

City of Alpine
Regular City Council Meeting
Tuesday, August 16th, 2016
5:30 P.M.
Minutes

1. **Call to Order, Invocation and Pledge of allegiance to the flags** – Mayor Ramos called the meeting to order. The meeting was held in the Council Chambers at 803 West Holland in the City of Alpine, Texas. Reverend Kay Jennings gave the invocation. Mayor Ramos led the pledge of allegiance to the flags.

2. **Determination of a quorum and proof of notice of the meeting** – Mayor Ramos, Councilors Antrim, Salas, Fitzgerald, Escovedo and Stephens were present. There was a quorum present. City Secretary Taylor said the meeting notice had been posted at 1:45 P.M. on August 12th, 2016. City Manager Zimmer and City Secretary Taylor were also present.

3. **Presentations, recognitions and proclamations** –
 - **Recognition for Eve Trook, on work done in Alpine Municipal Court. (R. Stephens)** –Councilor Stephens read a proclamation for Municipal Judge Eve Trook in which he praised her for her dedicated work, leadership and commitment for the City of Alpine. He said the term of the Judge is the same as the term of the Mayor.

4. **Reports** –
City Mayor’s Report - (A. Ramos, Mayor) – Mayor Ramos said Judge Trook did a good job of reorganizing the court. Mayor Ramos said it was time to make a change with the new administration coming in. He said that was his call and that was in the City Charter. He said he had started his training and had already been to Andrews for training. He said basically they talked about the issues concerning our community. He said we all have the same issues - streets, sewage, water, litter, infrastructure and things like that. He said he got a lot of great ideas there and it was well worth the drive to Andrews. He said Wednesday he will drive to San Antonio to attend the TML new officers training.

City Manager Report – (E. Zimmer, CM) -
City Manager gave the following report.

- **Monthly Financial Report**
 - Through 10 Months or 83.3% of year
 - Line item 0102-0518 Set up for Road Project with Jarret Dirt Works – \$457,541.07
 - Represented in both the General Fund and Gas Department results this month
 - Megan continues to work on completion of “Due-To” “Due From”

transactions we reviewed last month – Impacting Specified Activity Reporting

- **On track to make budget commitments with all departments for this fiscal year**
- **City Manager Zimmer showed the Council a spreadsheet indicating YTD October 2014 through September 2015, General Fund Revenues, Expenses and Net Income, Water, Sewer and Sanitation Revenue, Expenses and Net Income, Airport Revenue, Expenses and Net Income, HOT Revenue, Expenses and Net Income, and Gas Revenue, Expenses and Net Income. He also showed the Council Graphs showing GF Results YTD, W/S/S Results YTD, Airport Results YTD, HOT Results YTD, and Gas Results YTD. He said Ad Valorem Tax was at 100%, City Sales Tax was at 92%, Muni Court Revenue was at 70%, Code Enforcement Revenue was at 64%, and Pool Revenue was at 121%. He said we anticipate an additional \$80K to \$100K on Street Materials this fiscal year. He said Water Revenues are at 80% and recent rains will curtail usage. He said the main focus in this department is project planning and completion related to: Aerators at WWTP, Sludge Remediation, SCADA upgrades, Dewatering Project, Sewer Cameras and Equipment Rehabilitation. He said the infrastructure continues to be prone to leaks. He said there were no major changes from last month. He said hunting season will drive heightened/steady usage from September through November. He said Lochner Engineering is executing on project intervals related to \$3.2M rehabilitation project. He said Stewart would present Viva Big Bend results and feedback and that Holiday Inn Express and Hampton account for 55% of the revenues to date. He said we are at 87% of annual target. He said under Gas the equity transfer represented in the results is a major curvature in the trend line. He said we have continued work on leak remediation and steel pipe replacement initiatives. He said we will address budgeted vehicle purchases this month.**
- **Quarterly Investment Summary – City Manager Zimmer discussed the Quarterly Council Report for the FY 2015/2016 3rd Quarter Investment Report. TexStar, TXClass – Capital Improvement, TXClass – Airport Reserve, TxClass – HOT Reserve and VIRTUS were discussed. The City Manager said this report was necessary for the quarterly report in alignment with our City Investment Policy. He said this is also in compliance with the requirements mandated in the Public Funds Investment Act – Chapter 2256. City Manager Zimmer said we are paying down debt at a very rapid rate.**
- **RFP Gas department Vehicles – City Manager Zimmer said this was from line item 0658-9800 of Fund 08 where we budgeted \$60K this year. He said the RFP Request was published in this week and next weeks' papers. He said we also delivered the notice to all dealerships in close proximity. He said we are targeting the purchase of two**

vehicles as indicated in the August 4th budget workshop. He said visibility to the Council is important due to the higher nature of the cost of these items.

City Manager Zimmer said we do have a couple of guests here this evening that he would like to introduce. He said these guests are Mr. Omar Martinez and Mr. John Tabor. He said both of them are from our RGCOG, the Council of Governments. He said Omar is focused with the Far West Texas Water Planning Group and that is something that is near and dear to us as we continue to work back through our initiatives on water, we have not got a liaison and we can speak to him directly. He said Omar is based out of El Paso but certainly will travel. He said John is born and raised here in Alpine. He said he is sitting next to his former scout master, Dick Zimmer. He said John's focus will be on Economic Development. He said a vision plan will be coming from UTSA and John will be able to provide us with some regional support. He said these are two faces that you will see more and more often. Mayor Ramos said that was a good report.

City Staff Updates – None

5. Public Hearings – None

6. 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 Council Minutes for July 11th and July 19th, 2016. (A. Ramos, Mayor). -

Motion was made by Councilor Salas, by Resolution 2016-08-06, to approve the Council Minutes for July 11th and July 19th, 2016. Motion was seconded by Councilor Antrim. Motion unanimously carried.

7. Information or Discussion items –

A. Viva Big Bend Financial Update with Stuart Ramser (E. Zimmer, CM) – City Manager Zimmer introduced Stewart Ramser, the City's tourism director. He said Stewart has done a tremendous amount for the City. He

said Stewart started Viva Big Bend 5 years ago. He said Stewart has a great presentation for us this evening and even a couple of videos. Stewart said this is the 5th year of Viva Big Bend and it is really going well. He gave some basic information about the event. He said they have 2,500 to 3,000 persons per day. He said it takes place in Alpine, Marfa and Ft. Davis. He said there are all types of music and it is a very diverse festival. He said we have about 12 different venues. He said there are 50 bands. He said all of the shows are in businesses. He talked about his magazine, Texas Music magazine. Stewart showed a promotional video for Viva Big Bend. He said the crowds seem to increase every year. He said as far as attendance goes, we draw very well from Austin, Houston, Dallas, and El Paso as well. He said we have people from out of state and out of the country visitors as well. He said the ages are very diverse. He said the HOT benefit would be around \$16,000. He said visitor expenditure would be about \$700 per person for the out of towners'. He said that would be about 1.3 Million total. Stewart showed media coverage for Viva Big Bend. City Manager Zimmer said what is neat is the event spans 4 days. He said that is 2,400 hotel room stays. He said it is beyond just the City of Alpine, it is regional. Mayor Ramos said Stewart did a great job. He said the crowds were pretty mild mannered. Councilor Salas said she liked the shuttles that were set up. She said sometimes you cannot get in because of the crowds and have to wait until one or two leave. Stewart said he knew it was frustrating for people who had to wait, but everyone needs to try to get there early enough to get a seat.

- B. Discuss and Consider actions relative to the Brewster County response to the five items the City would like to work on jointly with Brewster County. These items were approved by the City Council on January 19, 2016 and discussed at a subsequent County Commissioners Court meeting. The County liaison (Commissioner Pallanez) presented the City Council with the responses on July 19th, 2016. (J. Fitzgerald) – Councilor Fitzgerald said at the last meeting Commissioner Pallanez presented the Council with the minutes of the meeting where he and Councilman Gonzales presented the items to the Court. He said they took those and looked at those. Councilor Fitzgerald said he wrote a letter to Judge Cano to request that the Commissioner's Court come up with a list of talking points but that is still in process. Councilor Fitzgerald said apparently there is a gentleman's agreement where the County does not ask us for contributions for the jail and we do not ask them for contributions for the Airport. He said the City Manager requested something in writing since no one knew about this. Councilor Fitzgerald said he went to the County Attorney and he explained that was not in his purview of activities. He said the County Attorney is different from the City Attorney. He said the County Attorney is strictly a prosecutor. He said according to the minutes Commissioner Ortega brought that up so**

he was asked to do a little hard copy document. He said he had to talk to County Judge Val Beard to make sure that they complied with this. He said they are moving along. Councilor Stephens asked if there were any agreements between the City and County. Councilor Fitzgerald said not that he was aware of. Councilor Stephens said he read through the minutes of Commissioner's Court and it did not respond to that question. Commissioner Pallanez asked if the question could be repeated concerning the EMC. Councilor Stephens asked if there were any agreements between the City and the County regarding emergency management. He asked if there was a document describing the relationship between the City and the County. Commissioner Pallanez said he thought one of the issues that was of concern, especially with the pipeline coming in, is that the EMC emailed the city and the police department and all other persons and the only persons who have responded to his emails was the Sheriff's department and no one else has. Councilor Fitzgerald said he did not recall getting an email to that effect. Councilor Pallanez said this happened way back in February. Councilor Salas asked if the email would have gone to the City Manager? Commissioner Pallanez said he said he sent it to the City and also to the Police Chief. He said he does not know exactly when it was but he was calling all the personnel in because of meetings. Councilor Salas asked if the City Council could get a copy of the email. Commissioner Pallanez said "sure". Mayor Ramos asked that the Commissioner get copies of all the emails and send them to the City Manager. City Manager Zimmer asked if there was some level of plan. He said he never saw anything in relation to this. City Manager Zimmer said where we are at from a City perspective, is important. He said it would be nice to have some structure around some types of meetings. He said even if it is at a minimum he could share it with Council. Councilor Salas asked if the Medical Center was contacted. Mayor Ramos said if Commissioner Pallanez could get the emails to us as soon as possible, we could get started. Councilor Stephens said there were six items on the original list. He asked if the City actually got a benefit from the County on the use of the jail. City Manager Zimmer said the way it works, if we have a prisoner from the City that is not magistrates, the judge magistrates and we have to accept that prisoner. He said we might pick someone up who has been drinking. He said he thought the County Attorney could draw up a single document that we could formalize. Councilor Salas asked if the agreement was to our advantage. City Manager Zimmer said we do not have to hold a prisoner in our old Municipal building until we can get a judgment or action. Councilor Salas said they are usually out in around within 24 hours. City Manager Zimmer said yes. He said his sense, after reading those meeting minutes, to formalize it would be in the best interest of the City. He said it would be good to have it in writing so that if Sheriff Dodson was ever incapacitated, we certainly could discuss that. Councilor Salas

said so it is beneficial to us. City Manager Zimmer said yes. Councilor Salas said once city prisoners are in the County jail they automatically become county inmates. Commissioner Pallanez said the expense of prisoners at the County jail goes to the County. He said like Erik mentioned the other agencies contribute to the expenses that they incur like the Border Patrol but the City does not. He said Commissioner Ortega mentioned that there was a gentleman's agreement. He said he did not know if that was a formal agreement or not. Councilor Stephens asked about the water board funding and the tax board. City Manager Zimmer said there is a West Texas Water Planning Board meeting coming up. Commissioner Pallanez said usually there are some very good speakers at the Water Planning Board meetings and they speak pertaining to certain areas that concern us. City Manager Zimmer said the biggest thing that we need the Brewster County Groundwater Conservation District to start doing is monitoring the well pumpage and the well levels. He said that is something that he has reached out to the Executive director, the Judge and the Board on deaf ears. He said we need, in our County, for the Groundwater Conservation District to start tracking the well usage and the water well levels. He said we, as a City track all of our own water on a monthly basis and he thinks we are the only ones doing that. He said as we start building our statistical models, he thinks everyone knows that we get about 30% of our water from Sunny Glen. He said he is very interested in what the other users are pumping out there as we go back towards Musquiz. He said he would like to understand the other wells and their statistical usage. He said if Commissioner Pallanez has any influence with that group, that would be very helpful. Commissioner Pallanez asked if the City Manager was talking about private water wells. City Manager Zimmer said that was correct. City Manager Zimmer said Paul, in Fort Stockton, is tracking 2,000 wells every month. He said these are all wells that are permitted through their water conservation district and they are tracking them on a month to month basis. He said that is something that would be extremely beneficial here in Brewster County. Councilor Stephens said for the Water District to be able to do that, they would have to raise the funding for the Water District. He said that is why he raised the question. The jail and federal prisoners was discussed. Councilor Stephens talked about the Far West Texas Planning Board. Councilor Pallanez talked about oil spills and the pipeline.

- C. Dewatering Process and Costs related to removal of 800,000 gallons of sludge at the City of Alpine Wastewater Treatment Plant. (E. Zimmer, CM) – City Manager Zimmer said this is an opportunity to get the sludge out. He said bids and line items come out of the budget. Councilor Antrim asked about the 67 roll offs worth of sludge at the Waste Water Treatment Plant.**

D. Texas Open Meetings Act (TOMA) and Ethics presentation by Adolfo Ruiz from City Attorney, McKamie Krueger LLP (E. Zimmer, CM) – Adolfo Ruiz from the City Attorney’s office, McKamie Krueger LLP, gave a presentation on the Texas Open Meetings Act (TOMA) and Ethics.

8. 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 or Mayor Pro Tem) Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.) - None

9. Councilmember Comments and Answers – Councilor Antrim – thanked Mr. Ruiz for the information. Councilor Fitzgerald – thanked the people who came here tonight, especially his constituents

Motion was made by Councilor Stephens to enter into Executive Session. Motion was seconded by Councilor Salas. Motion unanimously carried.

10. Executive Session – Pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney)

A. Update on Scown Litigation, Cause No. 2015-03-B0705-CV: Emily Livingston Scown and Barbara Scown v. The City of Alpine, Texas; in the 394th Judicial District Court of Brewster County, Texas (E. Zimmer, CM) -

11. Action after Executive Session – Council went back into open session at 8:00 P.M. Motion was made by Councilor Stephens, by Resolution 2016-08 -07, to authorize the City Manager and City Attorney to take action as discussed in Executive Session. Motion was seconded by Councilor Salas. Motion unanimously carried.

12. Adjournment.- There being no further business, meeting was adjourned.

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 1:45 P. M. on August 12th, 2016, 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.

Andres "Andy" Ramos, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 1:45 P.M. on August 12th, 2016, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary