

**City of Alpine
Regular City Council Meeting
Tuesday, April 21st, 2015
5:30 P.M.
Minutes**

1. **Call to Order, Invocation and Pledge of allegiance to the flag** – Mayor Rangra called the meeting to order. Mr. Dick Zimmer 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, Councilors Bermudez, Salas, Fitzgerald, Gonzales and Stephens were present. The meeting notice had been posted at 3:00 P.M. on April 17th, 2015. Barbara Quirk with the City Attorney's office was present remotely for the meeting. City Manager Zimmer and City Secretary Taylor were also present.
3. **Presentations, recognitions and proclamations** –

A. City Proclamation – GWFC 125th Anniversary. (A. Rangra, Mayor) - Mayor Rangra presented a proclamation to the GWFC for its 125th Anniversary. Councilor Bermudez said she would like to give the dispatchers of Alpine a big thank you also.

4. **Reports** –

City Mayor's Report -

- **Trans-Pecos Pipeline Project** – Mayor Rangra said he received correspondence on this item. He said it tell where the pipeline will be running through. He said it is a serious matter. He said that is all he wants to say at this time. He said also at Sul Ross they are having an exhibit, which everyone should see.

City Manager Report –

The City Manager said he apologized for the video connection problems but it seems like San Antonio is off line right now.

- **TxDot Aviation Conference Readout** - He said he was able to attend the TxDot Aviation Conference last week from April 15th to April 17th, 2015 . He reported on that meeting. He said Dave Fulton, Director of TxDot Aviation Division did a presentation on the state of the aviation industry.
 - **\$1.38 Billion dollars** have been invested since 1992 when TxDot Aviation was formed.
 - **255 Airports** participated in RAMP last year
 - **At Federal Level \$3.35 Billion dollars** have been appropriated last year across the nation. (California and Texas are the big

- recipients.
- Non-Primary Entitlement (NPE) Funds growing in usage
- Texas will lose about \$40 Million in discretionary capital between 2013-2016
- NPE + Capital Allocation + Discretionary Spending = Total Funding
- Texas wants more flexibility in managing the NPE Funds
- Light Sport Aircraft – FAA did not require medical. AOPA is leading the changes on some of the licensing requests
- Drones – Active Legislation related to Commercial Delivery, Height Limitations, Daylight operations. Comment period closed this past week
- HB750-Recreational Use Statute: Give protection to ranchers on use of airstrips
- State Level Funding - \$60 Million again this year; some delays and reductions
- **Dr. Dirk Laukien, Galaxy FBO, did a presentation on Business Aviation in Texas**
 - Charter operations run on shoestring budgets. Pilots always looking for different positions with other companies.
 - 2/3 of Charter traffic is for business – 1/3 for personal
 - Commercial businesses using Business Aviation are: stronger in growth, business retention and employee growth
 - Galaxy FBO – Conroe, Tx.
(<https://www.youtube.com/watch?v=JaZTlims1U>)
 - Restaurant serves local community for 90% of its business
 - Heavy use of Social Media as the future
- **City Manager Zimmer said there was also a Breakout Session for Airport Maintenance 101**
 - Pavement Repair and Prevention options discussed heavily – techniques and multiple vendors on site with solutions
 - Heavy adoption at regional airports with the use of Solar lighting. Not approved yet for airports with commercial traffic
 - Vegetation management – chemical usage presented by lead Herbicide management Employee from TXDOT Highway. (RAMP grant critical to the implementation)
- **Airport Project Development: From Beginning to End**
 - Reviewed Cradle to Grave project management steps
 - Airport Layout Plan being up-to-date and on file is critical
 - Written communication back and forth with TXDOT Aviation critical to funding of larger projects
 - Scoping Review: Gives the Project Cost Assessment and Funding Source Capacity (next stage for Alpine project)
 - 10% Contingency Built in to all projects. Remainder refunded at end of project if not needed.
 - TXDOT Aviation website great source of data and information

- **RAMP Grant : Breakout Session**
 - 255 Airports using currently in Texas
 - TxDOT funding year ends on August 31st (All reimbursements need to be in within 60 days of close of year)
 - Compliance being monitored more heavily
 - Can not be used for ongoing costs like: monthly telecom bills, monthly pest control, etc.
 - TxDOT administers the Routine Airport Maintenance Program (RAMP), which matches local government grants up to \$50,000 for basic improvements such as parking lots, fencing, and other airside and landside needs.
 - <http://ftp.dot.state.tx.us/pub/txdot-info/avn/rampgrants.pdf>
- **Bill Gunn, TxDOT Aviation Division, gave a presentation on Airport Compliance Issues**
 - 5190.6B – Grant Assurances
(<http://www.faa.gov/airports/resources/publications/orders/compliance/5190.6/>)
 - Hangar use at airports becoming larger topic of discussion
 - Assurance 24 – Fee and Rental Structure
 - AOPA – www.aopa.org (good source of information for Sponsors, Pilots and Airport Users)
 - Put complaints in writing
- **Most Important Assurance Items**
 - #4 – Good Title
 - #5 – Preserving Rights and Powers
 - #11 – Pavement Preventative Maintenance
 - #13 – Accounting, Audit and Recordkeeping
 - #19 – Operations and Maintenance
 - #21 – Compatible Land Use
 - #22 – Economic Non-Discrimination
 - #23 – Exclusive Rights
 - #24 – Fee and Rental Structure
- **Airport RFP – FBO Update - The City Manager said we are going to continue to run it the way we have. He said there will be no further council action necessary on this item.**
 - Recommendation from Airport Advisory Board to have staff negotiate with two respondents
 - Requested respondents to build a Business Plan along with Pro-Forma data to help facilitate further dialogue. One dropped from consideration
 - Reviewed additional plan and financial projections by final applicant
 - Looked at financial health of Airport over long-run and opportunity for New Business owner to be successful
 - Opted to continue to run Airport with existing structure: Mary

Carmen Nunez is leading the team

City Staff Updates – None

5. Citizens Comments (on agenda items) – (limited to 3 minutes) –

Alice Santora – said she was very concerned about the pipeline. Mayor Rangra said that was not an item on the agenda but was just a brief comment by the Mayor.

6. Public Hearings – None

7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) – (Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

A. Approve Accounts Payable. (E. Zimmer, CM)

Motion was made by Councilor Bermudez by Resolution 2015-04-06 to accept item 7A to approve accounts payable. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.) –

A. Animal Advisory Board Readout – Chair Amit Rangra (E. Zimmer, CM)

- **2014 Updates – Chair Amit Rangra said the Animal Advisory Board gave their recommendations to the City Council for four animal permits. He said we also asked the Animal Control Officers to make sure that they followed up on the permits.**
- **Animal Shelter, Humane Society and Dog Park – Chair Rangra said our largest project was the Dog Park which was completed in 2014. He said this project would not have been completed without the hard work and cooperation between the City of Alpine, Dog Park Committee, Alpine Humane Society and countless other volunteers. He said along with their dedication to the project, the Alpine Humane Society paid for the materials used for the fencing on the dog park and Hector and the Parks crew put the fence up. He said Riley from the Parks department and Mr. Llanez were very important to us from**

putting up the weed barrier to operating the machines. He said we had a grand opening on August 2nd that was well attended and the dog park has become very popular. He said the City's Animal Shelter is doing very well. He said we are very happy with the latest news that no dog has been put to sleep in the last year thanks to aggressive adoption programs.

- 2015 goals – Chair Rangra said for 2015, we are discussing putting up a dog run at the Animal Shelter but this is in the very early stages. He said he would like to take this moment to thank Molly Taylor, the City Secretary, for all the hard work she does for the Animal Advisory Board, from keeping the minutes to informing all of us about any information we might need. He said without her we would all be lost.
- Needs from Council for Board – Councilor Salas thanked Amit for his help and thanked Molly Taylor as well. Chair Rangra said there were many other citizens to thank as well. Councilor Stephens asked if the Animal Advisory Board needed anything from the Council. Amit said at this point, no. Councilor Gonzales said we might want to start looking at developing the second dog park. He said he understands that we still have some fencing to use on the next dog park. He said that might save us a little money. He said the fact that we have a dog park has caused a lot of people to get involved with the Humane Society and the ability to be able to walk their dogs and set them free inside the park.

- B. West Texas Ambulance Service (EMS – Scudder) Quarterly Readout as per city operating agreement (E. Zimmer, CM) – City Manager Zimmer said that Mr. Scudder was present to give his readout. He said there were a total of 26 no transport cities and none of those were in the city. He said January was a very busy month. He said the majority were city calls. He said we had a bus accident on Hwy 67. He said that made up for a large majority of our calls. He explained how many were billable patients and what their collection rate was. Councilor Bermudez asked about no transport. Mr. Scudder explained what that meant. Councilor Gonzales asked if the collection rate was an improvement. Mr. Scudder said by doing this by the quarters, it is difficult because sometimes the claims are paid by Medicare. He said they have 180 days to pay the claims. He said there is no rhyme or reason as to what they are going to pay on that. He said they are in the 60% most of the time but last month they were in the 40% range. He said some of this was private pay but Medicare is more reliable for payment. Councilor Gonzales said that seems to be a low number. He said it seems to him if people are being taken to the hospital it seems to him that they should pay. Mr. Scudder said unfortunately the non-payments are usually transients and then they are gone. Councilor Stephens said he knew the City put money in to this but did the County as well. Mr. Scudder

said yes they do. He said the contracts run concurrent. Councilor Bermudez said Mr. Scudder mentioned that Medicare might not pay. She said if they do not pay does the person get billed for that. Mr. Scudder said yes, they will send out a bill for that amount. He said it is kind of sad because a lot of the people who are on Medicare and have a fixed income usually try to pay monthly on their bills. The City Manager said one of the elements that Mr. Scudder and he spoke about a month or so ago was a product of transporting individuals out of the City and out of the County. He said this was something that the previous CEO Mike Ellis and the hospital had questioned. The City Manager said he was not here at the time the language was put into the contract. He said it is something that is gaining some momentum from a dialogue perspective so it might be helpful if Mr. Scudder would share a little about this with the Council when someone is asking for transportation outside of Brewster County, and why the ambulance service has said no. Mr. Scudder said actually last month they had a third crew available and they took a patient from Alpine to Marfa. Mr. Scudder said by contract they have two ambulances that are fully staffed all of the time and when they do get a call to take a patient elsewhere, he said it is his belief that the City and County pay the Ambulance Service for people here. He said unless they have a third ambulance available. He said this happened in January where we had both ambulances going at the same time and if we had been off doing the run for Marfa, that we did with the third ambulance, somebody here in Alpine would have suffered. He said the language of the contract is to provide service for Emergency Ambulance Service to transport patients from our community and county to Big Bend Regional Medical Center. He said it has always been the policy that the hospital makes the arrangements for people to be taken out of the county. He said the Air Ambulance situation has been addressed a couple of weeks ago. He said the Air Ambulance is very expensive. He said it is all up to the doctor. He said doctor decides the mode of transportation that the person needs to go with. He said if someone was suffering a serious heart attack, they could be in Odessa in 45 minutes. He said a ground ambulance would take 2 ½ to 3 hours. He said that time frame is important. He said the other issues that came up were when people would think that they had a situation that was not serious. He said they went by air and then had a large bill for that. He said he thinks it is a financial issue vs. the need. City Manager Zimmer said he thinks this is becoming more and more of a thought provoking topic and there is a lot more dialogue happening. He said he thinks it would be worth our while to really start looking at what our needs are in the community and the county and how do we satiate those. He said we need to look at what it costs and how does that compare to air transport. He said we also need to look at where are the requests coming from. He said the Council is probably at a point where they want to start considering

that and what makes sense for the community. Councilor Salas said Mr. Scudder said it was the physician who decided if the patient should go by ground or air. She asked if the Ambulance Service could accommodate that if the Doctor decides that the patient needs a ground transport. Mr. Scudder said no, right now they can't. He said they only have the two ambulances right now. Councilor Salas asked who drew the contract up. Mr. Scudder said the contract was done with the City way back when. Councilor Salas said when she first came to Alpine, the Ambulance Service was doing ground transportation. Mr. Scudder said they did it for about 18 years. Councilor Salas asked if we had an agreement with all of the surrounding ambulance services that if one of our ambulances is out then one of their ambulances could be used as backup. Mr. Scudder said there is a general agreement through the emergency management plan but generally it is used in the event of a mass casualty or disaster type situation. He said it puts them in the same position if we are gone and they have to come over and then they do not have ambulance service. Councilor Salas said one thing we may need to look at is to look for ways to have grants to purchase another ambulance. Mr. Scudder said he did not think it was so much the ambulance as it was getting the staff. He said we did that for eighteen years. He said we have four ambulances and three are certified. He said the whole thing is supporting personnel. Councilor Salas asked if the fire department personnel backed them up. Mr. Scudder said just for lift assist and vehicle rescue. He said it is becoming harder and harder to get people trained. He said he is a qualified instructor but it is so hard and cost prohibitive to get a training session off the ground. He said it is hard to get people trained anymore. He said they do a lot of the classes for free and now they are doing it through Universities and a basic EMT class is anywhere from \$2,500 to \$3,000. He said a paramedic course is about \$9,000. He said that is a high investment for someone who is trying to get into something. Councilor Salas said it was brought to her attention that there was a call from Marathon Texas and it took almost two hours. She said if they had a third ambulance that could have been handled more quickly. Mr. Scudder said he was not familiar with the case. He said normally if Marathon calls they get over there within 30 minutes unless it is a complicated deal where there is a car wreck or other circumstances. He said they try to get people loaded and transported as quickly as possible. Councilor Stephens asked what it would cost to be air lifted. Mr. Scudder said he understands it costs about \$48,000. Councilor Gonzales said he understood at one time there was an agreement with the hospital where they would pay a certain amount for the third ambulance. Mr. Scudder said previously, yes. He said they stopped doing transfers in about 2008. He said when they did that they were at the 22% collection rate. He said they could not afford to do it any longer. Bob Litton said he had been flown to Odessa twice. He said it started at \$40,000 and went up.

He asked to what extent Fort Davis, or Jeff Davis County got involved with the hospital and our ambulance services. Mr. Scudder said the only thing he knew was that they got involved with emergency calls from Jeff Davis County. He said they had an ambulance and an emt and they have a very good system over there. Anita DeVries asked if there was a possibility that there could be a shuttle service to save the costs and some time. Mr. Scudder said the only time that has been done is if there was a vehicle problem and you had to switch over. He said it would probably take more time to switch over and brief the crew on that patient, move them over and then get going. He said the best solution is to stay with the same ambulance all the way to the destination. Anita DeVries said if they are not available that is not an option. Mr. Scudder said it is in the early stages to see about transporting with ground ambulance again. He said just like everything else, it comes to financial support and getting personnel. He said it has become very expensive to operate. He said we need to find out the new regulations as to what qualifies an ambulance and personnel to go by ground. He said it is a delicate balance. He said if the air ambulance does not have enough business, they will not stay here. He said if there is not enough business to support the ground transport it would not be financially feasible for them. He said they are having to share. He said previously a lot of the patients that they took were patients going to rehab facilities to nursing homes that were outside the city. Councilor Salas said we did not have the resources that we have now in 2008 and didn't Mr. Scudder think that we could do this more easily with the current resources. Mr. Scudder said back then air ambulances were not used as much as they are today. Councilor Salas asked if there was an air ambulance service in Fort Stockton. Mr. Scudder said there was a helicopter. Councilor Stephens said we are probably not the only community that is having this issue. He said this would probably be a good topic for a workshop. Mayor Rangra said this is a serious matter. Mr. Scudder said this was kind of in the early stages. He said he knows that this has come up over the years and it has leveled out but it is a concerning issue and of course anything they can do to try to find out the information and work forward from that is something that needs to be done. Mayor Rangra said he needs to talk to our State Representative, Pancho Nevarez, concerning this. Councilor Salas said she did want to thank Mr. Scudder for his dedication. She said she knows those hours are long.

- C. Alpine Municipal Court Quarterly Readout. (E. Zimmer, CM) – Judge Trook was present. She said this was a spring housekeeping for the court and one had not been done in 19 years. She said the numbers are larger than you might expect. She said they have had a great deal of help from a great number of people. She said when you look at approximately 3,300 cases, it is difficult at first to see what patterns are

there. She said at this point we have a plan. She said she has several people assisting her. She said what we did was not only get rid of cases that no longer made sense to her in the data base but she wanted to be able to keep the cases under control. She said the Clerk of the Court has been particularly invaluable because she is the one who actually inputs all the data and it is the details that really matter. She said Gloria is at the present time dismissing 2,741 cases and as they disappear, Judge Trook said she could see patterns that were never clear before. She said these cases no longer offered any redeeming characteristics. She said these cases exceeded the statute of limitations and were not collected on, lacked sufficient documentation, and other issues. She said the reason that could not be done a long time ago is because the computer software did not allow us to ask the questions for those three conditions. She said the City Manager got the software people to do a special query so that we got the answer we needed to have. She said if we can get these cases down to the ones that are in the right process, we can then do what can be done to make the process work. Judge Trook then talked about slide three, which she said was designed by Councilor Stephens, who she said had a fine ability to turn words into clear pictures or images. She said this chart shows what tools the court has. This chart described the process from when a citizen receives a ticket or a complaint. She said one of the tools is warrants. She said Scofflaw is what is mentioned on the chart and she would ask the Council and the city to let the court use Scofflaw as a tool. She said right now they have Omnibase. She said Omnibase is where if you do not respond within 10 days you are put into a database called Omnibase. She said the City is charged she believes \$6 for that. She said there are different charges. She said basically you cannot renew your driver's license if you are in Omnibase. She said Scofflaw is a slightly more constraining Organization. She said the City would have to work with the County on this. She said we also have tools such as Police Officers to issue warrants. She said if we have a range of tools to use we will have a reason to do something about things. She said there were too many cases to administer in a logical way. She said the result is called a judgment. She said the judgment needs to be enforced. She said Scofflaw is the only tool that we do not have in place. Councilor Gonzales said we are talking about several things. He said we are talking about traffic tickets and tickets because you did not cut the grass. He asked her if Omnibase could be used on that item. He thanked her for the work that she has done and Councilor Stephens and everyone else that has helped. Councilor Stephens asked if the Council needed to take action today concerning Scofflaw. Judge Trook asked if it would be helpful for her to make a request in writing that showed exactly what Scofflaw requires so that we would have an analysis.

SUMMARY

- **2741 Pending Cases Dismissed**
 - **Exceeded Statute of Limitations**
 - **Lack sufficient Documentation**
 - **Other Issues**
 - **Significant Actions required by Court Clerk to Update the Case Management Database**
- **602 Cases Remain in Backlog**
- **Process and Flowchart Established for Managing Case Backlog**
- **Plan to Use Scofflaw and Other Tools to Ensure Fines are paid and Court Ordered Actions are Complied with**
- **Will ask for a Workshop to include court, City Police, Code Enforcement and Others in the May/June timeframe**
- **Thanks to the City, Council and Citizens for their support**

D. Income Statement, Budget Variance and Specific Activity Reporting. (E. Zimmer, CM) - City Manager Zimmer said this information was in their packets. He said Sales tax is at 52% and our water revenues are at 49%. He said gas is at 70%. He said wastewater and sewer expenses are at 36%. He said we have a couple of large bills that are outstanding plus we will have funding of the SEP project that we will do as related to our TCEQ enforcement action. He said those dollars are all budgeted this year. He said we actually have a little over \$400,000 in the bank. He said both the water and gas are strong. He said he just wanted to touch base with the council on this. Councilor Bermudez asked if the County was going to help the City pave our streets. City Manager Zimmer said the County is going to pave 7th Street between Sul Ross and Avenue B, but as far as long scale paving for the City, right there, there is not, anything firm in place. He said he talked to Frenchie. He said it is one thing to say you will help and another to take action. He said his goal is to get a fully staffed contractor's team. Councilor Gonzales wanted to know if the disbursement from the gas company was included in the total revenue. City Manager Zimmer said that was part of the revenue. Councilor Gonzales said we sold some property and wanted to know where that money was going. City Manager Zimmer said that was in the general fund under optional. Mayor Rangra asked how much the total for sales tax was this year. City Manager Zimmer said he thought it was \$710,000.

E. Affidavit Required when abstaining from a vote, stating reason or Conflict. (E. Zimmer, CM). – City Manager Zimmer said at the last meeting we had an abstention from the vote. He said he thinks it is an important topic. Barbara Quirk said if a Councilmember has a substantial interest on property that could affect the vote they file an affidavit before the Council vote and that they abstain from the vote. She described the specifics of the affidavit. She said it really needs to

be filed before the Council meeting. She talked about other Conflicts of Interests statements. Councilor Gonzales if the affidavit was a form that you filled in when you were sworn in. Barbara said if you already have a form that has been filed for that particular kind of conflict, that may be the case. Councilor Gonzales asked for a copy of the form and Barbara said there should be one in the packet. Councilor Gonzales said he would like to see the sections of the government code where these were required. Barbara said she would send them to the council. Councilor Stephens said he went ahead and signed an affidavit even though he did not have a substantial interest. Barbara said she would research that as well. Barbara said she wanted to make sure that the Council knew that the Conflict of Interest Statement was a different statement than the affidavit. Councilor Bermudez asked the City Secretary if there was a form that was filed when they were elected. The City Secretary said when they were elected they filled out a Statement of Elected Officer but later on they filled out a Conflict of Interest form and it was kept on file. Mayor Rangra asked if a Councilman went ahead and voted after announcing a conflict, what would that do to the vote. Barbara said if a person abstained and if their reason was not because of a substantial conflict, they do not have to fill out an affidavit. Anita DeVries asked what the consequence was if a person did not submit an affidavit for the conflict. Barbara said it has to do if the vote made a difference or not. She said she would have to advise the City Council about that in Executive Session. Manfred Fritsche said in the audit report it talks about this. The City Manager said this is something that the auditor will look at as well. Councilor Stephens filed an affidavit concerning an airport lease so that his actions would be transparent for the city. Kevin O'Cuilinn said if there was a councilman who has participated in the writing of the airport lease and who has stated that he is going to build two hangars, one of which will be rented out for profit and wanted to know if that would be a conflict. Barbara said from what she heard she did not believe there was a conflict.

- F. Discussion on current operation and sponsorship levels for 2015 Labor Day Balloon Bash in Alpine. (E. Zimmer, CM) – City Manager Zimmer said the Balloon Bash has been a very picturesque event here in Alpine, annually. He said Mr. Ken Clouse, has spearheaded that event and put a lot of time and effort into it for the past years. He said it has gotten to the point where he has had to put quite a bit of his own money into this event. He said the sponsorship levels are down and he is ready to hand over the reins to someone else. He said the Chamber has viewed that as an event that they could pick up but they are not willing to take it on fully this year. He said they need some transition time. Stewart Ramser and the City Manager have batted around different ways to keep that event alive this year but there does not seem to be any financial options that seem appropriate in his dialogue with Stewart. He said instead of

letting the thing die, he wanted to make sure that we had some dialogue with the City Council since this is an important event. He said a lot of our photo contests are showing that. He said we have put together some advertising packets advertising it for Labor Day this year. He said the sense that he is getting is that the Chamber will pick it up for the 2016 cycle but most balloonists are going to charge the event about \$1,000 to come down for the week. He said that is a typical fee. He said typically you have sponsors who will pay all or a portion of that fee to sponsor the balloons. He said it takes a lot of effort and energy to bring these balloonists in. He said he really wanted everybody to be aware. He said Stewart and he looked at it a couple of ways but did not feel comfortable from a funding aspect. He said obviously it is a bad time for the city with all the work we need to do on the roads and things of that nature to fund it out of the General Fund. He said this last year we only had 9 balloons. He said if we could get 16 to 20 balloons it would be a more healthy event. He said there are a lot of sponsorship activities in Alpine and a lot of our businesses get hit up for funds all the time. He said there is only so much that they can spend out of their budgets. Mayor Rangra said he sponsored this event for a couple of years. He said it was a good thing and he hoped that we could find ways to continue the event. Councilor Bermudez wanted to know if we had already allocated any money for the event out of hotel/motel taxes. The City Manager said we had allocated advertising dollars in the amount of \$5,000. He said this was not for the payment of balloonists. He said if we upped the allocation out of the hotel fund, that would help but we would be paying for the balloonists which would be an inappropriate activity out of the fund. He said we do not want to go down that path. Councilor Bermudez said she wanted to know what was going to happen to that five thousand dollars. City Manager Zimmer said it would go back into the hotel/motel funds. Councilor Gonzales said a lot of it is that the balloonists are basically paid to come. He said they pay for their hotels and their meals and their gas to come. He said he thinks \$1,000 is marginal. He said he thinks they probably cost a lot more. He said he did not know if we wanted to use hotel/motel tax to do that. Councilor Stephens wanted to know if Ken wanted to get an effective transition going. City Manager Zimmer said he did want to do that. He said he thought Ken spent a little over \$5,000 out of his own business last year and he said he understood his position. He said Ken works hard and then has to kick in money out of his own business. Councilor Stephens asked when Ken was going to make a decision. The City Manager said this month, since you have to start lining up balloonists. He said there are all kinds of rallies that start around Labor Day and go into October. He said all of the balloonists are trying to find events to go to from September to the latter part of October. Councilor Salas said at one time did we have someone donate propane for them. City Manager Zimmer said he

thinks over the years that has been done. Mayor Rangra asked if it was final that they were not going to have the event this year. The City Manager said right now we do not have anyone to step up and run the event. The gap in sponsorship dollars makes the Chamber hesitant to take it on this year. He said he thinks the Chamber would work with Ken to produce the event this year but Ken is not willing to pay for all of the needed funds out of his own pocket. Mayor Rangra said maybe after this long discussion someone will come forward and help to sponsor this event. Joseph Goldman said he presumes that someone has gone to the hot air balloon society and talked to them about getting on their circuit. City Manager Zimmer said that is what Ken does and has done in the past. Mr. Goldman asked if Alpine had ever been a meeting place. The City Manager said to his understanding, Alpine has not. He said there are a lot of different groups out there and different associations. Joseph Goldman said they do it based on different environments. He said our environment is what is called high plain desert. He said they might be interested in our area. Councilor Goldman said he understood that there was a problem with the balloons taking off and where they were landing. He said he thinks some of the ranchers did not want them to land on their property and so they had to go to another place to launch and they had other problems like that. He said they also had problems with the chase vehicles and they were being restricted as to where they could go. He said that was a problem too which caused discouragement. He said there are a lot of things to work on.

Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to) 10 per meeting.) (Citizens are allowed to comment—limited to 3 minutes – after being called upon by Mayor)

9. Discuss and Consider approving Resolution 2015-04-07, regarding pricing for City Pool fees for FY 2015 as required by Code of Ordinances Sec. 74 -77. (E. Zimmer, CM) – City Manager Zimmer said this does require Council approval on the fee structure. He said the only minor change that we are recommending from this year is on the family rate. He said it is \$50.00 for families up to five members and \$75 for families of six or more. He said the pool is an important asset and we really try to keep the fees low. He said it is a great time for the kids and it gives them something to do. Motion was made by Councilor Bermudez to approve Resolution 2015-04-07, regarding pricing for City Pool fees for FY 2015 as required by the Code of Ordinances Sec. 74-77. Motion was seconded by Councilor Salas. Motion carried unanimously.

10. Discuss and take action on recommendation from Airport Advisory Board on location of Hangar Pad for Mr. Marbert Moore. (E. Zimmer, CM) – City

Manager Zimmer said included in the packet were the minutes from the April 7th Airport Advisory Board Meeting where they recommended the space assignment for Marbert Moore who is planning to put in a new hangar at the Airport. He said we included visual representation of that. He said we are asking for approval of that. Motion was made by Councilor Stephens, by Resolution 2015-04-08, to approve the recommendation from the Airport Advisory Board on the location of the Hangar Pad for Mr. Marbert Moore at the Alpine Municipal Airport. Motion was seconded by Councilor Salas. Motion carried unanimously.

11. Discuss and Consider use of monies from the land auction and final disbursement from the Gas Company. (E. Zimmer, CM) – City Manager Zimmer said we had discussed earlier using the proceeds from the land auction and final disbursement from the Gas Company to make repairs at the Airport and Parks work. He said we received about \$17,442 from the land sales and we also received a final distribution from the gas company in the amount of \$65,500. He said we put that in a reserve fund for Airport rehabilitation effort. He said we are looking at spending on crack remediation this summer a total cost of \$150,000 to \$250,000 and we are responsible for 10% of that amount. He said that would be somewhere between \$15,000 to \$25,000 this summer. He said the final fix will be somewhere over 3 million dollars so our 10% of that will be \$300,000. He said we continue to build up that fund to pay for that. Motion was made by Councilor Fitzgerald, by Resolution 2015-04-09, to approve the use of monies from the land auction and final disbursement from the Gas Company for the crack remediation at the airport this summer, as our 10% portion of the cost as requested by the City Manager. Motion was seconded by Councilor Gonzales. Councilor Gonzales said he also noted that the City is considering selling other assets such as automobiles and equipment and other property and asked if that was included in these funds. City Manager Zimmer said not at this time because there is not an actual dollar amount for that yet. He said he just wanted to call out what our strategy was. He said once we have the auction for the automobiles etc. we will make the declaration on what that dollar amount was and with that declaration we will request to move those monies into the Airport reserve fund. Mayor Rangra asked about the gas company disbursement since it was from the enterprise fund. He asked if the enterprise fund could be used for the Airport. City Manager Zimmer said the distribution was based on an asset that was owned by the City and the transaction was a transaction with the City. He said the dollars could be distributed to the City and not to the Gas department. He said Megan has talked to Marlene with our auditors about the use of those monies. Mayor Rangra said that is great. Manfred Fritsche said this money is going to the Airport as he understands it to take care of maintenance out there. He said “how about streets?” He said that is the complaint that he hears most about, the condition of our streets and maybe we should put the funds in there. Motion carried unanimously.

- 12. Discuss and take action of proposed fee structure to include a monthly retainer fee for City Attorney Mick McKamie. (E. Zimmer, CM) - Mayor Rangra asked if this would be for Mr. McKamie or for the firm. City Manager Zimmer said it would be for the firm. City Manager Zimmer said post discussion from the March 17th meeting, there was a request to go back and really analyze what we spend with the City Attorney and compare that to a retainer fee. He said he provided the Council with an analysis on that. He said his recommendation stands that we continue to contract with Mr. McKamie's firm using the straight hourly rate instead of the retainer rate. He said the retainer rate would increase our rate for 16 hours by about 18.9 percent. He said his recommendation would be to take no action and to continue to utilize the McKamie firm in the same hourly fashion. Motion was made by Councilor Stephens to take no action on this item. Motion was seconded by Councilor Gonzales. Motion unanimously carried.**
- 13. Discuss and Consider payment of Commonwealth Housing Project Related billings from McKamie Law Firm. (A. Rangra, Mayor) – Mayor Rangra said the reason he put this item on the agenda was that the billing for this item was in January, February and March. He said most of the billing resulted from his not having signed the resolution that the Council had not seen. He said emails were exchanged between him and the City Attorney and all of the Council has copies of those emails. He said in one of the emails he said he hoped the emails did not cost the city any money. He said he did not receive any comment from the City Attorney on that. He said for him not to sign the resolution which the Council did not see, he felt was the right decision. He said we have now settled the bill which was about \$1,000. He said he wants the public to know and it is a council decision. He read some of the items on the billing statement from City Attorney McKamie's firm. Mayor Rangra said to him, that was not reasonable. He said he believed Mr. Ash should have paid for these costs. Mayor Rangra said to him the taxpayers should not be saddled with this bill. He said those are the issues that he is concerned about as a Mayor and taxpayer. He said this is a problem. Councilor Bermudez asked why Councilor Gonzales did not ask Molly or Erik to get the documentation discussed earlier from Barbara so that we would not be charged. Councilor Gonzales said Barbara said she was going to send it now but he thought Barbara should have sent it to begin with as back up. Councilor Gonzales said he does not have a problem, he could look it up himself. He said it was not directed on the agenda as to where he could find this information. Councilor Salas said the billing that took place refers to action that was taken on the vote that the Council made on the only Resolution that was in our packet at the time that we voted on it. She asked if that was correct. She said there was only one Resolution that the Council saw but when it was getting ready to get signed there were three different resolutions and a different resolution that was presented to the Mayor. She said the billing and paperwork and process for the Attorneys started with the vote that we took on the Resolution that was in our packet to**

guide us in what to do with Commonwealth. City Manager Zimmer said he would answer that no. He said there was an initial Resolution in the packet. Councilor Salas said and that was the one that we voted on. City Manager Zimmer said there was an update to that Resolution and then during the course of the meeting there was a change requested by Mike Ash. He said when Councilor Fitzgerald made the motion he included Mike Ash's request in the Resolution. He said the request was to update the request in the Resolution. He said this has been a normal request in the time that he has been here in Alpine as City Manager. He said he thinks Councilor Stephens has pointed out that in his tenure as a City Councilman the majority of the Resolutions have been updated as well. Councilor Salas said so basically the charges that the attorney's are charging us for are Resolutions that we had already discussed and were going to put in place. Barbara Quirk said it was her understanding that the Resolution as it was passed by the Council upon the motion of a Councilmember, as reflected in the minutes, needed to be updated, to reflect the vote of the council. She said amending a Resolution is normal for Councils. She said some of the entries on the billing statement had several items for projects all lumped together in them. She said the billing for the individual correspondence is part of how the firm always bills. Councilor Salas said the work the McKamie's firm did was for the Council and it came from the Council to put things in place. Barbara said that was correct and they only work on direction from the Council or the City Manager. Councilor Gonzales said he had a problem with a citizen coming to the Council and telling us what he wants without us having the item on the agenda. He said what we voted on was in the booklet. He said the one that was presented to the Mayor was entirely different. Councilor Stephens said there is a lack of clarity here. He said he believes we voted on what Fitz proposed which included the request that Mike Ash had made. He said he is seeing more specific Resolutions now put in our packets so that we can look at them but there is nothing in our documentation that precludes us from amending a Resolution. He said we have some work to do as a Council and he believes the City Attorney did what he thought was correct for this situation. He said he does not spend any more money than we have to but he thinks if we put our City Attorney in a situation about what was said or not said he thinks or attorney fees will go up or we will have to put everything specifically in writing and cannot make any changes. He said he does not think that is how we should operate the city. Councilor Bermudez said we are still going back to what we voted on. She said the City Attorney told us we could revote on the issue. She said she was thinking she was voting on what was in the packet. She asked why we were going over this again. She said Mayor Rangra is saying that he did not sign the Resolution because he did not believe that was what the Council voted on. Mayor Rangra said he was not defending himself but none of the Council had seen the third document. He said this Resolution involved money. Motion was made by Councilor Salas to take no action on item #13, concerning the payment of the Commonwealth Housing Project related billings from the McKamie Law Firm.

Motion was seconded by Councilor Stephens. Councilors Salas, Fitzgerald and Stephens voted in favor of taking no action. Councilors Bermudez and Gonzales voted against. Motion carried.

14. Council Member Comments –

Councilor Bermudez – said she did not have anything to say at this time.

Councilor Salas – said she wanted to thank the citizens for joining us. She thanked Mike Scudder for his report, his hard work and dedication. She also thanked the staff and the rest of the council.

Councilor Fitzgerald – had no comment at this time

Councilor Gonzales – said he would like to thank Amit Rangra for the work he does on the Animal Advisory Board. He said he thinks he does a fine job. He said he thinks we have an opportunity to do the right thing. He said we can keep looking back but what we need to do is look forward and try to do the right thing.

Councilor Stephens – said he wanted to thank everyone for showing up at this meeting because there is also an important one going on next door and he thinks the food is probably better over there than here. He said also he would like to thank Amit and Judge Trook and our EMC for all the work they do. He said he thinks we have some great services and it is great to get all of those reports. He said it is very helpful for everyone in the community to know what is going on. He thanked Erik for his presentation about the Airport. He said he learned a lot about the asset that we have and we can make it even better. He said we have tough issues in this city to work through and when we get ready to go through the summer budget cycle he thinks it will be very important for us. He said the last thing he would like to say is for everyone to go out and vote.

Mayor Rangra – said we have better “food for thought” over here. He said he wanted to welcome Martin Benevich as the new owner for KVLFF. He thanked everyone for coming.

15. Executive Session –

16. Action After Executive Session –

17. Adjournment – Meeting was adjourned upon the motion of Councilor Bermudez and seconded by Councilor Fitzgerald. Motion unanimously carried.

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code,

Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).

I certify that this notice was posted at 3:00 P.M. on April 17th, 2015, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Dr. Avinash Rangra, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 3:00 P.M. on April 17th, 2015, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary