woman yesterday in El Paso, she was so excited to hear from him and so willing to come out here and help us. He said it just so happened that she was busy this week but she was available next Tuesday, Wednesday or Thursday, to meet with us, because Bryan had asked him about going out and visiting the sewer plant. He said he would not know what he was looking at. He said she would be a good person to take to the sewer plant to say this is what is appropriate at a sewer plant, this is what is inappropriate. He said you can ask the questions but you don't have to worry about any confidentially going to enforcement. He said we have two issues on the agenda tonight that regard TCEQ and we still do not have a lot of information or know who to trust to get the right information and he thinks it would behoove us to establish a relationship with this woman ASAP and start getting some good information so that we can proceed. Mayor Rangra asked if Councilor Castelli would give Molly the information. He said the lady was expecting his call tomorrow. He said he told her he would bring it up during the council meeting tonight. Ray Hendryx said he thinks that the County Road and Bridge bought a used belt press six or eight months ago. He said it might be something we could look into if the new ones are priced sky high. Mayor Rangra said maybe we could use it on a temporary basis. Mayor Rangra said that was a good suggestion. Motion carried unanimously.

14. Discuss and Consider terminating existing contract for Financial Advisory services with Coastal Securities, Inc. and discuss and take action on hiring US Capital Advisors to provide Financial Advisory Services for the City through execution of USCA Agreement for Financial Advisory Services. (M.

**Taylor, ICM)** – The Interim City Manager said we have Mr. Gilley here to speak to us about this. Deborah said other than the principals of this company that the city has had a good long history with. She said she has also had a history with them in other locations. She said they come through very solid. Mr. Jim Gilley with US Capital Advisors, said on April 17<sup>th</sup> he left Coastal Securities and went to work for US Capital Advisors. He said he had a history with the city for a number of years as the city’s financial advisor for the bond financing and he is asking that the City Council terminate the existing agreement with Coastal Securities which can be done at will and hire US Capital Advisors as your management advisory. He said the terms of the agreement are identical and there will be no change in the fee. He said also the fee is contingent any kind of financing that is done. He said if there is no financing done they do not get paid. Motion was made by Councilor Gonzales, by Resolution 2013-10-20 to terminate the existing contract for Financial Advisory services with Coastal Securities, Inc. and hire US Capital Advisors to provide Financial Advisory Services for the City of Alpine through execution of USCA Agreement for Financial Advisory Services. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

15. **Discuss and Consider taking action, including line of credit, regarding FY 2012/2013 Budget. (M. Taylor, ICM)** – The Interim City Manager said Deborah Pattison was going to discuss this item. Deborah asked the Council to table this item for the time being. Motion was made by Councilor Gonzales to table this item. Motion was seconded by Councilor Davidson. Motion unanimously carried.
16. **Discuss and Consider approving Letter of Engagement with Gibson, Ruddock, Patterson, LLC, Certified Public Accountants for FY 2013/2014 Audit. (M. Taylor, ICM)** - Motion was made by Councilor Bermudez, by Resolution 2013-10-21 to approve the Letter of Engagement with Gibson, Ruddock, Patterson, LLC, Certified Public Accounts for FY 2013/2014 Audit. Motion was seconded by Councilor Gonzales. It was discussed that the Audit would cost between \$45,000 to \$50,000. Motion unanimously carried.
17. **Discuss and Consider selecting a vetting source (background and job history) for the candidates for City Manager. (M. Taylor, ICM)**– This item has already been combined with another item.
18. **Discuss and Consider landfill situation and cost for cleanup. (M. Taylor, ICM)** – The Interim City Manager said she has spoken with Jim Gregory with TDS and he had mentioned to the Council that we needed to clear up the situation at the Landfill and report it to TCEQ. She said TDS did send her a letter, which she needs to complete but prior to that TDS wanted to make us aware of the two options that we have as far as the cost for clean up. She said TDS basically believes that we wanted to sift the solid waste and the

cost for that would be up to \$100,000. She said his estimate is \$93,600. She said he believed that was a pretty firm estimate. She said she needs to get in touch with him again regarding this and we need to get a date for an audit to be conducted by TDS themselves, who will look out there and make sure that they have located all of the locations. Mayor Rangra asked where we stood on this issue with respect to Republic. The Interim City Manager said we would have to either send a bill or file suit. It was discussed that Councilor Castelli and the Interim City Manager would consult with the lady from Take Care of Texas (TCEQ) in El Paso concerning this item. Motion was made by Councilor Davidson by Resolution 2013-10-22 for the Interim City manager to consult with Take Care of Texas (TCEQ) out of El Paso and talk

to

Grant Jackson with Naismith Engineering regarding this landfill situation

and

report back to the Council at the next meeting. Motion was seconded by

Councilor

Gonzales. Motion unanimously carried.

**19. Citizen's Comments (limit 3 minutes) –**

Bryon Garrison said he was not personally attacking anyone tonight. He said he was just doing his job. He said he has been here about six months and does not have that many friends or that many enemies to really get personal, so he does not really care and does not have personal relationships but maybe one day he will. He said he just wanted to make that clear but he also wanted to make clear that when you speak to him, unless you otherwise say differently, consider it on the record, because if you do lie, I am going to print it. He said he will go back and check the tape and check his notes. He said he thinks he gets unduly labeled but he thinks in reality, he sat on information for months and that is because he has respect for the city council and the people who work for the city council. He said he would never print anything that did not have corroborating evidence. He said that having been said the corroborating evidence to allow him to print certain things this year has come in and continues to come in. He said he just wants to make that comment because people may not understand how the press works. He said personally as a reporter he would not ever print anything just to hurt anybody. He said he is just defending the institution of the press. He said he knows it will not get him too far.

Judge Schlosser - said she wants her item in open session instead of Executive Session and that was her legal right.

**20. Council Member's Comments and Answers –**

Councilor Bermudez – said she did attend the yearly conference in Austin and went to different meetings.

**Councilor Davidson** – said he had a couple of comments to make. He said last night in coordination with Texas Tourism and the Governor’s Office and their public relations action in promoting visitation to Texas from outside Texas from outside Texas and also the Brewster County Tourism Council he hosted a group of German journalists who together probably represented about five million readers. He said there was a group of seven and they spent the night at the Holland Hotel last night and had dinner in town. He said while it was still daylight they had time to tour around and take pictures of the new murals and take in some of the sights and enjoyed the night life. He said that was kind of good news. He said the expenses for this will be paid for out of the hotel occupancy tax and he said he has one other comment to make. He said he has some concern about the Mayor, without consulting the council, engaging a lawyer to interact between the Texas Water Development Board and the City. He said he knows that we have issues and we need to get our sewer project off but it would have been very easy to put that on the agenda for tonight. He said he thinks that is a direct violation of the charter.

**Councilor Gonzales** said he is grateful that it is raining outside. He said he had a good time in Austin too and they picked up a lot of information. He said a lot of times they learn more from other people that are visiting from other cities. He said he thinks that when they go there they should go to participate in the classes that they teach and not just go because we have the ability to travel. He said he wants to say that he attended all of the meetings that he was supposed to and he thinks everyone on the city council should too. He said that is all he is going to say.

**Councilor Castelli** – said we are making progress.

**Mayor Rangra** - said he agreed with Councilor Davidson. He said he visited with Bob Steele earlier this afternoon and asked him if he could help us out with the correspondence. He said he will put this on the agenda on Tuesday of next week. He said that is what we talked about and he gave him the correspondence to do because we had to take care of it, within a month. He said actually he should have done it in September and it did not happen and consequently we have been penalized. He said he had to do what he had to do. He said he would put this on the next Council meeting on Tuesday. He said he thinks that he agrees with Bryon that the press has a role. He said he thinks that is true but at the same time the press has a responsibility to make sure that we report properly. He said he has pointed out a couple of times to Bryon that sometimes he has said “the Mayor abruptly adjourned the meeting to keep Councilor Lujan from making a motion to appoint interim City Manager”. He said that item was not on the agenda and he had not seen any retraction from him. He said he also needs to make sure that the news is reported properly because when people read the paper they say

**“this is what happened”. He said please do not take any offense but let’s keep it straight. He said that is why we have the cameras so people know what we are talking about even if it is reported erroneously in the paper.**

**Judge Schlosser asked that her evaluation be done in open session. Mayor Rangra said Judge Schlosser has requested that her evaluation be done in the open.**

**Councilor Gonzales said he wanted to apologize to Judge Schlosser for having called her out and having you stand outside in the cold and then deciding that we were not going to do anything. He said that was not nice. He said he thought it was important that we have a review of your performance. He said he thinks that basically she is doing a terrific job out there, doing what she is supposed to be doing and everything. He said he does not understand why she feels like we were here to fire her or anything. He said he does not think that is correct. He said that is an assumption. Judge Schlosser said she hoped not. He said the question was to review your performance and everything and he thinks that the report that she gave the council was very concise and basically he can understand her frustration of not being able to get things done in her court but based on the information that she saw she has been getting things accomplished over there. He said he thinks our financial situation has affected the ability to do all the things that she wants to do like the OMNI situation where they can lock up your license until they pay their fine or whatever it is and the ability to be able to pay through the computer and on line and not have to come all the way to Alpine. He said these are all things that we are trying to work on in the city too because people cannot use a credit card to pay their gas bill or water bill. He said that is a problem and we are trying to address. He said as you heard today we are also working on our website and trying to make it more accessible to people. He said in summation he thinks that the fact that we want to look or at least talk about your performance should not be an issue. He said if you are doing fine there is nothing to worry about. He said he is sorry if she feels stress that the council wants to review her or anything like that. He said he does not think the purpose was to belittle her in any way. He said he liked the work that she has been doing over there. He said he knows she has a lot of concerns. He said she has addressed some to him before and he thinks that is what we need to do, evaluate what is going on with you and hear your input so that we can try to address it. He said that is where he is coming from. Mayor Rangra said he is going to let the Judge speak about the office and the problems and all of that. He said then councilmen can have questions if they have any and then we will adjourn. He said we want to make sure that we do not have any hard feelings about anything. He said we want to keep this plain old professional. Judge Schlosser said she has nothing to say. She said she thinks her monthly reports say it all. She said she would hope that the council would not need to take her into closed session and talk about what is going on at**

the court because she thinks the people her want to know what is going on in the court and she thinks that is something that is really subject to the open meetings act and should be done in the open. She said as far as her performance, she has a two year term and her term is up in March 2014. She said the only objection that she had to her name being consistently being put on the agenda for review for her performance is that it looks like someone has a problem with her performance. She said she spent a little time in this report just going through the law so that they understand the right way to evaluate a judge so that you don't run afoul of any laws. She said you can question her about anything that goes on in her court at any time and you can put her on the agenda for any meeting. She said that is absolutely what you should do. She said you do not need to do a performance review and it certainly does not need to be in closed session. She said what you cannot do is fire her unless you have grounds. She said there are three grounds to fire her. One is incompetence, one is misconduct and one is public drunkenness. She said she was pretty sure that she was not guilty of the third. She said she was not absolutely certain about the other two. She said she said that facetiously because nobody at the municipal court has done things perfectly. She said we have been working with a situation. She said it takes time to make some of the major changes that they have made. She said they can't just go in and tell people that everything you are doing is wrong. She said unfortunately that kind of happened recently. She said we no longer have a clerk she thinks as a result of that. She said she was not doing everything wrong. She said we don't do everything perfectly and that is absolutely certain. She said but there are ways to go about it and she has tried to sort of ease these changes in over the three years that she has been here. She said back to the point, the point about her review, the only objection she have is that it should be done on the agenda in open session. She said if you have something to ask her about, she would want them to ask her. She said in terms of review, the proper time to review her is at the end of her term, unless it is for a ground that she mentioned. She said if you have any evidence of those three grounds or want to do an investigation on any of those three, you can pull her in and anyone else in and do your investigation. She said all of those things are things that you should feel comfortable asking about because she feels absolutely comfortable giving the council those answers. She said if you do determine that you do want to pursue a firing of a municipal judge, because they are a political appointee for a public office you have to file a certified petition in District Court. She said she is entitled to the right of a trial by Jury, 12 peers from her community, on any grounds of wrongdoing that you so assert in that petition. She said if they choose not to do that they also have the option to file a complaint with the Texas Judicial Commission and they will hold a trial. She said that is the due process afforded us in the Local Government Code and when the council made the court a court of record they adopted the Local Government Code as the procedures that they would use in removing the Municipal Judge. She said no one indicated



to her that they wanted to remove her, but the fact that it kept showing up on the Council Agenda with no specific item about whether it was for a raise or for firing probably violated TOMA but more importantly it did not tell her why she was being called in and it was not on the regular council agenda. She said it did give her a little stress but it did give her some concerns because she did not know what to prepare to address. She said that is just a little bit of summary of the law and about what you do in terms of removal procedures of your judge. She said it does not mean that you cannot ask her anything at any time, it means that it is more appropriate as an item on the agenda as a report. She said the Mayor has already requested her to come once a month and if the council wants her to come more often she would be glad to. She said it would make her feel better. She said she knows the council knows a lot about TOMA but she only has three years experience but if she does not see City Judge there it worries her. She said it needs to say Reports and you need to put City Judge there. She said she will be more than happy to come. She said it would also help her out a lot if someone would call her and tell her when she is on the agenda. She said a lot of times when she goes by the court it is three o'clock in the morning and no one else is there and she signs her documents and she does all sorts of things at three in the morning there because she is awake and she is not going back to sleep for a while. She said she has done a lot of judgments and things like that, research law at three in the morning unfortunately. She said and there is no one else there. She said if someone does not call her, she might not know until the day before that you all have put her on the agenda. She said someone did call her but it was not anyone at the city. She said that would help also in her getting prepared to answer any questions that the city might have and of course the council members can call her. She said she did call a couple of council members when she found out she was on the agenda. She said she called Councilor Gonzales and did not get a call back. She said she talked to Fitz and he was leaving town. She said that was what gave her a moment's concern but frankly she said she was glad he was happy with her performance but if he is not she does want to hear about it. She said if there is anything she can do to improve the court, that is really what she is all about. Mayor Rangra asked if the idea for an evaluation was to fire someone. Councilor Gonzales said no. He said he had not heard that before. Judge Schlosser said the fact that it has been repeatedly put on the agenda, she thought the council might want to know how to do it if you ever were deciding that you were going to do it. She said you might want to do it right. She said she knew that the city did not have a city attorney and she just did not want anybody to violate her due process rights if that is what the city was intending. She said she really does not want them to do that because then she would have to sue the city and she really does not want to do that either. She said she thought it would just be easier if she explained to them how to fire her if they decided that they wanted to fire her. Councilor Gonzales asked if Judge Schlosser could elaborate about the clerk and how in the letter she stated that she wanted to bring the clerk back. Judge

Schlosser said spoke one time to Ms. Gonzales about why she was leaving. She said she was not told she was leaving. She said she walked in and all of her stuff was out of the office. She said it was next to nearly her last day. She said she had not been informed that she had decided to leave. She said she talked to her about her decision and she felt like she was doing everything wrong and that she had been told that she was doing everything wrong. She said she tried to reassure her that she should reapply for the job and the only reason that the job was posted was because for three years she has been trying to get her to go to training for Court Administrator and she has been unable to do that. Judge Schlosser said we need a Court Administrator. She said she tried to convince her that she should apply for the job and that she would be an excellent Court Administrator if she got the training and that not only did she not do everything right but neither did the Judge. She said no one does. She said she was to give a speech to Judge Flores in Frio County to all of the public officials in the entire county on school attendance. She said during that meeting he admitted to her that even though he had no jurisdiction to hear attendance cases that were more than ten days past in absence, he just hears them anyway. She said that is illegal but you know he gets the job done and he does a really, really good job. She said he is a fantastic judge and she said well, to each his own. She said she tries to do everything by the law and by the book. She said that is what Margaret does and she tried to explain to Ms. Gonzales that is really all that Margaret was trying to tell her that we have to do things by the book. She said she is a kind of by the book kind of person and she likes it but she understands that when you try to come in and make a whole lot of changes at one time it can throw people off and it can be very discouraging. She said that is in fact what happened. She said that is why she has taken three years to sort of ease into it. She said the first thing she had to do was to institute a docket but frankly she had to remind the city attorney repeatedly that we do not dismiss cases. She said we ask people to plea and then we try to set the minimum fine but you just do not just go around dismissing cases and she has had to repeat that many times to both of our city attorneys and that is the law, you are supposed to do that, that is the way you do things. She said it is not a single person that makes mistakes, we all make mistakes. She said when people come into municipal law, because we are considered a lower court, there is sort of a misunderstanding about our court that we must not be very complicated. She said Municipal Court is extraordinarily complicated and if you look at the records, nearly 200,000 cases were heard by Municipal Judges last year alone. She said that is a phenomenal amount of cases. She said they hear more cases than any other court in the state of Texas. She said a person in your city or in any city in Texas is more likely to be in Municipal Court than in any other kind of court. She said it becomes more and more complicated as the legislature changes these laws. She said the attendance laws alone were changed three times in the last four years. She said they have had major changes to the attendance laws and just keeping up with the school docket takes someone who is willing to go to

training continually and keep up with those laws. She said she has not only gone to the training but has lectured all over the state on school attendance laws now. She said she tries to help out because education is also one of her passions but lots of judges do not have that background so they share at their trainings. She said they give great trainings. She said that is what she tried to communicate to Ms. Gonzales that she was disappointed that she was disappointed that she had decided to leave. She said it is her choice. It is absolutely her choice and we have to honor her choice because she has three children and a husband who is away from home a lot and she understands that and she never at any time wanted her to leave but they do need someone in that position that will be there full time, eight hours every day and will be well trained because you cannot count on her (Judge Schlosser) because she is part time. She said she added up how many hours that she worked and she is embarrassed to tell them that the salary that they are paying her, is probably the worst job, in terms of pay, that she has ever had, but she is very proud to say that she tries to do it, even though it is very low pay. She said she tries to do it the best that anyone would do it. She said she knows that the person that we get into that position is going to have to come in with the same attitude because of the pay. She said she will be there full time and we have to have somebody full time to do that job. She said she does not expect them to be perfect. She said she did not expect her to be perfect. She said in three years she has learned how to do a docket, she's learned how to call a jury, she's learned how to do a summons, she's learned how to do a judgment and none of these things are easy to do and she has done it without much training. She said she went to one training and passed the test the first time. She said it is with great sadness that she has to say to the council that we have lost someone but we do have to have someone who is willing to do the job correctly and get some full training because she (the Judge) cannot be there all the time. She said she does not know if she answered Councilor Gonzales' question but she is as sad to see her go as she is sure that he is and they will get someone in there who will do the job. Councilor Gonzales said we had a discussion where they were saying that the Court was not making any money and we talked about that, saying that we do not have the facilities to be able to draw that kind of money because a lot of our cases are from out of town. He asked her if she would mind elaborating on that again and letting us know what we are talking about as far as bringing in money. Judge Schlosser said the biggest problem we have, and frankly until the audit is done, she will not know what percentage of their cases are out of town but a vast majority of our monies that are not collected is from out of town people. She said we do have people travelling through here and when they get tickets, it is typically someone who is not from here. She said our ordinance docket is totally different. She said virtually everyone is here and they own property here. She said it is still sometimes hard to get them served because they may own property here but not be here and Mr. Polanco has to go and research the deed records and that is one of the

reasons why she asked that the court be made a Court of Record because once you become a court of record you can actually pursue those civil cases and the beauty of that is if the person does not show up she can enter a judgment anyway. She said in a criminal case she can't. She said she has to issue a warrant. She said the odds of them coming back through so someone can arrest them are pretty slim. She said it is not very successful but it is very successful to have your ordinance docket be in a court of record because if the case is brought and pleaded as a civil case, then she can take a default judgment when they do not show up and then they can file it in the records and when someone comes to sell that property, there is a priority judgment on that property. She said we can also serve them with enforcement papers and try to collect the money as well. She said that has become very successful since we have become a court of record but back to the traffic citations there are only two ways that she really knows of to do a good job of collecting those monies. She said she will look into exactly how we can pay for it and come back to the council with a report on that next month, but she does not think that they should have to pay for it because out of their fee money that they collect for Court Administration. She said if they can't use the 30% surcharge statute she feels certain that they can use their Court Administration fees. She said that is one of the questions that she has written down for Margaret to ask when she comes for her next trip. She said that would help them tremendously because it would not cost the city any money. She said let's say you have 60 to 70% of your traffic tickets that are not collected. She said you are going to get a big percentage of that money starting to come in and that is because people will eventually go in and try to renew their license. She said once that money starts to come in, it comes in every month so there is a lag for a while until people start to go in and get their licenses renewed but once that starts happening the money starts coming in on a regular basis. She said she did not know if they would ever be completely in the black but there are many courts that have gone from red to black by making those changes. She said their money is in salaries. She said she looked at the budget and the way the health insurance is done, every employee of the city is given an amount and it is a percentage of the total bill for your medical. She said they have two expenses that are their primary cost of the budget and those are the salaries of the city clerk and the Judge and their medical. She said that is really why their court is costing more than they are bringing in because they are barely collecting their local fines and their out of towners are basically going free without having to pay. She said if they do not come to court for their first appearance she cannot put them in jail. She said she does not have a plea. She said that is the difficulty in getting them. She said in this way you do not have to get them. She said there is another remedy because they will not be able to get their license. She said another thing about the online, we get a lot of calls from people who say they would like to pay and when they find out that they have to go down and get a money order they just don't bother. She said they figure they will come and get them eventually or not and who

cares. She said doing a roundup here, a roundup is very successful in big cities and some smaller cities as well. She said those cities have a fairly closed population where people are not travelling through that much. She said if people think that the police are going to come in and round them up a lot of them will come in and pay. She said on that day you do the roundup and they all come in and pay. She said but when you look at our demographics it is not our local citizens that are not paying for the most part. She said she will get exact numbers on that but she thinks the majority of the funds that we are not collecting are out of town. She said payments on line for tickets would make that easier. She said we make it very difficult to pay and we don't have consequences if they don't. Councilor Bermudez said every time she sees Judge Schlosser's name on the agenda it is because we are supposed to evaluate yearly. Judge Schlosser said the council is more than welcome to evaluate her on the agenda and ask her any questions they would like to ask. She said her term is two years and really she is not a city employee. She said she is a public official with a two year term and the clerk will be too when she is appointed. She said she thinks it is a good idea to do a yearly evaluation and the council is more than welcome to do it in public. Councilor Davidson said he was under the same delusion as Councilor Bermudez, that this was something that we were trying to get to a place where we were doing a routine evaluation for the people that the council supervises or hires, as it were. He said it was in a term of balance because we have reviewed everybody else. He said every time he talks to the Judge he is enlightened again about something that he really did not know about. He said now he understands that her position is different from the other three and he thanks her for coming for that and he has nothing but praise for the work that she has done. He said he probably only has an inkling of how much work that we needed to get done when she showed up. He said for her to have insisted that we do an audit is an example of her integrity and desire to do a good job. She said he did not know if we have to put something specific on the agenda to visit a raise but he would be very much in support of that. Judge Schlosser said she would prefer not to have a raise at this time. She said she would prefer if we would look at all the salaries that all the city employees make. She said we need to make sure that they are commensurate with their duties. She said a city attorney making \$36,000 and \$125 per hour for extra work is probably very fair. She said the fact that she makes \$12,000 seems a little disparate but right now the city does not need to be raising anybody's salary. She said we might need to be dropping a few people's salary. She said she does think that there needs to be a review and she would recommend that when we get a city attorney that we have him look at the personnel policies that we have and have them sit down with their city finance person and city manager and do a review of a cross analysis of what people are earning in different jobs. She said she did request a raise when they put her in charge of the finances because it requires more hours but certainly not while they are paying for an auditor to come in. She said until the city is in a better financial position she

would prefer not to have a raise. Councilor Castelli said he expressed his support earlier. Mayor Rangra said he thinks that this is what happens when we have a lack of communication. He said when she started to talk about firing, he was going to stop her. He said this is something that was picked up from the streets. He said a lot of times rumors start for no reason. Judge Schlosser said it did not come from the street. She said it came from her and from what went through her mind was that the council did not know how to evaluate a city judge and that it was going to be done incorrectly. Mayor Rangra said Charles Blackley was evaluated almost every year. He said that in Judge Schlosser's letter it said that there were three applicants who had applied for the job and they lacked proper qualifications. Mayor Rangra said Judge Schlosser said the three applicants were welcome to reapply. He said if the applicants were not qualified why would she want them to reapply. Judge Schlosser said she did not want to eliminate anybody since we may have to hire someone and train them and she would welcome them to reapply just to keep them in the pool. She said that is perfectly legal. She said there were a couple of requirements in the job position and one of them was that they be bilingual in Spanish. She said the other one was to have at least the equivalent of a clerk I certification. She said no one had both of them. She said that is why we are reposting. Mayor Rangra asked about the part of Judge Schlosser's letter where it says that it was Molly Taylor's decision to remove the current clerk without discussing it with the Judge and asked Molly Taylor how that happened. Molly said that Jovannie applied for Record's Management Clerk and sent in an application. She said Jovannie was not happy and felt like she was going to lose her job so she applied. Mayor Rangra asked her if she encouraged Jovannie to leave her clerk's job. Molly said she did not encourage her to leave her job but did not prevent her from applying for the records clerk job either. Judge Schlosser said she did not have a problem with Jovannie applying for the Records Clerk job. She said the problem she had was that she was allowed to leave the court position and the court is closed. She said there is nobody there and there is no reason to have someone in records right now and no one in the courts. She said that is her opinion. She said that happened without any one telling her. Mayor Rangra said it is being alleged that Molly asked Jovannie to leave that position and he is trying to verify that. Mayor Rangra asked Molly if she asked Jovannie to leave that position and Molly said No, she did not ask her to leave. Judge Schlosser said she did not say Molly did. She said what she is saying is that she closed down the court by

transferring

Jovannie to records and did it without even giving the Judge a heads up that it was going to happen. Judge Schlosser said she does not know why we don't have Glen there. Mayor Rangra said he realizes that but at the same time he hates to see accusations about somebody interfering because those are pretty strong words. He said Molly said in front of everyone that she did not ask Jovannie to leave and he did not like the accusations that Judge Schlosser was making. He said we would have to have documentation to

prove her statements. Judge Schlosser said she was done.

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

**A. Evaluation of Rebecca Schlosser, Municipal Judge. (J. Gonzales)**

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

**A. Any action, if necessary, concerning evaluation of Rebecca Schlosser, Municipal Judge. (J. Gonzales).**

**23. Adjournment. – Meeting was adjourned upon the motion by Councilor Davidson and seconded by Councilor Bermudez.**

I certify that this notice was posted at 4:30 P.M. on October 9th, 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 4:30 P.M. on October 9th, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

---

Margaret "Molly" Taylor, City Secretary