

**City of Alpine  
Regular City Council Meeting  
Tuesday, August 18th, 2015  
5:30 P.M.  
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flags – Mayor Rangra called the meeting to order. Virginia Nabb said the invocation. 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 Antrim, Salas, Gonzales, Fitzgerald, and Stephens were present. The meeting notice had been posted at 2:30 P.M. on August 14th, 2015. City Manager Zimmer and City Secretary Taylor were also present.**
  
- 3. Presentations, recognitions and proclamations –**
  - A. Special presentation to Ray Hendryx. (A. Rangra, Mayor)  
Mayor Rangra presented a key to the City of Alpine to Ray Hendryx.**
  
- 4. Reports –**
  - City Mayor’s Report - (A. Rangra, Mayor) – Mayor Rangra said he met a family at the coffee shop and the man’s father was a superintendent at Big Bend National park. He said his father had many photos of this area. He said he was going to write a book about Alpine. Mayor Rangra also said during the first week of this month, he attended the West Texas Legislative Summit in San Angelo. He said that gives you a glimpse as to what will be happening in the state. He also said there was talk of raising the sales tax to raise 17 billion dollars. He said it would be used for education and roads. He said we would be able to indicate where we would like to use the money. He also said he met Mrs. Grindstaff who is the director of the South Orient Railroad. He said the South Orient will start service in Alpine again after they rehab the track. He said there will be regular service to Presidio. He said they will haul sand, steel and oil. Mayor Rangra also said there was a dedication of a Field House at Sul Ross. He said it was well attended and that we need to promote Sul Ross. He also attended the Brewster County Appraisal District Board meeting and gave the council the budget that was passed.**
  - City Manager Report – (E. Zimmer, CM) – City Manager Zimmer gave the following report:**
    - Police**
      - Recent table-top training exercises with Hospital and School District**

- Upcoming training in September on Firearms and Dog Encounters
- Preparing for new school terms at AISD and SRSU
- 528 Service calls in July, 51 of which were 911
- Animal Control
  - Animal Advisory Board met on August 3<sup>rd</sup> to start plan on Ordinance review
  - 125 Animal Adoptions to date
  - 31 transfers to other rescues
- Code Enforcement – Building Official
  - Current Cases: 61
  - Abatement percentage: 70%
  - Patsy McWilliams helping with the high weed violations
  - Court cases pending for August: 22
  - New home Permits: 9
  - 2015 permits to Date
    - \*Building 55, Plumbing 103, Electrical 80, Moving 15, Signs 7
- Public Works
  - Paving of Sul Ross and side streets along that route Underway
  - Seal coat around Courthouse scheduled for tomorrow
  - Weather continues to be good for environment, but challenging on paving schedule
  - Remediating potholes during delays
  - 0-2 year old playground area at Kokernot Park progressing. Planning on pouring concrete later this week or first of next week.
  - City Pool scheduled to close the end of this week.
  - Other parks continue to get great vegetation growth with rain.
  - Friends Group continue to volunteer some time at Baines Park.
  - Keeping up with equipment maintenance critical for team in the field to succeed
- Gas Department
  - TMLIRP will be out for annual inspection on August 27<sup>th</sup>.
  - Texas Railroad Commission audit scheduled for week of September 14<sup>th</sup>, 2015
  - 811 Awareness day last Tuesday
  - Gas “turn-ons” increasing with SRSU coming back to town.
- Water Department
  - New water tap applications continue to increase
  - Remediating leaks across town weekly
  - Lawrence working on update to Drought Contingency Plan
  - New Customer “turn-ons” busy with SRSU students coming

back to town.

- Gearing up for first meeting with EAB Board in September
- Working with Molly on pulling together some of the old studies on Water in the area

• Will also engage the EAB Board in discussion on the DCP

City Manager Zimmer talked about the Income Statement, Budget Variance, and Specified Activity Reporting. He showed charts and graphs. In summary he said all departments continue to manage and review expense budgets on a week-to-week, month-to-month basis. He said we are tracking the budgets relating to Water and the PD most stringently. He said debt service payments were being made in August 2015 to complete this fiscal year obligations. He said the Airports largest month was in July of 2015 with fuel sales. He said the previous quarter was the largest quarter for revenues for HOT receipts and that was an indicator of good late spring/early summer visits. He said Megan and the team continue to monitor consumption/usage of electricity across all departments. Councilor Fitzgerald asked if we would be using the HOT box soon. The City Manager said Hector sent one of his crew members to pick up material. He said we will be using it soon. He also said that we had a visit with TxDot Aviation to see if the HOT box could be used on the cracks at the Airport. He said they were going to look into it. Councilor Fitzgerald also said he heard a rumor about West Texas Gas wanting to buy our gas company. City Manager Zimmer said he also heard the rumor. He said he told WTG, if they were serious, to put the offer on paper so he would have something to take to the Council. Councilor Gonzales asked about the consolidated billing and would that reduce our staff. City Manager Zimmer said it would not reduce our staff but we would have more employees to do other things and redirect their activities. It was discussed that we have auto-pay but not on line bill payment yet. Megan said the water department had already purchased the software for this application. She said paying for gas, water, sewer and garbage will be possible. Mayor Rangra said the public needs to be informed so they will be comfortable using the new system.

#### City Staff Updates – None

5. Citizens Comments (on agenda items) – (limited to 3 minutes) –  
Anita DeVries said everyone on the Council needs to look at their wards. She said Antelope and June now have to mow their roads. She said the Council needs to lead by example. She said there is also brush by the dumpsters and tumble weeds in the alleyways. City Manager Zimmer said the Ordinance is clear as to the citizens' responsibility. He said we have a limited staff, paid for by city funds. He asked if the citizens were willing to take care of their parkways or did we need an additional work force to mow

everyone's alley ways, that we cannot afford to do. Anita DeVries said the parkway is not the roadway.

Manfred Fritsche said the City Ordinance does not pass constitutional muster.

Carl Fleming said he mows his alley and keeps it up.

**6. Public Hearings –**

**A. Public Hearing to obtain citizens views and comments concerning 2015 Tax Year Proposed Property Tax Rate for the City of Alpine, Texas. A tax rate of \$0.5385 per \$100 valuation has been recommended for FY 2015/2016 proposed budget. (E. Zimmer, CM) – Ray Hendryx asked what the current actual tax rate was. Mayor Rangra said it was 0.5385 per \$100 valuation. There were no other public comments.**

**B. Public Hearing to obtain citizens views and comments concerning the proposed FY 2015-2016 Budget which contains proposed expenditures and revenues from the general fund, airport fund, enterprise fund, capital expenditures and tourism/hotel occupancy tax funds. (E. Zimmer, CM) – Joseph Goldman asked if the budget included the five year plan. The City Manager said the five year capital plan is a separate topic. He said you overlay some of the elements into your proposed budget annually. Joseph asked if the sewer system was listed separately from the water. He wanted to know what the status was if we have sewer or plumbing problems that bring the city into the problem. Manfred Fritsche said there is only one thing in the budget that really bothers him. He said concerning the five year plan, there are a variety of projects, two of which are going to come to fruition, concerning the airport reconstruction, rehabilitation and repair. He said he looks at the Airport Budget and there are not funds to fund that. He said the auction proceeds went into the Airport Reserve. He said those funds are not shown in the budget. He said the police department budget is up by \$194,000 and he would like to know why there is such a large increase in the budget. He also talked about the landfill lease revenue. He also addressed administrative fees, and how the amount was formulated. He said the legal fees really bother him. He said they are going to be increased. He said some of the legal fees are ridiculous. Mr. Fritsche expressed some personal feelings against the City Manager. Mayor Rangra said the personal feelings during a public hearing have to stop and that this was not the place for that.**

**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) –

B. Approve Minutes of June 16<sup>th</sup>, July 1<sup>st</sup> Special (3 P.M.), July 1<sup>st</sup> Special (4 P.M.) and July 16<sup>th</sup> Special Meeting. (A. Rangra, Mayor) –

Motion was made by Councilor Fitzgerald, by Resolution 2015-08-06, to approve the consent agenda, items 7A and 7B. Motion was seconded by Councilor Salas. Councilors Antrim, Salas, Fitzgerald and Stephens voted in favor. Councilor Gonzales abstained since he had not been present for the meeting. Motion passed.

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

A. Bi-annual update from Planning and Zoning Commission – Carl Fleming. (E. Zimmer, CM) – Carl Fleming said he was representing the Planning and Zoning Commission and was giving an update. He said the Commission currently has seven members and has a good record of making quorums for meetings. He said this has not always been the case in the past. He said two Commissions have been approved by the Council, one deals with appeals for zoning decisions and one dealing with condemnation appeals. He said except for several rezoning requests most of the Commission's time has been spent on redoing the zoning ordinances. He said the review should be done, hopefully before the next council meeting. He said there are quite a few grammatical errors that need to be corrected. He said at some point, the official zoning map is going to have to be updated. He said the committee is also working on a historic district map and guidelines. He said the next document to be addressed would be the Master Plan. He said he thinks City Manager Zimmer has done a tremendous job in getting our budget in order. He said the Master Plan has to be looked at closely. Councilor Stephens asked about the zoning conflicts and Carl said that would be fixed when the rezoning map was corrected. Mayor Rangra said the City needs to have a comprehensive plan.

B. Code of Ordinances 2-91 – The City Manager shall receive such compensation as the City Council shall fix from time to time by Ordinance and shall furnish such Surety bond as may be required by the City Council by Ordinance, the premium to be paid by the city. (J. Gonzales) – Councilor Gonzales said he wanted to bring this item up because Councilor Stephens wanted to do the right thing. He said on June 16<sup>th</sup> when we did the Executive Session and the Annual Review of

the City Manager, we neglected to put on there that we were going to give compensation and we did not point out where the money was coming from. He said according to the Code of Ordinances, it should have been done by Ordinance and not by Resolution. He said he thinks that we should go back and try to do this and write it up the way it should be, and if it has to be under Executive Session, he does not have a problem with that. He said we do need to correct it to show whomever that we are trying to do the right thing. He said he understands, speaking to the Attorney, that we are a Home Rule city and we have the ability to make rules that are a little more strict than the state rules as he pointed out once before. He said the Code of Ordinances says we are to create an Ordinance for the compensation and asked the City Attorney if she agreed with that. Barbara Quirk with the City Attorney's office said that was correct. Councilor Gonzales asked if the City Attorney's office would have a problem if we went ahead and put it on the agenda to do this. Barbara said we could put it on a future agenda and adopt the Ordinance and you can make it retroactive. Councilor Gonzales said since we are paying to get the agenda's checked why wasn't this taken by the attorney's to find out whether it was correct or not. Barbara said the Annual Review was on the agenda and the fact that there was going to be discussion of the pay level was simply a part of the annual review. She said it was not a separate item at that time. She said that item was allowed because it was part of the Annual Review. Councilor Gonzales said the Annual Review was the only part that was listed on the Executive Session. He said it did not mention anything about salary or compensation, or car allowance or anything like that. Barbara said that is correct but at the time when the item came up the issue was the annual review can include discussion about salary and also the Executive Session allows discussion of value in accordance with discussion about a personnel item and that is why it was allowed to proceed at that meeting. Councilor Gonzales said he had a problem because it was mentioned that his review of this is costing the City money because we are asking the lawyers to give us an opinion on it and apparently there was no opinion, yet we did get charged for that. He said he has a problem with the fact that we got charged for it but it was not the correct information. He said he did not agree with Barbara that just because it says that we are doing a review means that we are going to give money. He said a review would say, yes he is doing a good job or no he is not doing a good job and then you can move on and say anything about compensation. He said that is important and where the money comes from is also important. He said he is thinking that in the future we need to look at that a little closer and know that we do have a City Charter that needs to be followed. He said basically we made our own rules that are more than the state's because we are a Home Rule City and we can do that. He said "Is that understood?" to Barbara. Barbara said she certainly agrees that at the time that issue was

something that she considered at the time. She said she looked into whether or not the city could do what they did at that meeting and it was fine the way they did it but she does agree that this Ordinance says that it needs to be done by Ordinance. Barbara said they were not aware of this City Code section and she was not aware far enough in advance of that meeting to where that would have been brought to her attention that this was something that she needed to look at. She said that does happen and there are some city sections out there that the City Attorney office is not aware of and also since you were dealing with a contract for the City Manager. He said typically when you have a contract, the contract is what governs how you determine the compensation for the City Manager and that was her main concern in looking at that item. Councilor Gonzales said the contract says one thing but the City and its' rules say an entirely different thing so she agrees with him that it does have to be an Ordinance? Barbara said she agrees with him that it does need to be an Ordinance according to that City Code section but she was not aware of that City Code section at the time of that meeting and unfortunately that was not something that she was aware of enough in advance or she would have had an opportunity to research that. She said they did not actually research that before that meeting and they did not charge the city for researching it either. Councilor Stephens said he would be happy to draft the Ordinance or Councilor Gonzales could draft it and we can bring it back to the next meeting. Councilor Gonzales told Councilor Stephens that he could go ahead and do that. Councilor Salas asked when the Ordinance was originally drawn up. Councilor Fitzgerald said in 1978, 37 years ago. Councilor Salas said it is just now coming up. Councilor Gonzales said like he said once before, when we changed the amount of money that the manager could move, if we do not like these rules then we have the ability to change it and he suggests that if we don't like this one, we change it. Councilor Fitzgerald said he does not see the problem, nothing changes. Councilor Gonzales said he is not trying to change the Manager's compensation, he is trying to do the right thing. Mayor Rangra said Councilor Gonzales and Councilor Stephens can work this out. He said this is not an action item.

**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 Board and Commission Appointments (E. Zimmer, CM) – City Manager Zimmer said after the last City Council Meeting when he sent out the updated chart, we do have two new appointments in the packet. Motion was made by Councilor Salas, by Resolution 2015-08-07, to approve the Board and Commission appointments of Mr. David Gibson for Ward 5 Parks Board and Tamie Neu**

for the Environmental Board. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

- 10. Discuss and Consider approving Tax Collection Agreement with Brewster County effective October 1, 2015. (E. Zimmer, CM) – City Manager Zimmer said this was a standard contract for the collection of taxes. Councilor Fitzgerald said this was pretty standard and we do this every year. Motion was made by Councilor Fitzgerald, by Resolution 2015-08-08 to approve the Tax Collection Agreement with Brewster County effective October 1, 2015. Motion was seconded by Councilor Gonzales. Motion unanimously carried.**
- 11. Discuss and Consider approving first reading of Ordinance 2015-07-01, amending Ordinance 2014-08-01 and setting the Rules and Procedures for the City Council meetings. (N. Antrim and R. Stephens) – Councilor Stephens said they had made the recommended changes from the feedback they had received about putting the comments at the action items so people could comment on each action item. He said this is the first reading of this ordinance. Motion was made by Councilor Stephens, by Resolution 2015-08-09 to approve the first reading of Ordinance 2015 - 07-01, amending Ordinance 2014-08-01 and setting the Rules and Procedures for the City Council meetings. Motion was seconded by Councilor Salas. Mayor Rangra asked a question about Section 23-21 “meetings”, it states that if any of the five council members present cannot attend the next day to reconvene, if the meeting goes past 9:00 P.M., his concern is to have a quorum. He said you need either four councilmembers or three councilmembers if the Mayor is present. He said if there are only four people present, would that create a problem. Councilor Stephens said this was the exact same language that was there before they revised the Rules. Mayor Rangra said he just wanted to bring it up. Councilor Stephens said the changes are 1) change in the comments from the beginning, middle and end to the action items 2) ensuring clarity about a vote to “aye” and “nay” and 3) move the deadline time to get the agenda items in so that we can all do our homework. Mr. Dick Zimmer said the comments will be made during action items and during the public hearings. Councilor Gonzales said the deadline for submissions will now be on Wednesday before the meetings so we are increasing the time that we are doing that by 48 hours more. The City Manager said we are increasing it by the full day on Thursday and one hour on Friday. He said it will be due on Wednesday by 5:00 P.M. Motion unanimously carried.**
- 12. Discuss and Consider approving first reading of Ordinance 2015-08-01, amending the Code of Ordinances “Division 2, Planning and Zoning Commission”, Section 2-201, created; membership; terms and Section 2-202, Chairperson, Vice-Chairperson; majority and Appendix C (Zoning)**

**Section 7, Administration and Ordinance #2012-03-01, by allowing the City Council to appoint an additional two (2) voting members to the Planning and Zoning Commission, creating a seven member board to administer the zoning regulations and make the necessary recommendations as they deem necessary. (E. Zimmer, CM)** – The City Manager said this was the topic of the August 4<sup>th</sup> City Council meeting. He said Molly went through and made the changes and the updates as recommended. Mayor Rangra said he was proud that both of the items have been amended. He said he thinks it was pretty well worded and inclusive. Motion was made by Councilor Fitzgerald, by Resolution 2015-08-10, to approve the first reading of Ordinance 2015-08-01, amending the Code of Ordinances “Division 2, Planning and Zoning Commission.” Motion was seconded by Councilor Gonzales. Councilor Gonzales said in this Ordinance we are not saying who appoints the two at large members. Mayor Rangra said it says that the two at large members shall be appointed by the Council as a whole. Councilor Gonzales said he sees that now. Joseph Goldman said prior to his being on the Planning and Zoning Commission there was a problem of making a quorum. Mayor Rangra said you have to have a majority. He said apparently there was a problem with a quorum and the number was raised to seven. Other provisions were discussed, such as members could be removed by the Mayor with the consent of the City Council. Ray Hendryx said he was confused. He said the present Ordinance already allows the Planning and Zoning Commission to have a seven member Commission, right? The Mayor said yes. Councilor Stephens said this was cleaning up a footnote that was added. Mayor Rangra said 2-201 was only originally amended and not 2-202. He said 2-201 and 2-202 will be replaced by the new Ordinance. Motion passed unanimously.

- 13. Discuss and Consider modifying and standardizing the board and commission ordinances creating the boards and commissions, concerning length of term, appointed by, all members voting, meet how often, live in ward, live in city, # of members, who appoints chair and vice-chair, city secretary or board secretary and # of members needed for quorum. (E. Zimmer, CM)** – City Manager Zimmer said the reason why this item was put on the agenda, every year after the elections, it is always confusing during appointments to try to understand the term lengths and if they have to live in the ward or not live in the ward. He said it would be good if we could standardize this. He said an example is the Airport Board members serve for a one year term and they are the only ones who do not serve a two year term. He went on to describe other differences. He said we want some level of consistency but also keep some flexibility. He said we would like to have more of a standardized approach. He said the City Secretary and he would like to take a stab at this and come back and make some recommendations. Mayor Rangra said the form should be given to the Council every year. Councilor Stephens asked if Erik would like to have the Council input and then the Ordinances could be standardized. Motion

was made by Councilor Stephens to postpone taking action on this and in the interim each council member and the Mayor provide their recommendations to the City Manager and City Secretary so that the ordinances may be changed in the future. Motion was seconded by Councilor Fitzgerald. Motion carried unanimously.

**14. Discuss and Consider any possible changes or modifications to the 2015/2016 City of Alpine Budget following the budget hearing and set a date for the adoption of the budget. (E. Zimmer, CM)** – The City Manager said there are two things we are looking at accomplishing for State Law. He said Barbara Quirk will discuss this with you. Barbara said the State Comptroller requires that the Council take a vote after the Budget hearing. She said since you have had your budget hearing, this evening, you need to take some type of vote. She said most cities do not pass their budget on the same night as the budget hearing. She said you can take a vote to postpone the vote or vote on the budget on another date. She said she understands from the City Manager that the budget will probably be considered for a vote for adoption on the 1<sup>st</sup> of September. She said we could simply make a motion to postpone the vote on the budget to a later date and that will be sufficient but you need to vote on something at this time. Councilor Gonzales said isn't the budget due by September 30<sup>th</sup>? The City Manager said by September 30<sup>th</sup>. The City Manager said what Barbara is explaining is that because we have this hearing this evening the Council does have to take some level of action. The simplest action is to postpone the adoption to a later date. He said we are targeting September 1st and that is the date we had on the calendar. He said we just need a formal motion to do that. Motion was made by Councilor Salas, by Resolution 2015-08-11, to postpone the date for the adoption of the budget to September 1<sup>st</sup>, 2015. Motion was seconded by Councilor Stephens. Motion unanimously carried.

**15. Council Member Comments –**

**Councilor Antrim** – thanked everyone for coming. She said she hated to see people leave early because all of the action items are important. She said she would like to thank everyone who made comments concerning the procedures so they could look at them and reflect the desires of the constituents and she appreciated the comments about the budget as well.

**Councilor Salas** – said she would also like to thank the citizens for staying through the meeting with us. She said she would also like to thank the city, Erik and his staff for a great job. She said we are still in the black and that has not happened for a long time. She said that means that you are doing a good job.

**Councilor Fitzgerald** – said he thinks Erik’s whole team is doing a great job. He did want to mention a point of order, but he did not want to bother Anita DeVries. He said he was wondering what agenda item she was addressing.

**Councilor Gonzales** – said he would like to thank everyone for coming. He said he thinks we had a good meeting and he would like for us to continue to do the right thing, even if the rules are from 1978 or 1976. He said they are still our rules.

**Councilor Stephens** - thanked everyone for coming and apologized to Ray Hendryx for not being able to make his farewell at Kokernot but he thanked him for what he did for us.

**Mayor Rangra** – thanked everyone who stayed for the meeting and told the Councilmembers that he tries to finish the meeting by 8. He said so “bear with me”. He told everyone to stay happy.

**16. Executive Session – None**

**17. Action After Executive Session – None**

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

**NOTICE: The City Council reserves the right to adjourn into Executive Session Purat 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 2:30 P.M. on August 14th, 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.

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Dr. Avinash Rangra, Mayor

Attest:

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Margaret “Molly” Taylor, City Secretary

I, Margaret “Molly” Taylor, City Secretary, do certify that this notice was posted at 2:30 P.M. on August 14th, 2015, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Margaret “Molly” Taylor, City Secretary