

City of Alpine

Regular City Council Meeting, Tuesday, February 26th, 2013, 6:00 P.M.

Notice is hereby given that the City Council of the City of Alpine, Texas will hold a Regular meeting at **6:00 P.M. on Tuesday, February 26th, 2013 in the City Council Chambers, at 803 West Holland, in the City of Alpine, Texas** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

PUBLIC NOTICE – THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.

Members of the audience will be provided an opportunity to address the Council before agenda items are discussed. The audience is also allowed to comment during the discussion of the agenda items with the Council. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.**

Agenda

1. Call to Order, Invocation and pledge of allegiance to the flag —
2. Determination of a quorum and proof of notice of the meeting –
3. Presentations, recognitions and proclamations –
4. Reports –

City Mayor's Report -

City Attorney Report –

City Manager Report –

City Staff Updates –

5. **Citizens Comments (on agenda items) –**
6. **Public Hearings –**
7. **Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –**
 - A. Approve Council minutes of February 5th, 2013. (C. Garcia, CM)
 - B. Pass a resolution to express our thanks and gratitude to our State Representative, the Honorable Alfonso “Poncho” Nevarez for introducing HB 1351 in support of Sul Ross State University. (A. Bermudez)
 - C. Waive fees for Cinco De Mayo for Civic Center on 5/1/2013. (C. Garcia, CM)

- D. Consider a spring City Wide Garage Sale (tentatively set for March 30th) – (J. Gonzales)

8. Information or Discussion items –

Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 15 per meeting.)

9. Discuss and Consider residency requirements as referenced in the City Charter, Section 3.02 (B) for City Councilmember, Ward 5 and possible action to remove Councilmember for failure to comply with the requirements of Section 3.02 (B) which states “If the Mayor or a member of the City Council shall cease to possess any of these qualifications or shall cease to reside in the City or in the ward from which they were elected or shall be convicted of a felony or is absent from three (3) consecutive regular Council meetings without being excused by the Council, he or she shall immediately forfeit the office.” (A. Rangra, Mayor)

10. Discuss and Consider keeping the State Statute 36.121 in place to safeguard water interests of 6,000 plus people living in the City of Alpine in its current form without any changes. (A. Bermudez)

11. Discuss and Consider setting date(s) and establish procedures for Employee evaluations – John Armstrong. (M. Davidson)

12. Discuss and Consider possible action regarding operations at City Yard in Ward 2. (C. Garcia, CM)

13. Discuss and Consider Advertising fees in Texas Journal in the amount of \$5,450. (C. Garcia, CM)

14. Discuss and Consider soliciting proposals for new software for cities general ledger, accounting package and utilities package. (C. Garcia, CM)

15. Discuss and Consider Support of filing legislation to exempt Brewster County Groundwater District from Section 36.121, Texas Water Code, while continuing to meet with GCD to adopt inter-local agreement governing City of Alpine and BCGCD Relationship. (M. Davidson)

16. Discuss and Consider a City Wide Spring Cleanup. (A. Bermudez)

17. Discuss and Consider library construction bid. (C. Garcia, CM)

18. Discuss and Consider approving batting cage for BBSA. (C. Garcia, CM)

19. Discuss and Consider having a public referendum regarding State Statute 36.121 to safeguard water interests of 6,000 plus people living in the City of Alpine in its current form without any alteration. (A. Bermudez)

20. Discuss and Consider forming a committee to study Charter. (J. Gonzales)

21. Discuss and Consider submitting an application for water well development and rehabilitation through Texas Water Development Board and authorizing Naismith to pursue the application. (C. Garcia, CM)

22. Discuss and Consider refinancing city water and sewer Revenue Bonds of \$685,000 for a savings of \$129,433. (C. Garcia, CM)

23. Discuss and consider renegotiating Cartwright water agreement and extending contract for 5 years. (C. Garcia, CM)

24. Citizen's Comments (limit 3 minutes) –

25. Council Member's Comments and Answers -

26. Executive Session – Pursuant to Texas Government Code, Subsection 551.071, Consultation with Attorney – possible pending or contemplated litigation or settlement offer, Subsection 551.072, Texas Government Code, Consultation with Attorney concerning Real Estate Issues, and Subsection 551.074, Texas Government Code, Personnel Matters.

- A.
 - 1. Rey Dominguez to address Council concerning grievance. (C. Garcia, CM)
 - 2. Consider calling witnesses concerning grievance of Rey Dominguez. (M. Davidson)
 - 3. Consider possible reinstatement of Rey Dominguez to original position (job). (C. Lujan)
- B. Consider new personnel - financial policy for city. (C. Garcia, CM)
- C. Consider the following:
 - 1. Review and Control of City Credit Cards usage. (C. Lujan)
 - 2. Removing all charging privileges by City Personnel. (C. Lujan)
 - 3. Cash Advances taken by City Employees. (C. Lujan)
 - 3. Status of pay back of cash advances taken by City Employees. (C. Lujan)
 - 4. Lujan
 - 5. Checks written by City Finance Director to himself. (C. Lujan)
 - 6. Status of pay back of money City Finance Director paid to himself. (C. Lujan)
 - 7. Status of pervasive abuse of overtime by Employees, including employees taking overtime not yet worked. (C. Lujan)
 - 8. Status of tightening general ledger controls, and general lack of documentation and oversight of city accounts and funds. (C. Lujan)
 - 9. Select new signature cards for all city accounts and funds. (C. Lujan)
 - 10. Request all names of everyone who has had access to city credit cards prior to the month of January, 2013. (C. Lujan)
- D. Discuss directing City Attorney to immediately contact proper authorities to report accounting problems for a full investigation of city accounts and funds. (C. Lujan)
- E. Discuss contracting a forensic auditor either from the Attorney General's office, if able or available, or a private concern licensed by the Association of Certified Auditors, to conduct a forensic audit retroactive 6 years, more or less, depending on the auditor's findings. (C. Lujan)

- F. Discuss job status of City Manager, including possible termination, and if necessary, appoint an interim City Manager for a period of six months. (C. Lujan)
- G. Discuss Scown lease. (C. Garcia, CM)
- H. Consider proposals for old landfill use. (C. Garcia, CM)

27. Action- Executive Session – Pursuant to Texas Government Code, Subsection 551.071, Consultation with Attorney – possible pending or contemplated litigation or settlement offer, Subsection 551.072, Texas Government Code, Consultation with Attorney concerning Real Estate issues, and Subsection 551.074, Texas Government Code, Personnel Matters

- A. 1. Consider action concerning Rey Dominguez grievance. (C. Garcia, CM)
- 2. Consider possible reinstatement of Rey Dominguez to original position (job). (C. Lujan)
- B. Approve new personnel - financial policy for city. (C. Garcia, CM)
- C. Possible Action on the following:
 - 1. Review and Control of City Credit Card Usage (C. Lujan)
 - 2. Removing all charging privileges by City Personnel (C. Lujan)
 - 3. Cash advances taken by City Employees (C. Lujan)
 - 4. Status of pay back of cash advances taken by City Employees (C. Lujan)
 - 5. Checks written by City Finance Director to himself (C. Lujan)
 - 6. Status of pay back of money City Finance Director paid to himself (C. Lujan)
 - 7. Status of pervasive abuse of overtime by Employees, including employees taking overtime not yet worked (C. Lujan)
 - 8. Status of tightening general ledger controls, and general lack of documentation and oversight of city accounts and funds (C. Lujan)
 - 9. Select new signature cards for all city accounts; and
 - 10. Request all names of everyone who has had access to City Credit Cards prior to the month of January, 2013. (C. Lujan)
- D. Consider action directing City Attorney to immediately contact proper authorities to report accounting problems for a full investigation of city accounts and funds (C. Lujan)
- E. Consider action concerning contracting a forensic auditor either from the Attorney General's office, if able or available, or a private concern licensed by the Association of Certified Auditors, to conduct a forensic audit retroactive 6 years, more or less, depending on the auditor's findings. (C. Lujan)
- F. Consider action concerning job status of City Manager, including possible termination, and if necessary, appoint an interim City Manager for a period of six months. (C. Lujan)
- G. Consider Scown lease. (C. Garcia, CM)
- H. Consider selecting proposal for old landfill use. (C. Garcia, CM)

28. Adjournment –

I certify that this notice was posted at 5:00 P.M. on February 22nd, 2013 pursuant to Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is Wheel Chair 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.

Margaret "Molly" Taylor, City Secretary