

City of Alpine

Regular City Council Meeting

Tuesday, November 17, 2020

Notice is hereby given that the City Council of the City of Alpine, Texas will hold **a Regular Meeting at 5:30 P. M. on Tuesday, November 17, 2020 in the Civic Center at 803 W. Holland and via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at www.cityofalpine.com** 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).

Members of the audience will be provided an opportunity to address the Council on any agenda item after determination of quorum and proof of notice of the meeting. Zoom meeting comment and question rules and procedures are listed on the City Website. Remarks will be limited to a total of 3 minutes per person. Please email your name to Geo Calderon (g.calderon@ci.alpine.tx.us). If you have a petition or other information pertaining to your subject, please email it to the City Secretary beforehand. All names wanting to make public comment for the meeting will be queued up and given to the Mayor at that section of the meeting. The Mayor will call on those individuals one at a time and our meeting moderator will take you off mute to make your comments. This will function the same as our existing sign-up sheet in Council Chambers. ***** Please note, you MUST include your full name (first and last) along with what Ward you reside in or have business interest in. If you do not live or own property in the City please state that in your email.** 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.** The Mayor and/or City Council Members may call a Point of Order to stop Personal Attacks. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred.

Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Public Comments – (limited to 3 minutes per person)
4. Discuss, consider, and take appropriate action on approving Ordinance 2020-11-03 for the canvass of the votes for the November 3, 2020 City of Alpine General Election for Mayor, one Council Member in Ward 2, and one Council Member Ward 4. All three terms are through the May Election 2022. (E. Zimmer, City Manager)
5. Swearing in of Mayor, Council member Ward 2, and Council member Ward 4 by the Honorable Roy Ferguson, State District Judge for the 394th Judicial District. (E. Zimmer, City Manager)
6. Presentation, Recognitions and Proclamations – (A. Ramos, Mayor) –
 - Presentation to Ramon Olivas for his 4 years (2 terms) in office as Councilmember for Ward 2.
 - Presentation to Lucy Escovedo for her 4 years (2 terms) in office as Councilmember for Ward 4.
7. Reports -

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report –

- UPRR update
- Municipal court update
- Alpine Police Dept. review / update

City Manager Report

- Coronavirus Update
- Fall Events Update

- Ordinance Update Roadmap
- Schedule of Fees Update

City Staff Update

- Police (Chief Martin), Animal Control (Jennifer Stewart)

8. Public Hearings – None

9. 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.)

1. Approval of minutes from City Council meeting on November 3, 2020. (E. Zimmer, City Manager)

10. Information or Discussion items –

1. Charter Discussion: Role of the Mayor as defined by City of Alpine Charter and Interference with Administration as outlined by Section 3.10 of City Charter.(E. Zimmer. (City Manager)

11. 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.) after being called upon by the 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.) –

1. Discuss, consider, and take appropriate action to determine whether or not to continue to engage Rod Ponton as the City Attorney for the City of Alpine. (M. Curry, City Council)
2. Discuss, consider, and take appropriate action on recommendations on Resolution 2020-11-14 in regard to an Electric Provider Services for the City of Alpine. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on City Attorney Rod Ponton's bill. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on Resolution 2020-11-13, on Alpine Country Club request. (R. Stephens, City Council)

12. City Councilmember Comments and Answers – No discussion or action may take place.

13. Executive Session - - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

1. Discuss update with attorney regarding Parkhill, Smith, and Cooper negotiations. (E. Zimmer, City Manager)
2. Discuss update from UPPR. (E. Zimmer, City Manager)

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.)

14. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, regarding Parkhill, Smith, and Cooper. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action, if any, regarding UPPR. (E. Zimmer, City Manager)

I certify that this notice was posted at 5:00 P. M. on November 13, 2020, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). 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 email city.secretary@ci.alpine.tx.us for further information.

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom.

Cynthia Salas, City Secretary

City of Alpine



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING:	NOVEMBER 17, 2020	AGENDA REQUEST NO:	ACTION
INITIATED BY:	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON APPROVING ORDINANCE 2020-11-03 FOR THE CANVASS OF THE VOTES FOR THE NOVEMBER 3, 2020 CITY OF ALPINE GENERAL ELECTION FOR MAYOR, ONE COUNCIL MEMBER IN WARD 2, AND ONE COUNCIL MEMBER WARD 4. ALL THREE TERMS ARE THROUGH THE MAY ELECTION 2022.		
EXHIBITS:			

CLEARANCES

APPROVAL

LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

EXPENDITURE REQUIRED:	\$ 0
SAVINGS ANTICIPATION:	\$
CURRENT BUDGET FY2020-2021:	\$ 0
ADDITIONAL FUNDING:	\$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

**STATE OF TEXAS
COUNTY OF BREWSTER**

CITY OF ALPINE

ORDINANCE 2020-11-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS
CANVASSING THE RETURNS OF AN ELECTION FOR THREE COUNCIL
MEMBERS FOR FULL TERM**

WHEREAS, an election was held in the City of Alpine, Texas on November 3, 2020 for the purpose of the election of two Council Members, and the Mayor for full term; and

WHEREAS, The Council has reviewed all matters pertaining to this election, including the ordering, notices, holding and returns thereof; and

WHEREAS, the Council hereby canvasses the returns of this election, at which there was submitted to all resident,

Qualified electors of the City of Alpine for their action thereupon, the election of two council members, and the Mayor for full terms; and

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters

Who were resident, qualified electors of the City of Alpine, and

WHEREAS, each of the candidates in said election received the following vote:

<u>Candidate</u>	<u>Number of Votes</u>
Mayor Andres Ramos	1418
Councilor Ward 2 Chris Rodriguez	230
Councilor Ward 4 Martin Sendate	182
Councilor Ward 4 Lucy Escovedo	155

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

The Council officially finds that the election was duly and legally held and due returns of the results of the election

Were made and delivered, and that the City of Alpine has duly canvassed the returns, all in accordance with the

Laws of the State of Texas and of the United States of America and the resolution calling election.

The following persons are therefore elected as the two Council Members, and the Mayor of the City of Alpine, Texas for a term of two (2) years:

City Council Mayor- Andres Ramos
City Council Member Ward 2- Chris Rodriguez
City Council Member Ward 4- Martin Sendate

PASSED AND APPROVED on this 17th day of November, 2020.

Andres Ramos, Mayor
City of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine

APPROVED AS TO FORM:

Rod Ponton, City Attorney
City of Alpine



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	NOVEMBER 17, 2020	AGENDA REQUEST NO:	ACTION
	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON SWEARING IN OF MAYOR, COUNCIL MEMBER WARD 2, AND COUNCIL MEMBER WARD 4 BY THE HONORABLE ROY FERGUSON, STATE DISTRICT JUDGE FOR THE 394 TH JUDICIAL DISTRICT		

CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET	
EXPENDITURE REQUIRED:	\$ 0
SAVINGS ANTICIPATION:	\$
CURRENT BUDGET FY2020-2021:	\$ 0
ADDITIONAL FUNDING:	\$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

Form #2201 Rev. 05/2020

Submit to:
SECRETARY OF STATE
Government Filings
Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Andres Ramos, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Mayor

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: November 17, 2020

Signature of Officer

Rev. 04/2017

This space reserved for office
use

Submit to:
Custodian of election records

Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Andres Ramos, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Mayor of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

.....

State of Texas)
County of Brewster)

Sworn to and subscribed before me
this

17th day of November, 2020.

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Printed or Typed Name

Filing Fee: None

Rev. 04/2017

This space reserved for office
use

Submit to:
Custodian of election records

Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Chris Rodriguez, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Councilmember Ward 2 of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

State of Texas)
County of Brewster)

Sworn to and subscribed before me
this

17th day of November, 2020.

(seal)

Signature of Notary Public or Other Officer
Administering Oath
Geo Calderon

Printed or Typed Name

Rev. 04/2017

This space reserved for office
use

Submit to:
Custodian of election records

Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Martin Sandate, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Councilmember Ward 4 of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

State of Texas)
County of Brewster)

Sworn to and subscribed before me
this

17th day of November, 2020.

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Geo Calderon

Printed or Typed Name

6. Presentation, Recognitions and Proclamations – (A. Ramos, Mayor) –

- Presentation to Ramon Olivas for his 4 years (2 terms) in office as Councilmember for Ward 2.
- Presentation to Lucy Escovedo for her 4 years (2 terms) in office as Councilmember for Ward 4.

- Presentation to Ramon Olivas for his 4 years (2 terms) in office as Councilmember for Ward 2.

ALPINE CITY COUNCIL
CERTIFICATE OF HONOR AND
RECOGNITION

Presented to

Ramon Olivas

*Whereas Ramon Olivas has made significant
efforts to improve the City of Alpine's communities in
Ward 2 through his 4 years of service.*

Awarded the 17th day of November 17th, in the year 2020



CITY OF ALPINE MAYOR
ANDRES RAMOS

- Presentation to Lucy Escovedo for her 4 years (2 terms) in office as Councilmember for Ward 4.

ALPINE CITY COUNCIL
CERTIFICATE OF HONOR AND
RECOGNITION

Presented to

Lucy Sacobedo

*Whereas Lucy Sacobedo has made significant efforts
to improve the City of Alpine's communities in
 Ward 4 through her 2 years of service.*

Awarded the 17th day of November 17th, in the year 2020.



CITY OF ALPINE MAYOR
ANDRES RAMOS

7. Reports -

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report –

- UPRR update
- Municipal court update
- Alpine Police Dept. review / update

City Manager Report

- Coronavirus Update
- Fall Events Update
- Ordinance Update Roadmap
- Schedule of Fees Update

City Staff Update

- Police (Chief Martin)
- Animal Control (Jennifer Stewart)

City Attorney's Report –

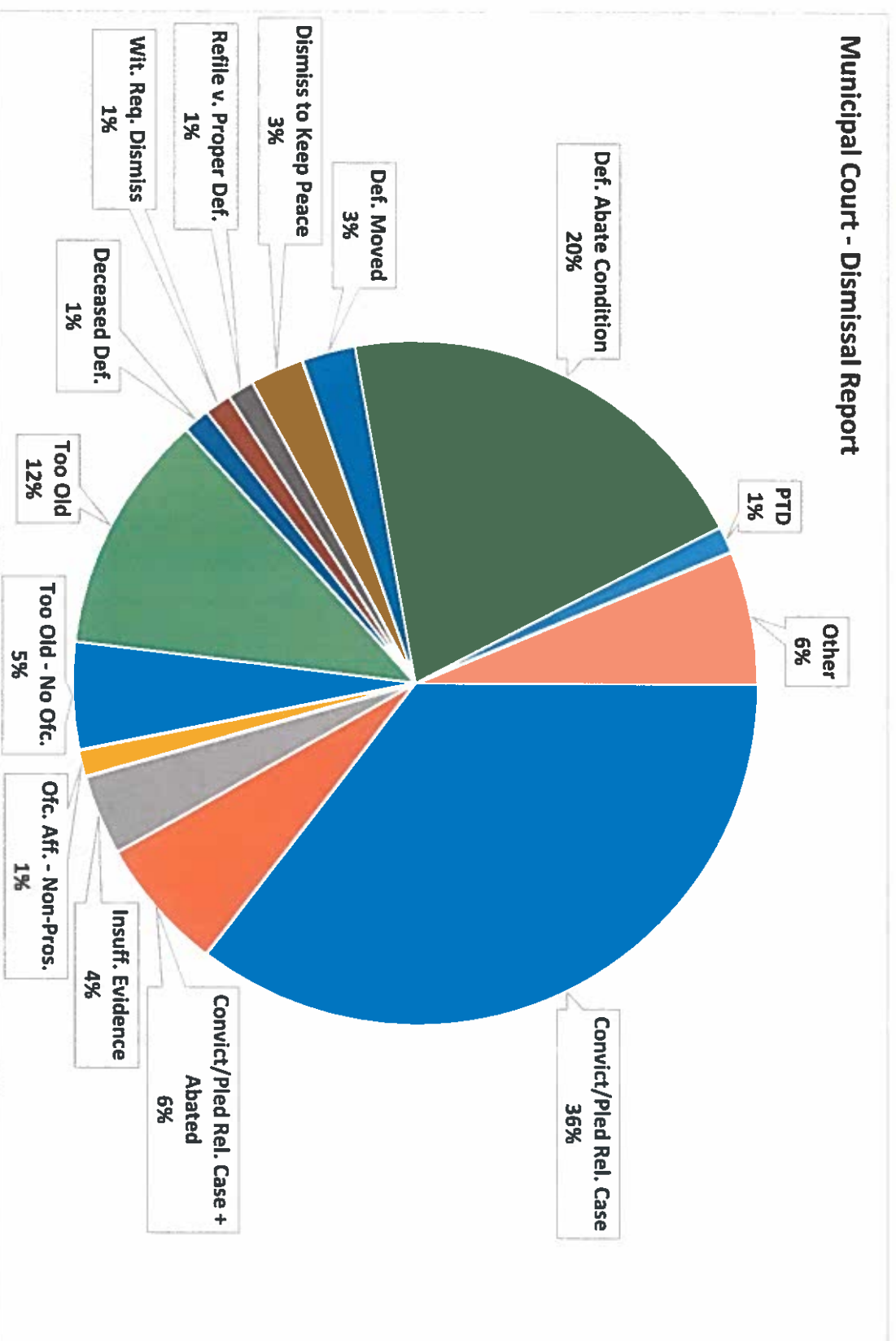
- UPRR update
- Municipal court update
- Alpine Police Dept. review / update

Municipal Court Dismissals: 9/01/2019 – 9/30/2020

79 Total

Convict/ Pled Rel. Case	Convict/Pled Rel. Case + Abated	Insuff. Evidence	Ofc. Aff. - Non-Pros.	Too Old - No Ofc.	Too Old	Deceased Def.	Wit. Req. Dismiss	Refile v. Proper Def.	Dismiss to Keep Peace	Def. Moved	Def. Abate Condition	PTD	Other
28	5	3	1	4	9	1	1	1	2	2	16	1	5

Municipal Court - Dismissal Report

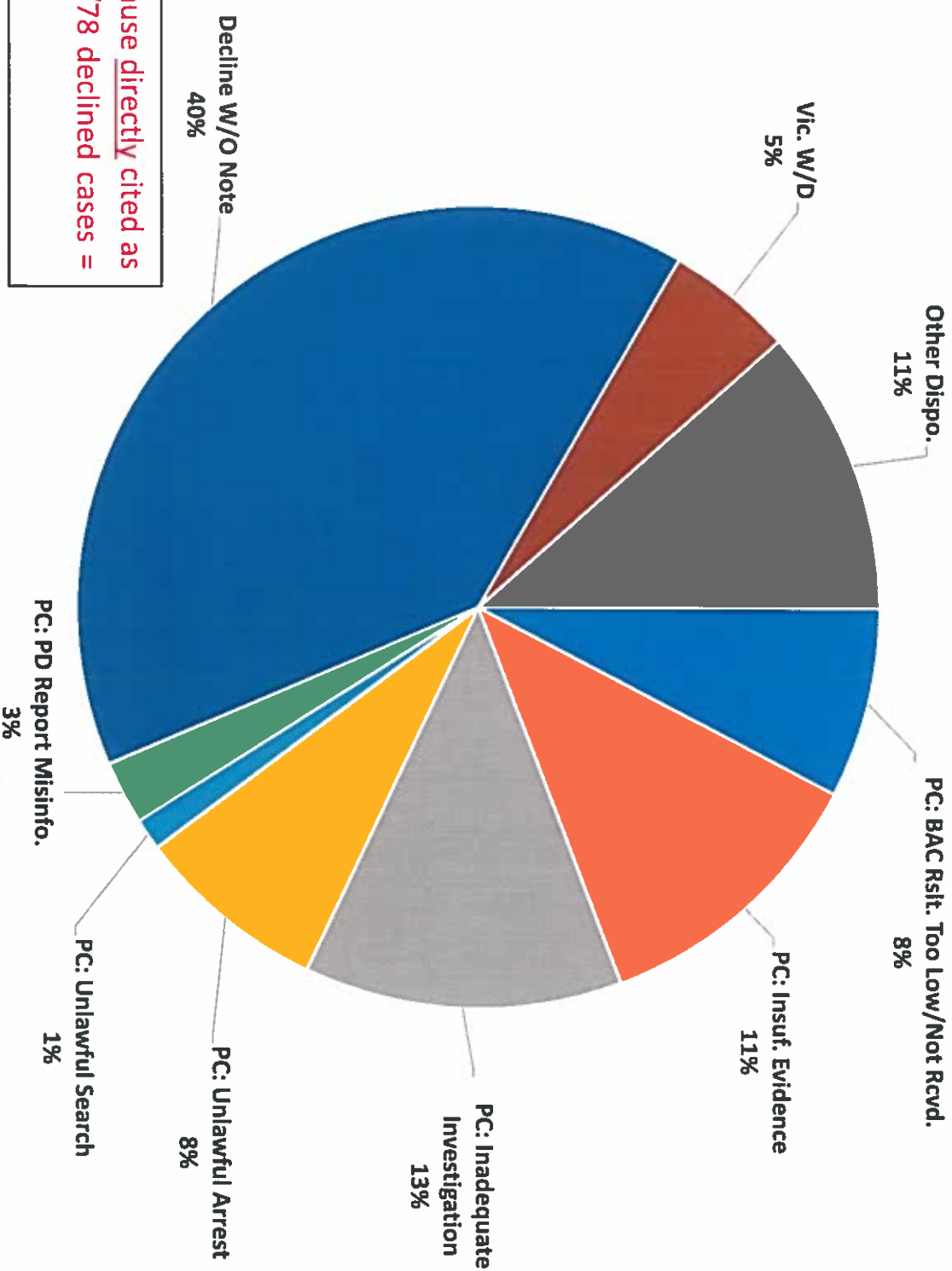


COUNTY-DECLINED APD CASES: 01/01/2017 – 9/09/2020

78 Total

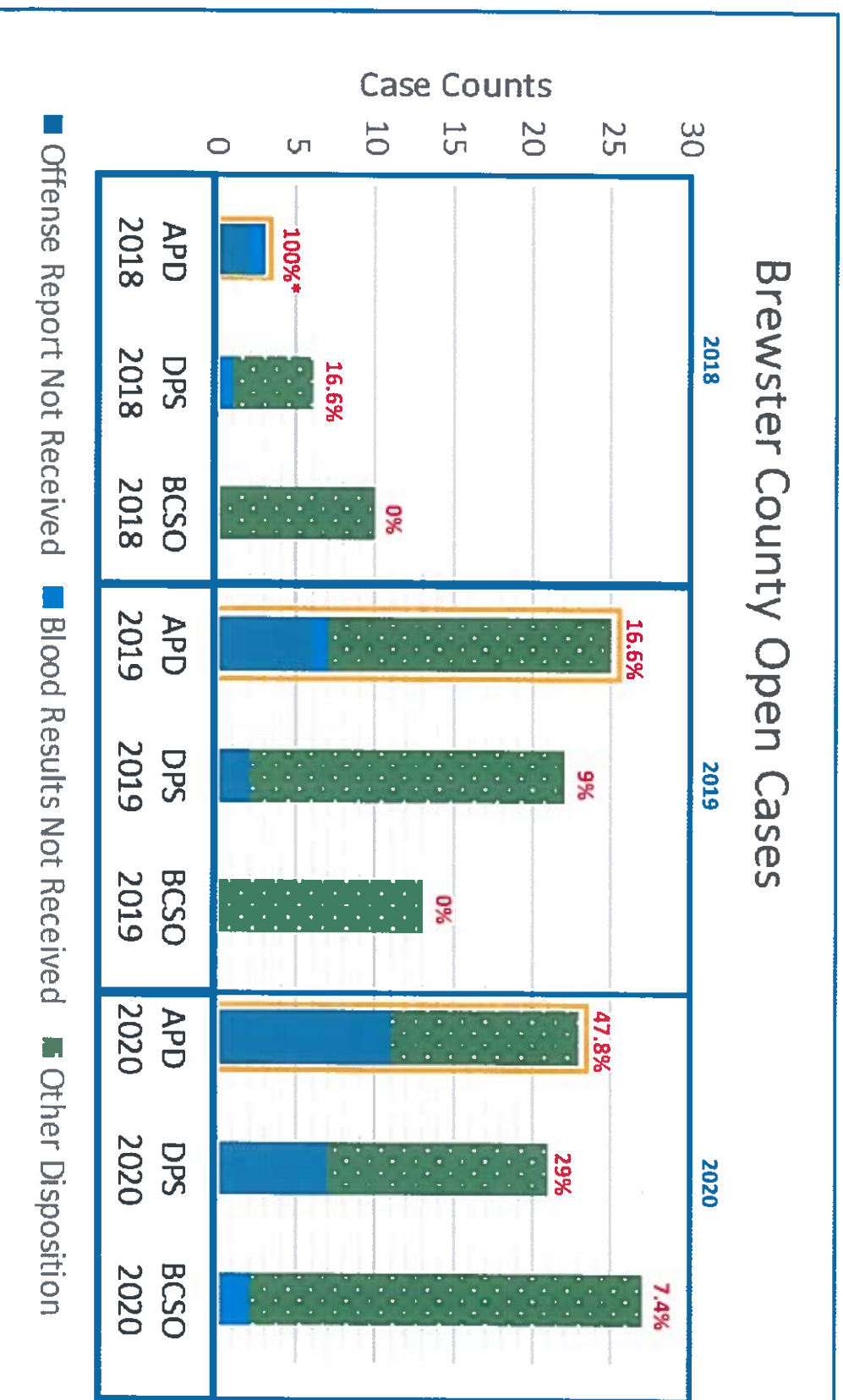
PC: BAC Rslt. Too Low/Not Rcvd.	PC: Insuf. Evidence	PC: Inadequate Investigation	PC: Unlawful Arrest	PC: Unlawful Search	PC: PD Report Misinfo.	Decline W/O Note	Vic. W/D	Other
6	9	10	6	1	2	31	4	9

County-Declined APD Cases



Probable Cause directly cited as issue in 34/78 declined cases = **43.6%**

Brewster County Open Cases



"Other Disposition" includes pending trial, PTD, associated felony case(s) pending outside of County jurisdiction, etc.

*% Uncleared Due to Non-Receipt of Report/Blood Result

Brewster County Open Cases 2018-2020

Arresting Agency + year	Offense Report Not Received	Blood Results Not Received	Other Disposition	Case Total	% Unresolved Due to Non- Receipt of Report/ Blood Sample
APD 2018	2	1	0	3	100%
DPS 2018	0	1	5	6	16.6%
BCSO 2018	0	0	10	10	0%
APD 2019	6	1	18	25	16.6%
DPS 2019	2	0	20	22	9%
BCSO 2019	0	0	13	13	0%
APD 2020	11	0	12	23	47.8%
DPS 2020	7	0	14	24	29%
BCSO 2020	0	2	25	27	7.4%

City Manager Report

- Coronavirus Update
- Fall Events Update
- Ordinance Update Roadmap
- Schedule of Fees Update

City Staff Update

- Police (Chief Martin)



ALPINE POLICE DEPARTMENT

3RD QUARTERLY REPORT

2020

WELCOME

NEW OFFICER

JOEL PONCE

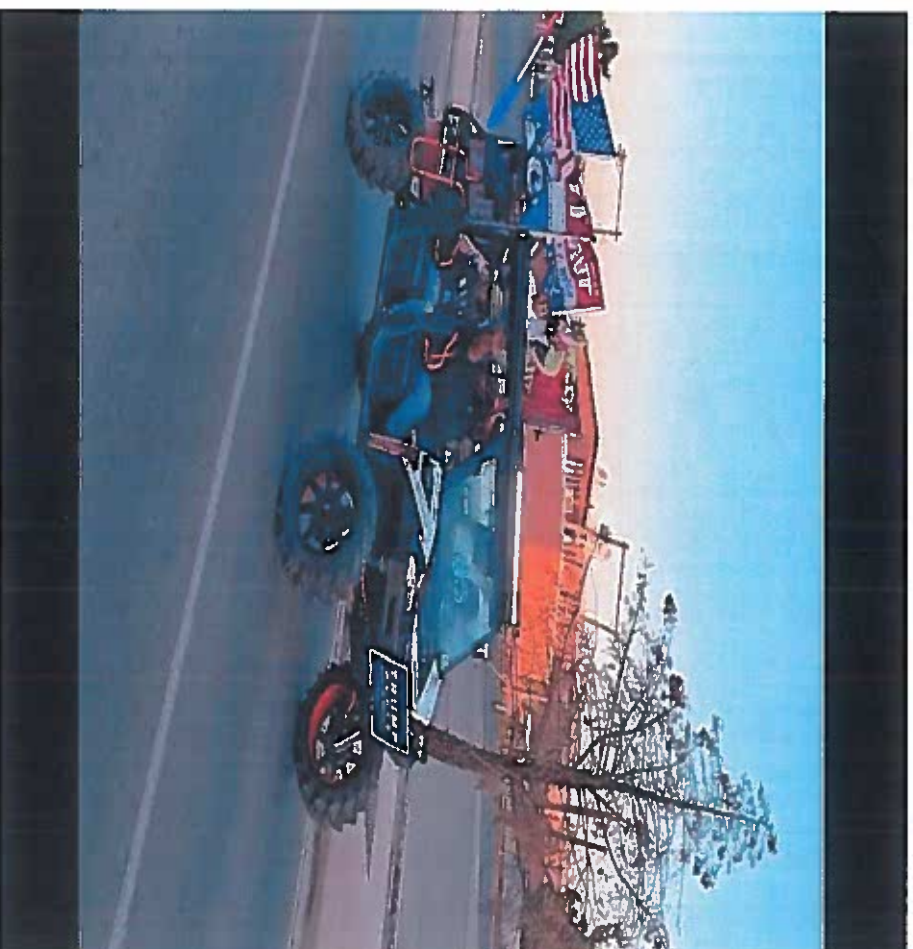


EVENTS



OCTOBER 3RD

TRUMP TRAIN 2020 OCTOBER 10

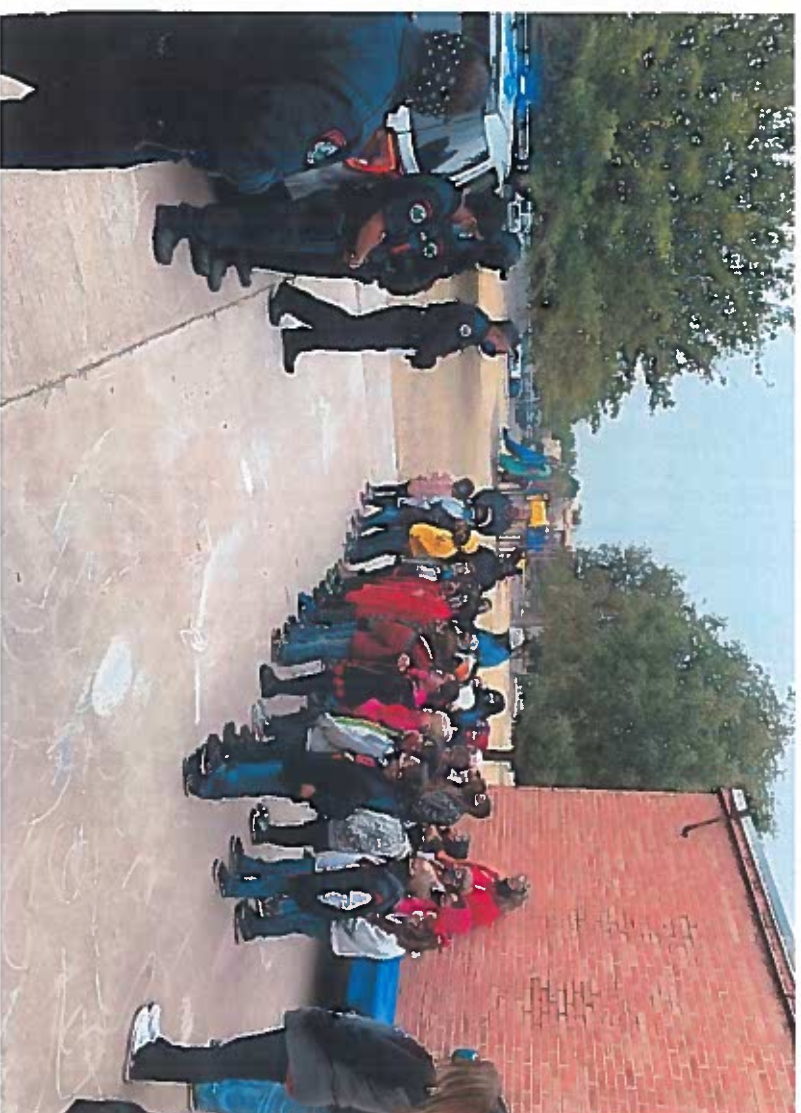




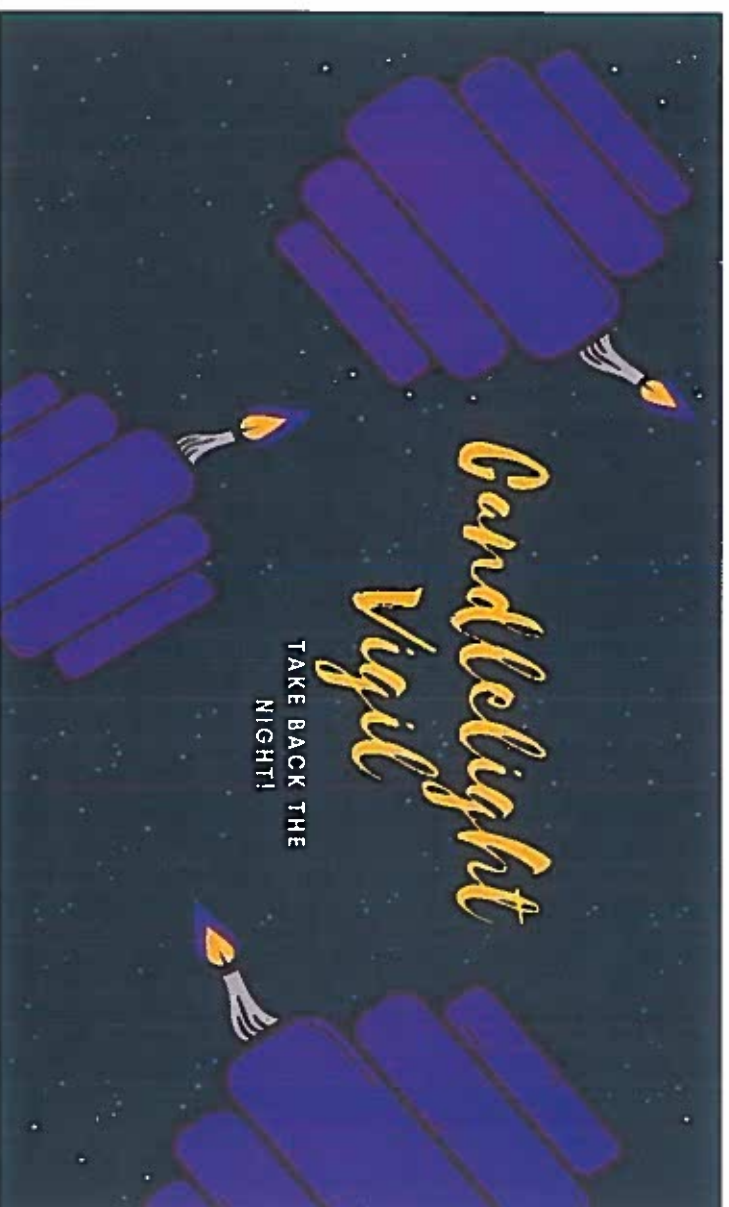
HOMEcoming PARADE 2020 OCTOBER 15TH



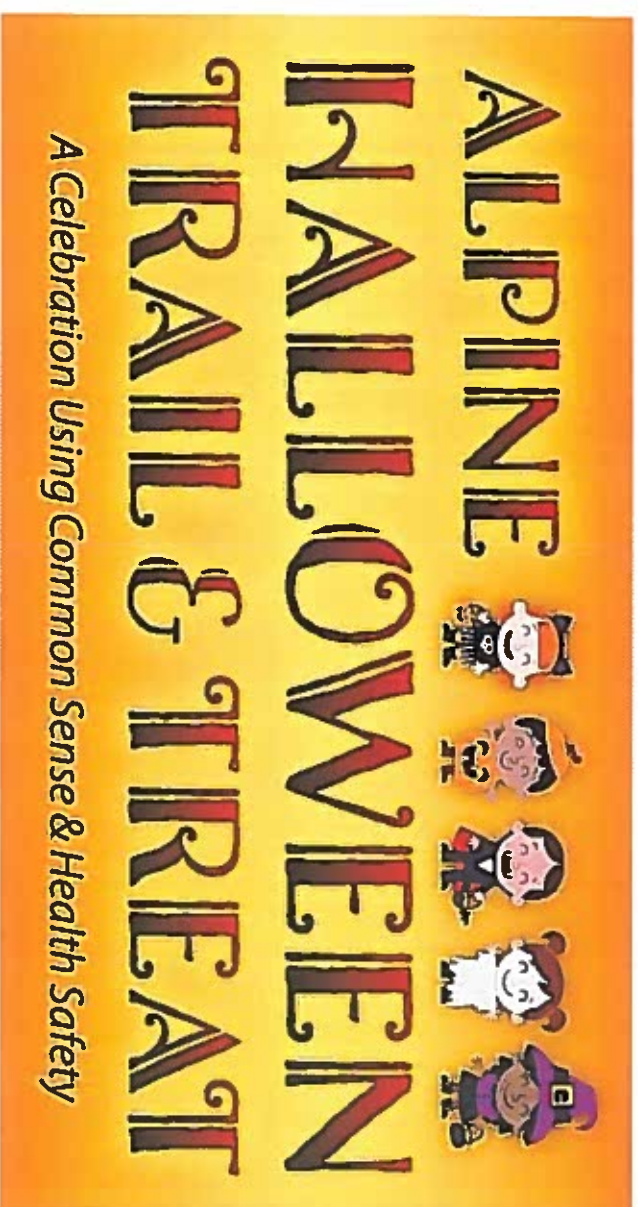
KICKING OFF RED RIBBON WEEK OCTOBER 26-30, 2020



OCTOBER 28



OCTOBER 31ST



PROMOTIONS



EDWARD CARDOZA
CRIMINAL INVESTIGATOR

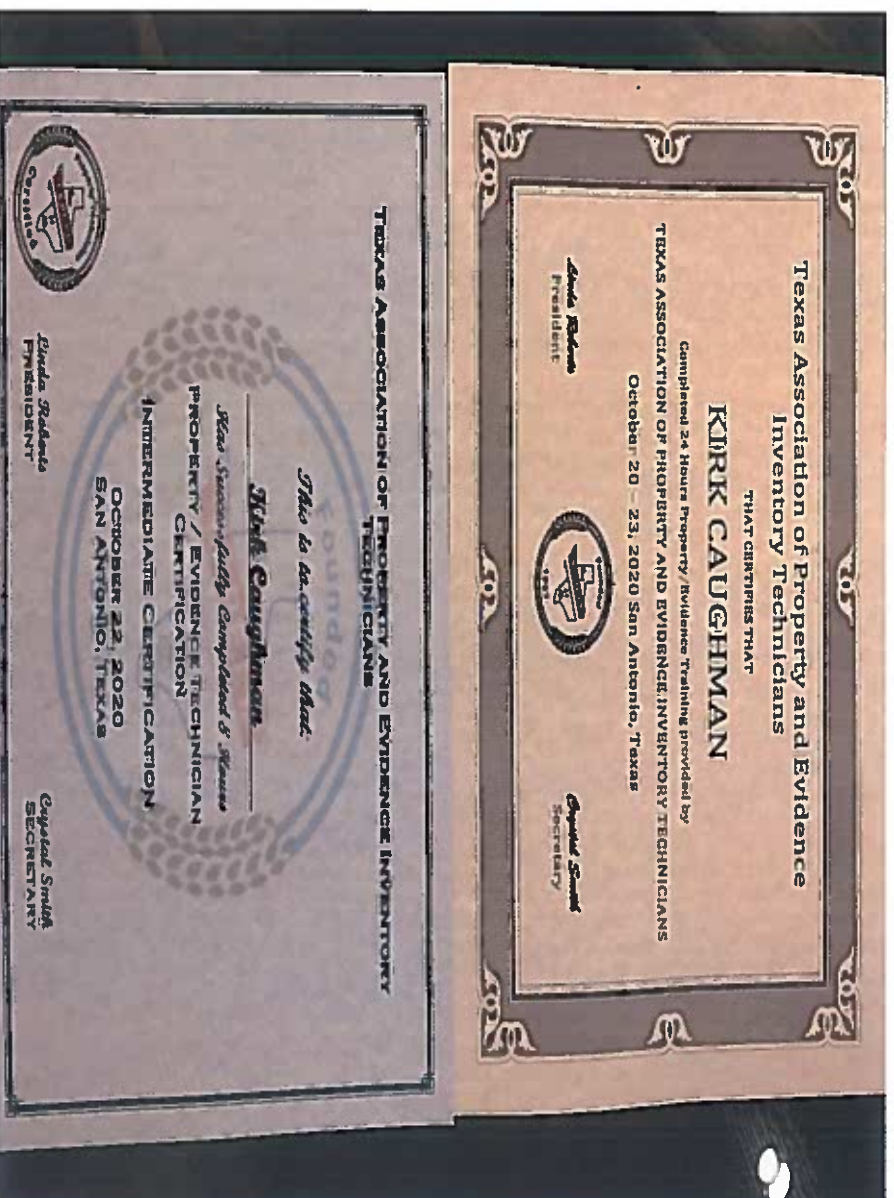


VALERIE KETTANI
SERGEANT



KIRK CAUGHMAN
LIEUTENANT

TAPE IT TRAINING IN DALLAS, TEXAS OCTOBER 19-23, 2020



GRANT AWARDED

**1. LOCAL BORDER SECURITY GRANT
\$8,000 OVERTIME**

**2. Office of the Governor Grant
Justice Assist Grant Program for
Body Worn Cameras and Body Armor
for \$16,725**

3RD QUARTER STATISTICS

75 CITATIONS

12 MOTOR VEHICLE ACCIDENTS

23 MISDEMEANOR CASES

12 FELONY CASES



TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIME RECORDS SERVICE

County Combined Completeness Percentage for BREWSTER County as of 10/21/2020

Adult							Juvenile				
Reported Year	Total Charges Reported	Charges Disposed by Prosecutors	Charges Disposed by Courts	Total Charges Disposed	Completeness Percentage		Total Charges Reported	Charges Disposed by Prosecutors	Charges Disposed by Courts	Total Charges Disposed	Completeness Percentage
2015	488	238	250	488	100%		2	1	1	2	100%
2016	507	295	209	504	99%		6	4	2	6	100%
2017	498	292	188	480	96%		2	0	2	2	100%
2018	479	260	172	432	90%		10	4	4	8	80%
2019	397	170	66	236	59%		5	0	1	1	20%
Total	2,369	1,255	885	2,140	90%		25	9	10	19	76%

As of today Brewster county is at 90% compliance, with 2140 cases disposed out of a total of 2369. The requirement is 90% by July 31 2021, so reaching 90% this early in the cycle is impressive.

I have attached an updated open offense report showing all the open offenses in the county for the 2015-2019 time period. We audit 5 years, with a 2 year buffer (2020,2021 don't count yet). Open offense reports are for criminal justice purposes only, and not public record since they contain identifiable information for cases which have not been disposed of yet.

I also attached a breakdown of the percentages year by year. 2019 shows 59%, this is normal since it's the most recent year and many cases are still going through the system. Especially felonies which can take years to clear.

For Council Consideration

Speed limit 20 MPH on all city streets

High tourist population

Walkers out exercising

Kids going to parks and riding bicycles

- Animal Control (Jennifer Stewart)

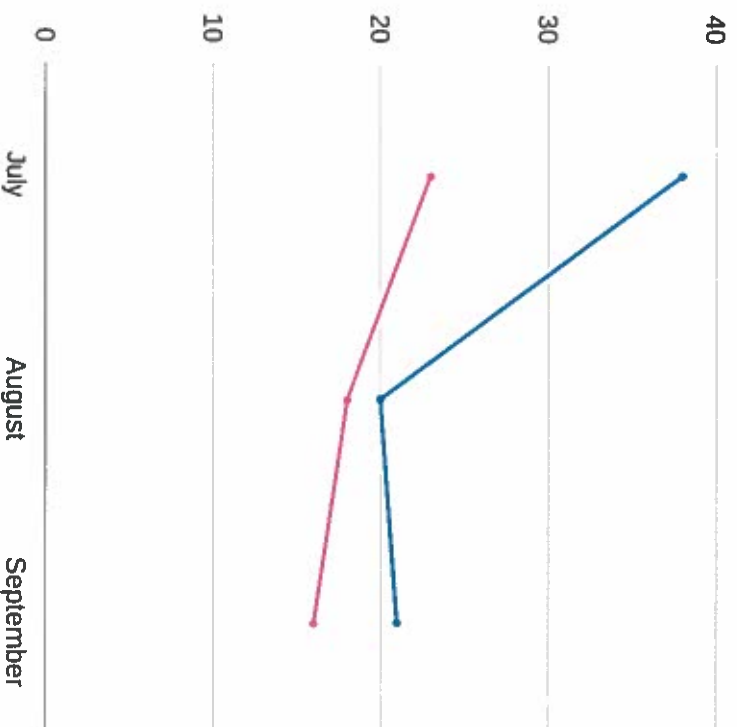


Alpine Animal Services

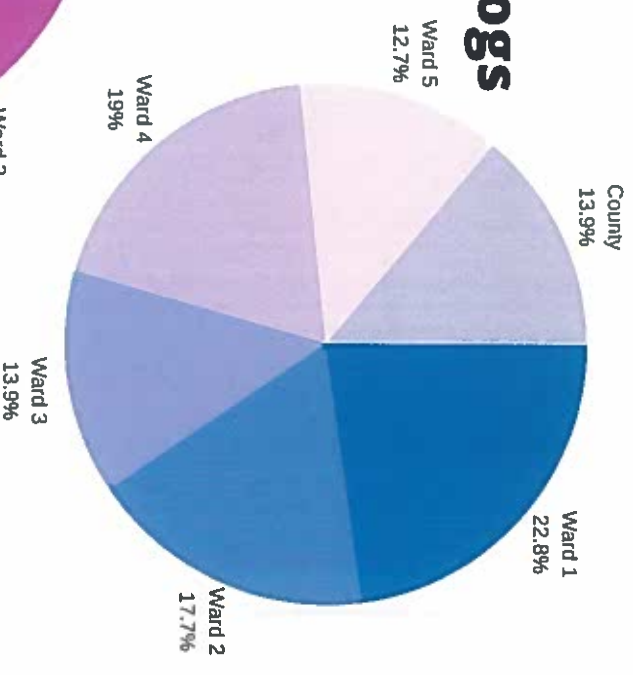
Third Quarterly Report July- September
2020

Total Stray Intakes

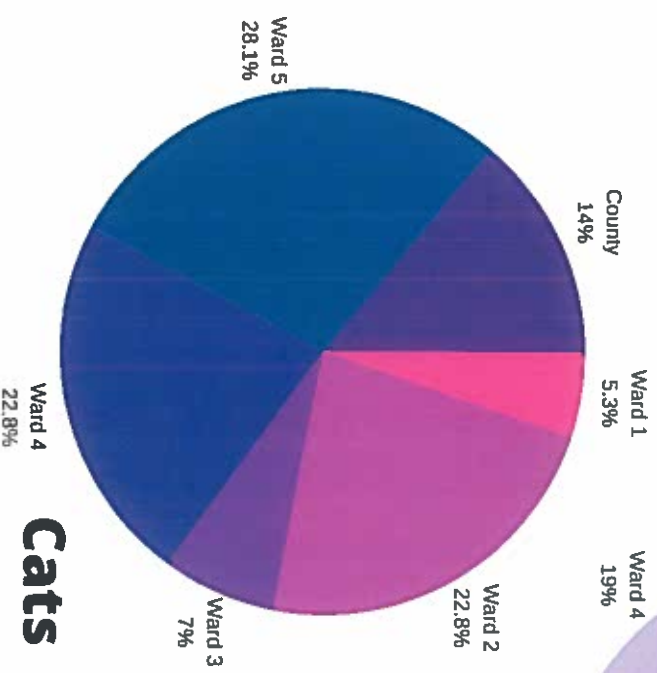
Dogs are reflected in blue
Cats in pink



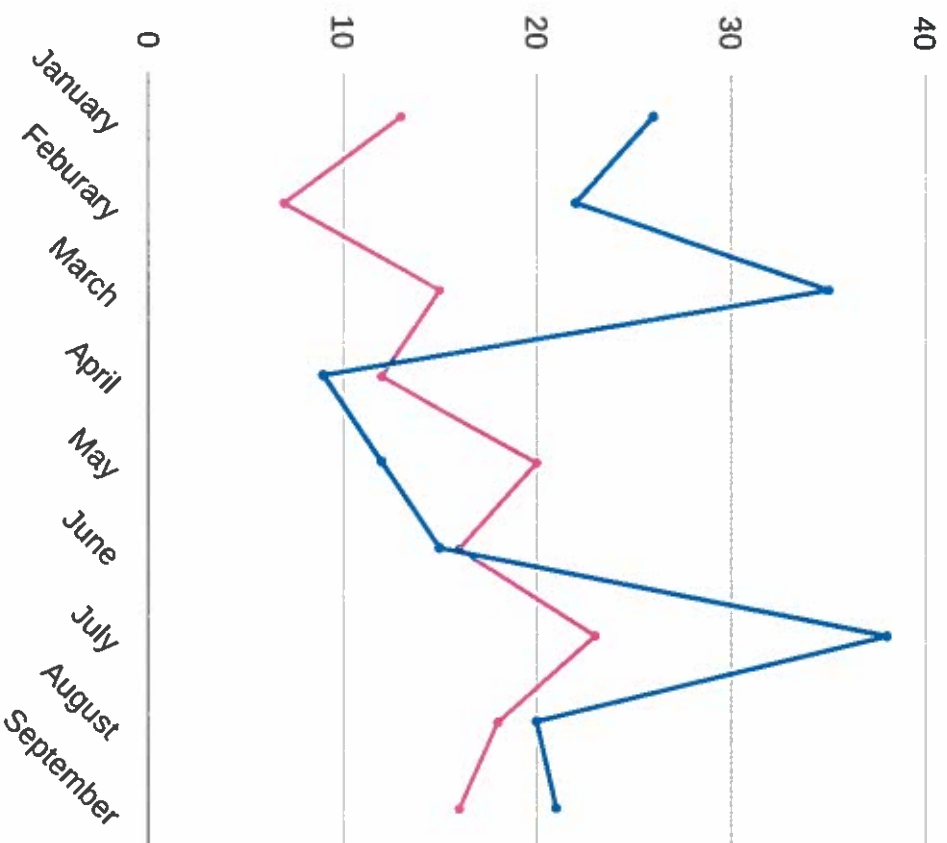
Dogs



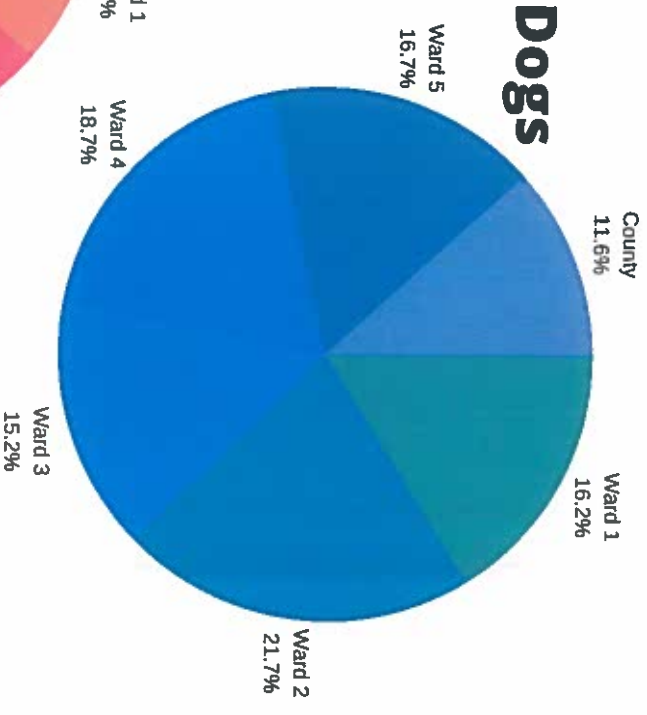
Cats



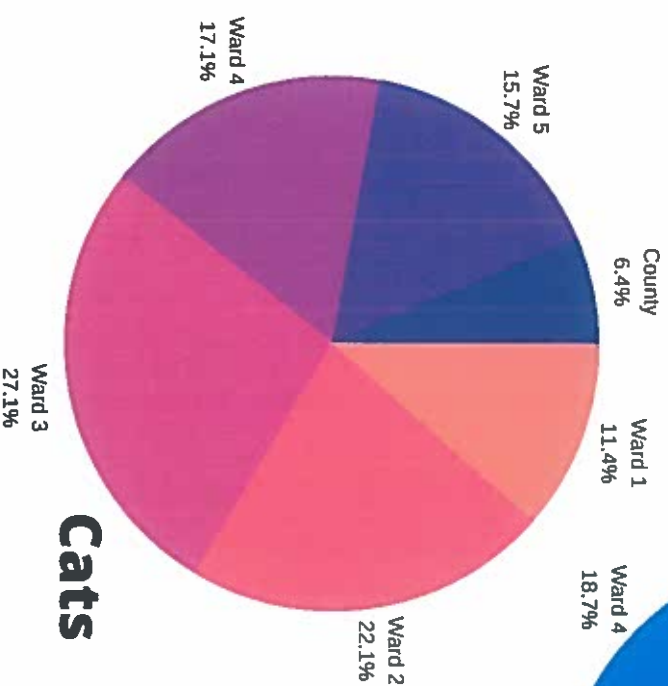
First, Second and Third Quarter dogs reflected in blue, cats in pink



Dogs

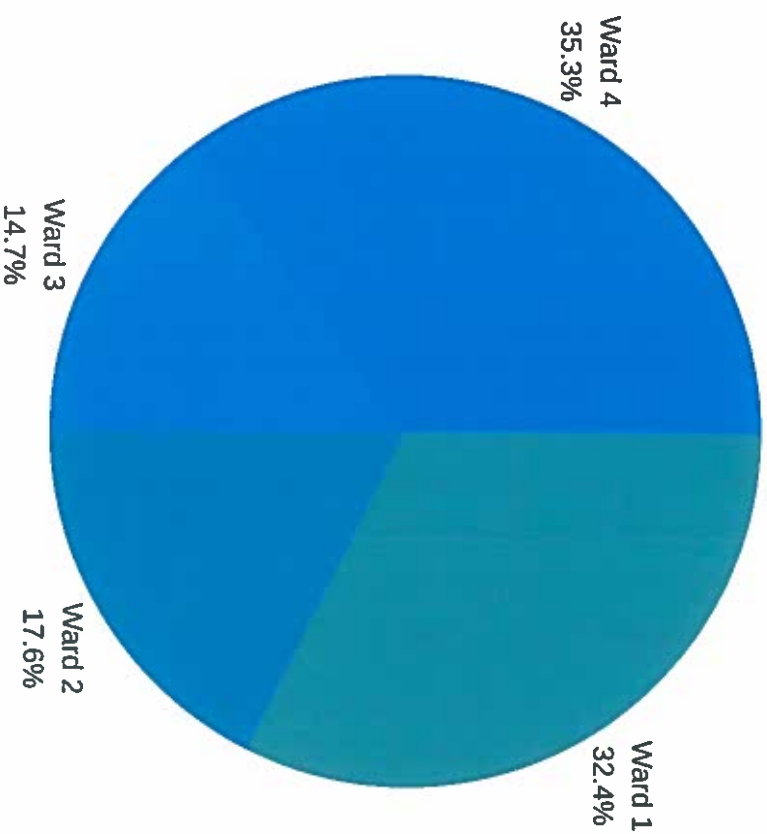


Cats

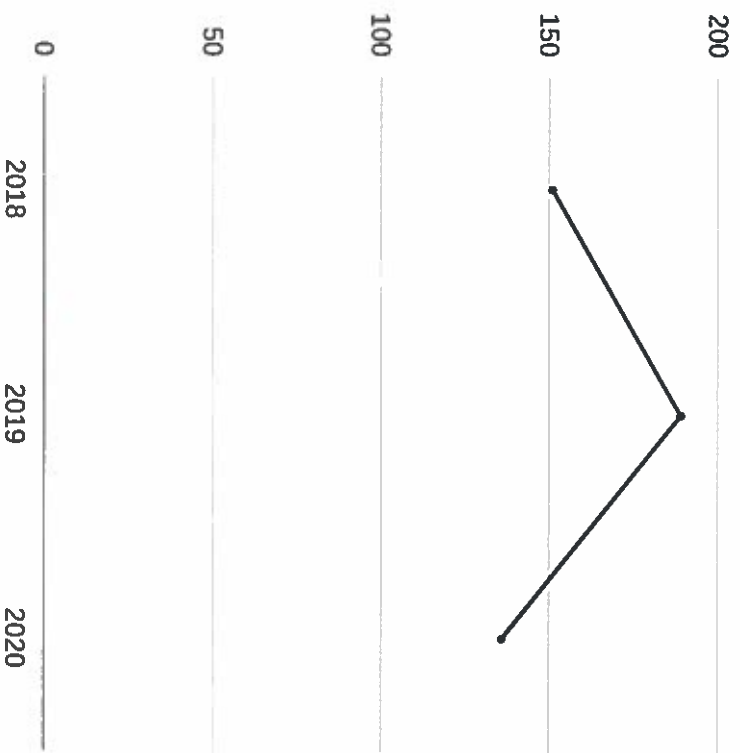


Feral Cats

Ward 1: 11
Ward 2: 6
Ward 3: 5
Ward 4: 12
Ward 5: 0



Total Animals Picked up for 2018,2019, 2020 for months July- September



Surrenders have been put on hold since March we, however, did except 4 dogs during this quarter.



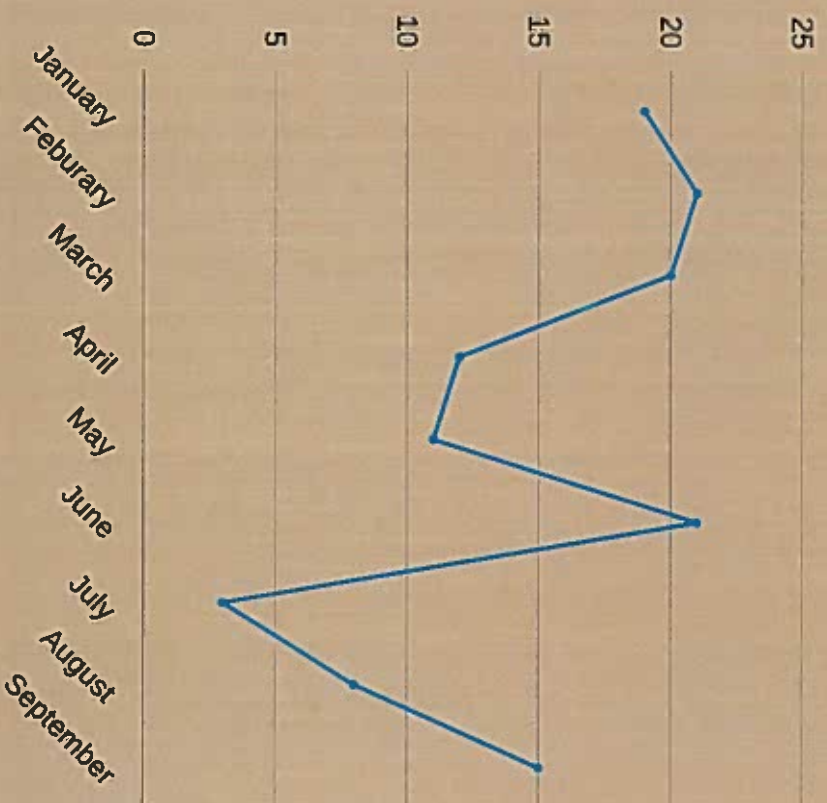
5 puppies born at the shelter

Two of the female dogs brought in by a seizure warrant in June were pregnant and gave birth to litters in the shelter about a week apart. One dog had 2 surviving pups and the other had 3. Both moms and puppies were transported to other rescues.

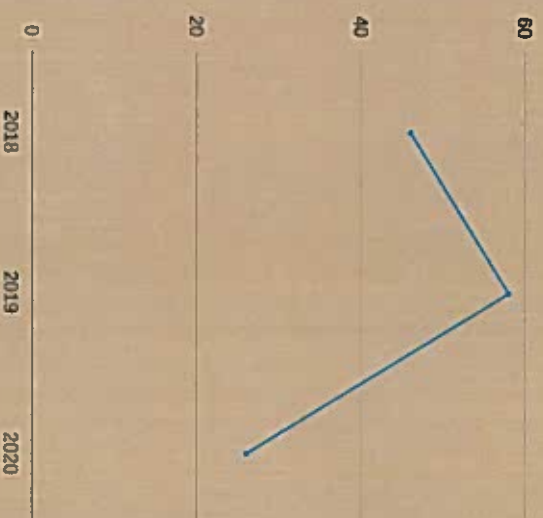


Adoptions

January-September 2020



3rd Quarters 2018, 2019, 2020



Transports

41 animals were transferred to other rescues

21 cats and 20 dogs

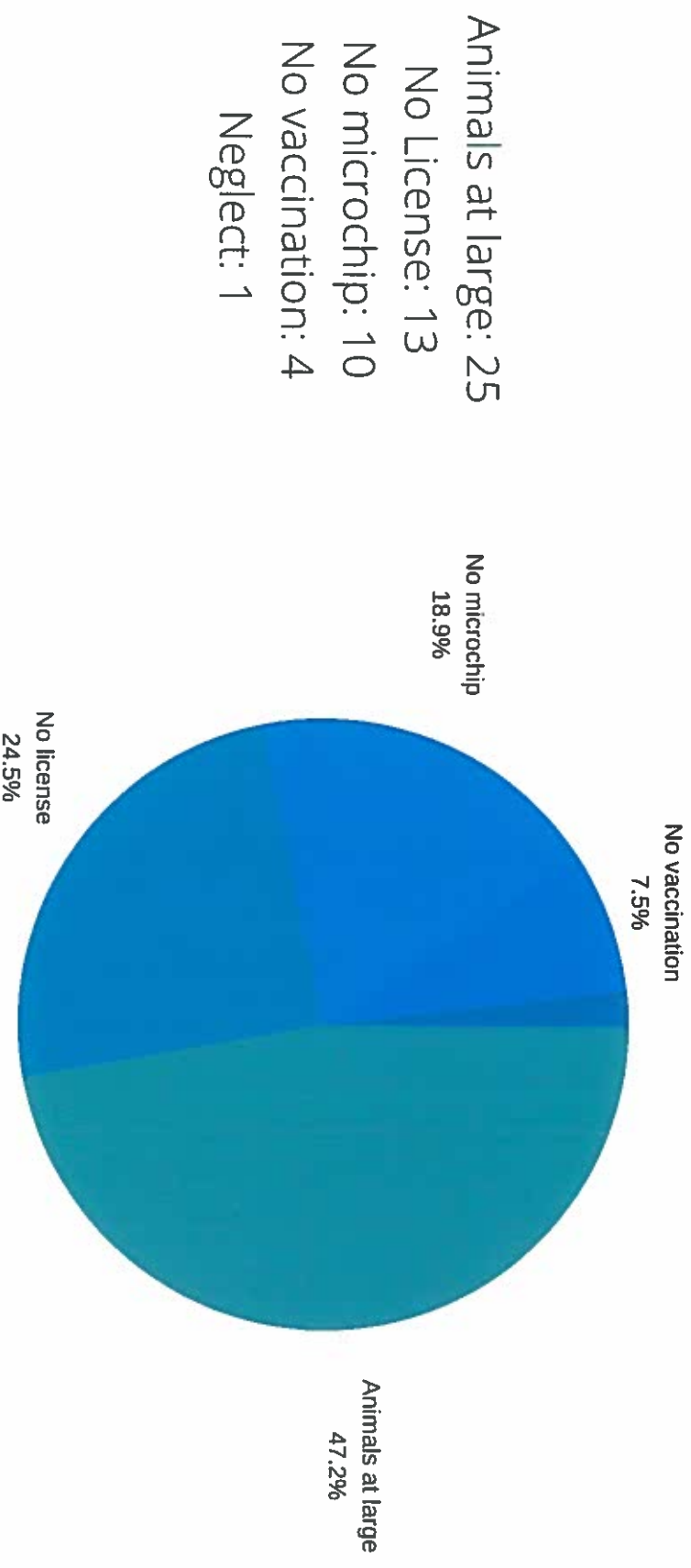
*Shelter to foster to transport to rescue to home
Dez has found his forever home after 541 days in
the system!*

Thank you AHS!



Thank you OTATI!

Citations Issued



Microchips

28 microchips placed

12 cats and 16 dogs!

Microchips can be placed at the shelter and are only \$15!



City Licenses

Why do we do licensing?

1.) Rabies vaccination regulation
must provide proof of rabies vaccine

Fees?

\$10 unaltered

\$7 altered

\$3 renewal

2.) Pet identification

shows that the animal is owned,

encouragement to have spayed and neutered

records kept at the shelter make it easier to

animals

contact an owner if the pet ends up in the

shelter.

What is considered Running at Large?

Sec.10-117. - Running at large prohibited

No person keeping or harboring any animal or fowl shall permit such animal or fowl, except pigeons, to go loose or run at large in any of the public ways of the city or upon the property of another, except in enclosures on the private property owned or leased by the person keeping or harboring such animal or fowl. Any unidentifiable or unidentified animal not wearing a collar displaying a rabies vaccination tag will be considered stray or feral, and shall be subject to animal control.

Sec.10-1. - Definitions.

Restrained or confined means an animal restricted to the property of the owner or under the direct physical control of a competent person.

Run at large means free of physical restraint beyond an enclosed or fenced area; includes any animal that is not under the actual control of its owner.

Stray means any animal running free with no physical restraint beyond the premises of the owner.

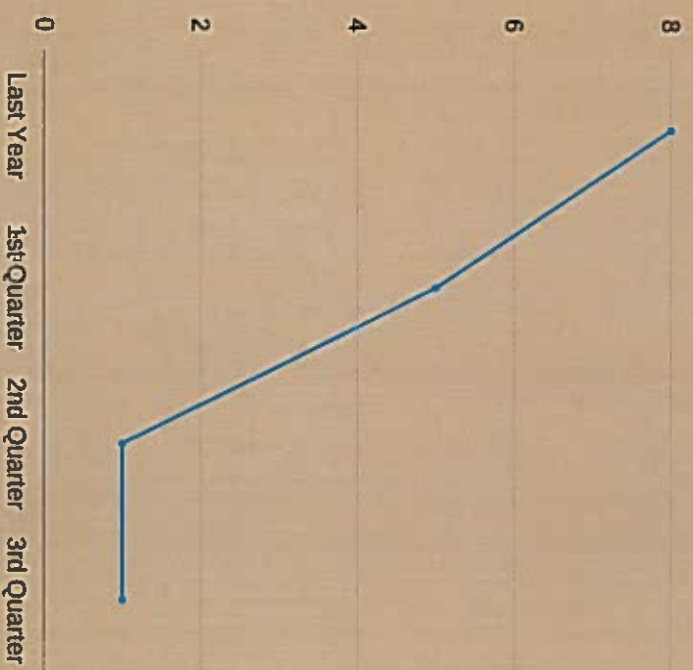
State laws on vaccines

Texas State law requires all cats and dogs over the age of 16 weeks to receive a rabies vaccination by a licensed veterinarian.

As per TVMA (Texas Veterinary Medical Association) all other vaccinations (DA2PP, Bordetella, Felv, FVRCP) administered for the public would be considered a non veterinarian performing veterinary care with out a license. They also mentioned that there is possibility of allergic reaction with any vaccination so there is a liability if a non city owned animal was to have a reaction at the shelter.

Animal Bites

7 animal bites



Donations!

Thank you from all of us at the shelter
for the donation of a brand new washing machine,
Clorox wipes, litter and treats!



Questions?

9. 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.)

1. Approval of minutes from City Council meeting on November 3, 2020. (E. Zimmer, City Manager)

City of Alpine
Regular City Council Meeting
Tuesday, November 3, 2020
5:30 P.M.
Minutes

1. Call to Order, and Pledge of allegiance to the flags – Mayor Ramos called the meeting to order. The meeting was held at Big Bend Telephone Conference Room and via Zoom Conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Councilor Curry, Councilor Olivas, Councilor Betty Fitzgerald, Councilor Escovedo, Councilor Stephens and Mayor Ramos were present. City Secretary, Cynthia Salas reported that the agenda was posted at 5:00 P.M. on October 30, 2020. City Manager Erik Zimmer and City Attorney Rod Ponton, attended at Big Bend Telephone Conference Room City Secretary, Cynthia Salas, was absent.
3. Public Comments (limited to 3 minutes per person) –
4. Presentations, Recognitions and Proclamations – (A. Ramos, Mayor) – None
5. Reports – Copies of the charts presented during the meeting are posted on the City website at <https://www.cityofalpine.com/Alpine%20City%20Council%20-%20CM%20Report%203-17-2020.pdf>

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report –

- Update on current matters

City Manager Report –

- Coronavirus Update

City Staff Updates – None

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.)

1. Approval of minutes from City Council meeting on October 20, 2020. (E. Zimmer, City Manager)
2. Discuss, consider making recommendation to City Council concerning a Conditional Use Permit application for outside dining (Taste & See). Property Identification/Address is 116 N. 5th, Alpine, TX 79830. Legal description Lot 7, Block 4, Addition OT. Property owner is Loft Holding LLC. (E. Zimmer, City Manager)

3. Discuss, consider making recommendation to City Council concerning a Conditional Use Permit application for outside dining (Century Bar & Grill). Property Identification/Address is 209 E. Holland Ave., Alpine, TX 79830. Legal description is Lot 1, Block 6, Addition OT. Property owner is Holland Investors LLC. (E. Zimmer, City Manager)
4. Discuss, consider making a recommendation to City Council concerning a Conditional Use Permit application for outside dining (Judy's Bread & Breakfast). Property Identification/Address 113 W. Holland Ave., Alpine, TX 79830. Legal description is Lot 2, Block 5. Property owner is Bill Ivey/Rod Ponton. (E. Zimmer, City Manager)
5. Discuss consider making a recommendation to City Council concerning a Conditional Use Permit application for outside dining (Cedar Coffee). Property Identification/Address is 121 E. Holland Ave., Alpine, TX 79830. Legal description is IE/2 of lot 14, Addition OT. Front Street Books. Property owner is Margaret Anne Callaway. (E. Zimmer, City Manager)
6. Discuss consider making a recommendation to City Council concerning a Conditional Use Permit application for outside dining (Santanas). Property Identification/Address is 300 E. Holland Ave. Legal description is Block 122, Addition OT. Property ID 12340, Alpine, TX 79830. Property owner is Santana Celso Cruz. (E. Zimmer, City Manager)
7. Discuss, consider making a recommendation to City Council concerning a Conditional Use Permit application for outside dining (Scoops Creamery). Property Identification/Address is 106 Sul Ross Ave., Alpine, TX 79830. Legal description is Lot 7.6, Block 16 Addition FEE. Property owner is Sandra Koteland. (E. Zimmer, City Manager)
8. Discuss, consider making a recommendation to City Council concerning a Conditional Use Permit application for outside dining (Old Gringo Biker Bar and Grill). Property Identification/Address is 101 W. Ave. E., Alpine, TX 79830. Legal description is Lot 1, Block 16, Addition OT. Property owner is Dannica Investments LLC. (E. Zimmer, City Manager)

Motion was made by Councilor Stephens, by Resolution 2020-11-01 to approve the consent agenda as presented including the Conditional Use Permits for outside dining for Century Bar & Grill, Taste and See, Judy's Bread & Breakfast, Cedar Coffee, Santanas, Scoops Creamery, and Old Gringo Biker Bar & Grill. Motion was seconded by Councilor Escovedo. Motion unanimously carried.

8. Information or Discussion items –

1. Discussion on Order of meeting on November 17, 2020 to move up canvassing and swearing in to right after Public Comments. (E. Zimmer, City Manager)
2. Discussion of Resolution 2020-11-06, a request from Alpine Country Club for consideration of reducing water rates for their facility. (R. Stephens, City Council)
9. 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.) after being called upon by Mayor or Mayor Pro Term. 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.) –
 1. Discuss, consider, and take appropriate action on the first reading of Ordinance 2020-11-01, an Ordinance of the Enterprise Zone for Big Bend Regional Medical Center. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-11-02, on the first reading of Ordinance 2020-11-01, an Ordinance of the Enterprise Zone for Big Bend Regional Medical Center. Motion was seconded by Councilor Escovedo. Motion failed.

2. Discuss, consider, and take appropriate action on Resolution 2020-11-03 for the renovation of the Old Schoolhouse. (E. Zimmer, City Manager)- Motion was made by Councilor Stephens, by Resolution 2020-11-03, for the renovation of the Old Schoolhouse. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
3. Discuss, consider, and take appropriate action for approval of City Attorney's September 2020 invoice. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-11-04, for approval of City Attorney's September 2020 invoice. Motion was seconded by Councilor Escovedo. Councilor Escovedo and Councilor Betty Fitzgerald voted to approve. Councilor Curry, Councilor Olivas, and Councilor Stephens voted against. Motion was 3 to 2. Motion failed.
4. Discuss, consider making recommendation to City Council concerning a Conditional Use Permit application for a rezoning from a C-1 to a R-4 for a mobile home. Property Identification/Address is 2607 West Hwy 90. Legal description is Block 9, Section 29 G.H. & S.A.R.R., Abstract 3991, Alpine, TX 79830. Property owner is Arvind Gandhi Ang Texas. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-11-05 concerning a Conditional Use Permit application for a rezoning from a C-1 to a R-4 for a mobile home. Property Identification/Address is 2607 West Hwy 90. Legal description is Block 9, Section 29 G.H. & S.A.R.R., Abstract 3991, Alpine, Tx 79830. Property owner is Arvind Gandhi Ang Texas. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
5. Discuss, consider making recommendations to City Council concerning a Conditional Use Permit application for a nonconforming use of structures and premises, and nonconforming characteristics of use. Property Identification/Address is 1107 N. 7th Alpine, TX 79830. Legal description North, Block 25, Lot 1-8. Property owner is Rhonda Cole. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-11-08 concerning a Conditional Use Permit application for a nonconforming use of structures and premises, and nonconforming characteristics of use. Property Identification/Address is 1107 N. 7th Alpine, TX 79830. Legal description North, Block 25, Lot 1-8. Property owner is Rhonda Cole. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
6. Discuss, consider making recommendations to City Council concerning a Special Use Permit application to add 25 machines to his game room business. Property Identification/Address 204 W. Murphy St. Alpine, TX 79830. Legal description OT Block 56, Lot 10 & 11, Little Mexico Café. Property owner is Travis Prausa. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-11-09 concerning a Special Use Permit application to add 25 machines to game room business. Property Identification/Address 204 W. Murphy St. Alpine, TX 79830. Legal description OT Block 56, Lot 10 & 11, Little Mexico Café. Property owner is Travis Prausa. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
7. Discuss, consider, and take appropriate action to approve Resolution 2020-11-07, the Region 19 Interlocal agreement for the Utility Department to utilize Region 19 as a Co-op and utilize their cooperative purchasing agreement. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-11-07 to approve Resolution 2020-11-07, the Region 19 Interlocal agreement for the Utility Department to utilize Region 19 as a Co-op and utilize their cooperative purchasing agreement. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
8. Discuss, consider, and take appropriate action on proposed projects and projected costs for improvements of facilities at Lujan Baseball Field (Part of Centennial Park) in Ward 2. (R. Olivas, City Council) – Motion was made by Councilor Olivas, by Resolution 2020-11-10 on proposed projects and projected costs for improvements of facilities at Lujan Baseball Field (Part of Centennial Park) in Ward 2. Motion was seconded by Councilor Escovedo. Motion unanimously carried.
9. Discuss, consider, and take appropriate action amending the City of Alpine Ordinance, removing Chapter 10 Animals 10-41b, and adding it to Section 10-59, Animals in vehicles. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2020-11-11 amending the City of

Alpine Ordinance, removing Chapter 10 Animals 10-41b, and adding it to Section 10-59, Animals in vehicles. Motion was seconded by Councilor Escovedo. Motion unanimously carried.

10. Discuss, consider, and take appropriate action to determine whether or not to continue to engage Rod Ponton as the City Attorney for the City of Alpine. The engagements that Rod Ponton has as the City Attorney for other cities in West Texas is impacting Alpine's ability to take actions on key issues that required attorney action. (R. Stephens, City Council) – Motion was made by Councilor Stephens, by Resolution 2020-11-12 to determine whether or not to continue to engage Rod Ponton as the City Attorney for the City of Alpine. The engagement that Rod Ponton has as the City Attorney for other cities in West Texas is impacting Alpine's ability to take actions on key issues that required attorney action. Motion was seconded by Councilor Curry. Councilor Curry and Councilor Stephens voted for. Councilor Olivas, Councilor Betty Fitzgerald, and Councilor Escovedo voted against. Motion was 3 to 2. Motion failed.

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. – None

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 Pursuant to Texas Government Code 551.071 (consultation with an 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)

12. Action – Executive Session – None

I certify that this notice was posted at 5:00 P.M. on October 30, 2020, 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:

Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 5:00 P.M. on October 30, 2020, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Cynthia Salas, City Secretary

Council minutes: 11-03-2020

Approved: 11-17-2020

10. Information or Discussion items –

1. Charter Discussion: Role of the Mayor as defined by City of Alpine Charter and Interference with Administration as outlined by Section 3.10 of City Charter.(E. Zimmer. (City Manager)

17 November 2020
City Council Meeting

Re: Interference with Administration

Mayor and City Council,

This topic has come up over the last several months and I wanted to ensure we had an opportunity to cover it in an Open Session of City Council.

I've included the letter I shared with you on October 9th of this year and will also be prepared to discuss three recent instances where our Mayor has gone directly to staff without consulting or communicating with me first.

This type of behavior is stressful for our City employees and also outside the expectations of our Charter.

Thank you,

Erik Zimmer
City Manager





Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Section 3.10 Interference with Administration

Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Fri, Oct 9, 2020 at 8:29 AM

To: Andy Ramos <mayor.amos@ci.alpine.tx.us>, Maria Curry <ward1.curry@ci.alpine.tx.us>, Ramon Olivas <ward2.olivas@ci.alpine.tx.us>, Betty Fitzgerald <ward3.fitzgerald@ci.alpine.tx.us>, Lucy Escovedo <ward4.escovedo@ci.alpine.tx.us>, Rick Stephens <ward5.stephens@ci.alpine.tx.us>
Cc: pontonrod <pontonrod@gmail.com>, Cynthia Salas <city.secretary@ci.alpine.tx.us>

Mayor and City Council,

The topic came up at our Council meeting this week and I wanted to offer some additional comments. Here's the actual Charter language.

Section 3.10 Interference with Administration: Neither the Council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the Council under the provision of this Charter. Except for the purpose of inquiry and investigation or as otherwise expressly provided in this Charter, the Council shall deal with the administrative services of the City solely through the City Manager and shall not give orders to any of the City Manager's subordinates either publicly or privately, except with the City Manager's specific approval.

With that said, I wanted to make sure we were all grounded on the point that the matters of administrative services of the City should be dealt solely through with the City Manager. I've always worked to be generous with the requests to speak with our team members on topics, but those requests need to come directly to me. I work hard to keep abreast of all matters relative to the community.

We have a robust schedule of City Manager and City Staff reports. We schedule those topics based on the items our teams are working on while also trying to give a level of regularity of reporting for each group. Feel free to reach out to me independently if you need additional information on a specific department or service the City provides.

Thank you,
Erik

--

Erik M. Zimmer
City Manager
Alpine, TX 79830
432.837.3301

Attention Elected Officials - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.

HOME RULE CHARTER

of the

City of Alpine, Texas

ADOPTED May 1, 1993

**AMENDED MAY 1995
SECTION 3.05 COMPENSATION (B)
SECTION 9.07**

**AMENDED MAY 7, 2005
SECTION 2.04 ANNEXATION PROCEDURES
SECTION 9.04 CLAIMS AGAINST THE CITY
SECTION 10.05 REDISTRICTING
SECTION 5.06 (D) TRANSFER BALANCES**

**HOME RULE CHARTER
of
THE CITY OF ALPINE, TEXAS**

TABLE OF CONTENTS

ARTICLE III THE CITY COUNCIL

Section 3.01	Number, Selection, and Terms of Office	8
3.02	Qualifications	9
3.03	Mayor and Mayor Pro Tem.	10
3.04	General Powers and Duties.	10
3.05	Compensation	10
3.06	Vacancies.	11
3.07	Meetings	11
3.08	Rules of Procedure	12
3.09	Official Bonds for City Employees.	12
3.10	Interference with Administration	13
3.11	Investigation by the City Council.	13
3.12	Audit and Examination of City Books and Accounts . . .	13
3.13	Action Requiring an Ordinance.	14
3.14	Ordinances in General.	15
3.15	Code of Technical Regulations.	16
3.16	Emergency Ordinances	17
3.17	Authentication and Recording	18

Section 3.03 Mayor and Mayor Pro Tem

- (A) The Mayor shall preside at meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties.
- (B) The Council shall elect from among its members a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.
- (C) The Mayor, or the Mayor Pro Tem while presiding over the Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. Neither the Mayor nor the Mayor Pro Tem shall have the power of veto.

Section 3.04 General Powers and Duties

All powers of the City shall be vested in the Mayor and Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise of such powers and for the performance of all duties and obligations imposed on the City by law.

Section 3.10 Interference with Administration

Neither the Council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the Council under the provision of this Charter. Except for the purpose of inquiry and investigation or as otherwise expressly provided in this Charter, the Council shall deal with the administrative services of the City solely through the City Manager and shall not give orders to any of the City Manager's subordinates either publicly or privately, except with the City Manager's specific approval.

11. 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.) after being called upon by the 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.) –
 1. Discuss, consider, and take appropriate action to determine whether or not to continue to engage Rod Ponton as the City Attorney for the City of Alpine. (M. Curry, City Council)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	NOVEMBER 17, 2020	AGENDA REQUEST NO:	ACTION
	MARIA CURRY	RESPONSIBLE DEPARTMENT:	CITY COUNCIL
PRESENTED BY:	MARIA CURRY	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	

SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO DETERMINE WHETHER OR NOT TO CONTINUE TO ENGAGE ROD PONTON AS THE CITY ATTORNEY FOR THE CITY OF ALPINE
------------------------------	--

CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET	
EXPENDITURE REQUIRED: \$	0
SAVINGS ANTICIPATION: \$	
CURRENT BUDGET FY2020-2021: \$	0
ADDITIONAL FUNDING: \$	

RECOMMENDED ACTION

--

EXECUTIVE SUMMARY

--

2. Discuss, consider, and take appropriate action on recommendations on Resolution 2020-11-14 in regard to an Electric Provider Services for the City of Alpine. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	NOVEMBER 17, 2020	AGENDA REQUEST NO:	ACTION
	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS ON RESOLUTION 2020-11-14 IN REGARD TO AN ELECTRIC PROVIDER SERVICES FOR THE CITY OF ALPINE		
	RESOLUTION 2020-11-14		
CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____
BUDGET			
EXPENDITURE REQUIRED: \$		0	
SAVINGS ANTICIPATION: \$			
CURRENT BUDGET FY2020-2021: \$		0	
ADDITIONAL FUNDING: \$			
RECOMMENDED ACTION			
EXECUTIVE SUMMARY			

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-11-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH NRG - RELIANT THAT WILL PROVIDE ELECTRICAL ENERGY FOR THE CITY OF ALPINE BEGINNING DECEMBER 1, 2020 AT A GUARANTEED RATE OF \$ _____ FOR A PERIOD OF _____ MONTHS.

WHEREAS, the City Council of the City of Alpine entered into an Agreement with TXU on October 1, 2016 to provide energy services to several City electrical accounts, through September 30, 2020; and

WHEREAS, the City issued a RFP for Retail Electric Service Providers to provide a reliable supply of electricity, associated services and a high level of customer service; and

WHEREAS, it would be in the best interest of the City to take advantage of lower current energy rates and outlined customer service options.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

The City of Alpine hereby agrees to execute an Agreement with NRG- Reliant for retail electrical services for City accounts at the rate of _____.

PASSED AND APPROVED THIS THE 17th DAY OF NOVEMBER 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

ATTEST:

Andres "Andy" Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine

RFP – Retail Electric Service Provider

Deadline – November 6, 2020 by 5:00 pm

Number of Responses: 2

Respondent Summary:

1 – TXU Energy (Current Provider for the City of Alpine)

Rates Offered:

Term Length (Years)	Rate Offered
1	\$0.0399995
2	\$0.0373592
3	\$0.0352857
4	\$0.0341880
5	\$0.0334849
6	\$0.0328731
7	\$0.0335801
8	\$0.0331418
9	\$0.0327215

Customer Service – Provided Dedicated Account Manager

Online Services – Billing, Energy consumption, online payments, manage users, Energy Management Portal

Invoicing – Monthly statements broken down by account, summary billing, EDI invoicing

****Past issues – Initial Dedicated Account Manager left TXU...no follow up from new manager till end of contract.**

Online access not discussed or made easily available. Invoicing request to departmentalize accounts never completed. Request for invoice from Account Service Manager took more than three weeks to obtain. Repeated calls and emails. Resulted in City being charged late fees.

2 – Reliant Energy

Rates Offered:

1	\$0.03580
2	\$0.03383
3	\$0.03204
4	\$0.03099
5	\$0.03031

Customer Service – Provided Assigned Specialist and backup support team

Online Services – Billing, Usage reports, manage ESI IDs, online payments, view market trends, year over year comparisons, personalize dashboard

Invoicing – Monthly statements broken down by account, individual monthly billing, collective billing, summary statement billing, or EDI invoicing availability

4. Discuss, consider, and take appropriate action on City Attorney Rod Ponton's bill. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING:	NOVEMBER 17, 2020	AGENDA REQUEST NO:	ACTION
INITIATED BY:	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	

SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON CITY ATTORNEY RON PONTON'S BILL.
------------------------------	--

EXHIBITS:	
------------------	--

CLEARANCES	APPROVAL
------------	----------

LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

EXPENDITURE REQUIRED: \$	0
SAVINGS ANTICIPATION: \$	
CURRENT BUDGET FY2020-2021: \$	0
ADDITIONAL FUNDING: \$	

RECOMMENDED ACTION

--

EXECUTIVE SUMMARY

--



Cynthia Salas <city.secretary@ci.alpine.tx.us>

Fwd: Alpine Billing Sep-Oct 2020

5 messages

Rod Ponton <pontonrod@gmail.com>

Wed, Nov 11, 2020 at 2:34 PM

To: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>, Cynthia Salas <city.secretary@ci.alpine.tx.us>, Geo Calderon <records.clerk@ci.alpine.tx.us>

Cc: Marina Aguilar <aguilarmarina7788@gmail.com>

Please place on the 11/17/2020 Alpine city council agenda for payment my September and October invoices.

Rod

----- Forwarded message -----

From: Rick Johnson <rkjohnson@gmail.com>

Date: Wed, Nov 11, 2020 at 2:32 PM

Subject: Alpine Billing Sep-Oct 2020

To: Rod Ponton <pontonrod@gmail.com>

Attached

Rick Johnson
Law Clerk to Rod Ponton
Big Bend Law
123 N. 6th St.
Alpine, TX 79830
(432) 837-0990
Fax: (432) 837-0995

--

Rod Ponton
Big Bend Law
432-837-0990
432-837-0995 fax
pontonrod@gmail.com
<http://bigbendlaw.net/>



Alpine Billing Sep-Oct 2020.pdf
1064K

Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Thu, Nov 12, 2020 at 10:02 AM

To: Rod Ponton <pontonrod@gmail.com>

Cc: Cynthia Salas <city.secretary@ci.alpine.tx.us>, Geo Calderon <records.clerk@ci.alpine.tx.us>, Marina Aguilar <aguilarmarina7788@gmail.com>

Yes, it will be on the agenda.

Thanks much,

Erik

[Quoted text hidden]

--
Erik M. Zimmer
City Manager
Alpine, TX 79830
432.837.3301

Attention Elected Officials - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.

Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Thu, Nov 12, 2020 at 10:06 AM

To: Geo Calderon <g.calderon@ci.alpine.tx.us>, City Info <city.info@ci.alpine.tx.us>, Cynthia Salas <city.secretary@ci.alpine.tx.us>

Geo or Keyla,

Can one of you look at Rod's September invoice and go line by line versus the one that was on the previous agenda. He did not call out the differences...so I want to ensure we can analyze what changes he made.

Thanks much,

Erik

[Quoted text hidden]

[Quoted text hidden]

 **Alpine Billing Sep-Oct 2020.pdf**
1064K

Geo Calderon <g.calderon@ci.alpine.tx.us>

Thu, Nov 12, 2020 at 12:50 PM

To: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Cc: City Info <city.info@ci.alpine.tx.us>, Cynthia Salas <city.secretary@ci.alpine.tx.us>

Erik,

Keyla will review the September invoice from the last meeting to the new one. I advised her that the October invoice is brand new.

Thank you,

Geo



Geo Calderon
Executive Coordinator, City of Alpine
Tel: 432-837-3301 | Fax: 432-837-2044
100 N. 13th St, Alpine, TX 79830
www.cityofalpine.com

[Quoted text hidden]

Keyla Stanford <city.info@ci.alpine.tx.us>

Thu, Nov 12, 2020 at 1:56 PM

To: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Cc: Geo Calderon <g.calderon@ci.alpine.tx.us>, Cynthia Salas <city.secretary@ci.alpine.tx.us>

Hi all,

I compared the invoice from the November 3rd Council packet with the one sent in this email, and the differences I'm finding is the November 3rd packet was JUST September, while this invoice going in the November 17th packet is for September and October. He noted on the new invoice that this is invoice 181 and 182 combined.

September total is the same at \$5302.50 He mentions that September is our outstanding balance and we currently owe the October total. All line items were the same.

October Invoice total at \$6,632.50

Combined Invoice total at: \$11,935.00 (September/October)

11/12/2020

City of Alpine Mail - Fwd: Alpine Billing Sep-Oct 2020

Otherwise, the September invoices are the exact same line for line. I've been looking over them for an hour and unless I'm not seeing something wrong, this is all I do see as a change. Fee detail, description, fees all of it is the same for September.

Keyla Stanford

Executive Coordinator | City of Alpine

Tel: (432) 837-3301 | Fax: 432-837-2044

100 North 13th Street, Alpine, Texas 79830

On Thu, Nov 12, 2020 at 10:06 AM Erik Zimmer <erik.zimmer@ci.alpine.tx.us> wrote:

[Quoted text hidden]

Bill to:

City of Alpine
100 N 13 Street
Alpine, TX 79830

City Attorney 0247

INVOICE

To September 30, 2020

Invoice Date September 30, 2020
Invoice Number Due 181
Date Due Upon Receipt

Account Summary

Current Invoice \$5,302.50

Total Due \$5,302.50

Fee Detail

Date		Description	Hours	Rate	Total
9/1/2020	RP	PSC matter; review Perry letter and follow up re claimed sewer plant work; draft reply to PSC attorney demand	4.30	\$200.00/hr	\$860.00
9/1/2020	RP	Review Animal ordinance for the Animal Advisory Board	0.40	\$200.00/hr	\$80.00
9/2/2020	RP	Receive/review Municipal Court docket for September 8	0.30	\$200.00/hr	\$60.00
9/3/2020	RP	Follow up on radio tower on the Clayton Williams CW ranch	0.30	\$200.00/hr	\$60.00
9/3/2020	RP	Receive email from Josephine Jordan, UPRR; UPRR agrees to pay fine of \$17,500 in full; update Erik Zimmer of agreement	0.40	\$200.00/hr	\$80.00

Date		Description	Hours	Rate	Total
9/4/2020	RP	Review Municipal Court files	0.40	\$200.00/hr	\$80.00
9/4/2020	RP	Emails to/from Erik Zimmer re APD	0.30	\$200.00/hr	\$60.00
9/4/2020	RP	Send Erik Zimmer copy of APD arrest video, memo; requested telephone conference with Erik Zimmer	0.40	\$200.00/hr	\$80.00
9/8/2020	RP	Attend Alpine Municipal Court docket	2.00	\$200.00/hr	\$400.00
9/9/2020	RP	Research municipal liability case law for pattern/practice civil rights violation, "policy" requisites, sovereign immunity waiver, email writeup	3.80	\$200.00/hr	\$760.00
9/9/2020	RP	APD writeup	0.20	\$200.00/hr	\$40.00
9/10/2020	RP	Draft email and memo to Alpine city council re Alpine Police Department, attached legal cases	2.30	\$200.00/hr	\$460.00
9/10/2020	RP	Telephone conference with County Attorney Steve Houston	0.30	\$200.00/hr	\$60.00
9/11/2020	MA	Send via email, response letter to Dub Wade re PSC	0.30	\$75.00/hr	\$22.50
9/11/2020	RP	Receive/review Agenda and back up materials for Alpine City Council meeting on September 15	0.50	\$200.00/hr	\$100.00
9/11/2020	RP	Receive/review email response from Dub Wade; email to Scott, Alpine Utilities Director re response from PSC	0.60	\$200.00/hr	\$120.00
9/15/2020	RP	Review open record case law re character of previously released record, draft AG Open Records inquiry re previously released records character	1.50	\$200.00/hr	\$300.00
9/15/2020	RP	Review TOMA for employee request for open v. closed hearing, draft letter requesting city attorney agenda item to be heard in open session	1.20	\$200.00/hr	\$240.00
9/15/2020	RP	Attend Alpine City Council meeting	2.00	\$200.00/hr	\$400.00
9/21/2020	RP	Research illegal dumping of tires case law, culpable mental state requirements, draft	1.50	\$200.00/hr	\$300.00
9/23/2020	RP	Review potential agenda items for next meeting	0.50	\$200.00/hr	\$100.00

Date		Description	Hours	Rate	Total
9/23/2020	RP	Review personnel handbook and grievance committee process	0.50	\$200.00/hr	\$100.00
9/25/2020	RP	Review UPRR suit/research	2.30	\$200.00/hr	\$460.00
9/29/2020	RP	Emails to/from Dub Wade requesting status	0.40	\$200.00/hr	\$80.00
			Hours Total	Fee Total	\$5,302.50
			26.70		

Expense Detail

Date	Description	Quantity	Rate	Total
<i>No expenses have been charged for this invoice.</i>				
				Expenses Total
				\$0.00

Fees	\$5,302.50
Expense	\$0.00
Current Due	\$5,302.50
Total Due	\$5,302.50

BIG BEND LAW
123 N. 6th Street
Alpine, Texas 79830

Bill to:

City of Alpine
100 N 13 Street
Alpine, TX 79830

INVOICE

Invoice Date October 31, 2020
Invoice Number 182
Due Date Due upon receipt

City Attorney 0247

Account Summary

Previous Invoice

Outstanding

Current Invoice

\$6,632.50

Total Due

SEPTEMBER + OCTOBER \$11,935.00

Fee Detail

Date		Description	Hours	Rate	Total
10/2/2020	RP	Receive/review agenda and back up documents for city council meeting on October 6	0.50	\$200.00/hr	\$100.00
10/5/2020	RP	City attorney covid presentation research	0.80	\$200.00/hr	\$160.00
10/6/2020	RP	City attorney covid presentation drafting/ revisions	1.80	\$200.00/hr	\$360.00
10/6/2020	RP	City attorney jail update presentation drafting/ revisions, further AG opinion/ case law research	3.00	\$200.00/hr	\$600.00
10/7/2020	RP	UPRR case law research for latest federal decisions, "official capacity" immunity, create research file	3.00	\$200.00/hr	\$600.00

DRAFT DRAFT DRAFT

Date		Description	Hours	Rate	Total
10/8/2020	RP	UPRR research	0.50	\$200.00/hr	\$100.00
10/13/2020	RP	Meet with Erik Zimmer, department heads re municipal court	1.50	\$200.00/hr	\$300.00
10/14/2020	RP	Dictate draft letter to be sent to Dub Wade	0.40	\$200.00/hr	\$80.00
10/15/2020	MA	Edit/format draft letter to PSC attorney Dub Wade; send to Erik Zimmer for approval; send to Dub Wade	0.40	\$75.00/hr	\$30.00
10/15/2020	RP	Review draft letter to Dub Wade re PSC contract; Marina to send	0.40	\$200.00/hr	\$80.00
10/15/2020	RP	Receive/review email from Lorena re Municipal Court dismissal report	0.50	\$200.00/hr	\$100.00
10/16/2020	RP	Receive/review agenda and back up documents for city council meeting on October 20	0.50	\$200.00/hr	\$100.00
10/19/2020	RP	UPRR answer review, research	1.50	\$200.00/hr	\$300.00
10/20/2020	RP	Talk to council members x2 re municipal voting	0.70	\$200.00/hr	\$140.00
10/20/2020	RP	Go to election administrators office, talk to her about voting procedures	0.50	\$200.00/hr	\$100.00
10/20/2020	RP	Telephone conference with TML, Texas Secretary of State elections	1.00	\$200.00/hr	\$200.00
10/20/2020	RP	Research election code, other	0.80	\$200.00/hr	\$160.00
10/20/2020	RP	Attend city council meeting	3.50	\$200.00/hr	\$700.00
10/20/2020	RP	Gather BCSO jail-sheriff AG opinion/case law re sheriff's ultimate supervisory role for council meeting	0.90	\$200.00/hr	\$180.00
10/24/2020	RP	UPRR answer research/shell drafting	0.80	\$200.00/hr	\$160.00
10/26/2020	RP	UPRR answer drafting continued, FRCP formatting review	3.80	\$200.00/hr	\$760.00
10/26/2020	RP	Review Alpine police department data from Brewster County Attorney Steve Houston	2.00	\$200.00/hr	\$400.00
10/27/2020	RP	Review municipal court cases at municipal court	2.50	\$200.00/hr	\$500.00

City Attorney

Invoice Number:

Date		Description	Hours	Rate	Total
10/29/2020	MA	Send City Attorney update documents to city manager and city secretary for upcoming city council meeting	0.30	\$75.00/hr	\$22.50
10/29/2020	RP	Draft Alpine Police Department review	1.50	\$200.00/hr	\$300.00
10/29/2020	RP	Draft, send agenda requests	0.50	\$200.00/hr	\$100.00
Hours Total			33.60	Fee Total	\$6,632.50

Expense Detail

Date	Description	Quantity	Rate	Total
<i>No expenses have been charged for this invoice.</i>				
Expenses Total				\$0.00

Fees	\$6,632.50
Expense	\$0.00
Current Due	\$6,632.50
Outstanding Balance	\$5,302.50
Total Due	\$11,935.00

DRAFT DRAFT DRAFT

City Attorney 0247
City of Alpine

Due Date	Due Upon Receipt
Invoice #	181 + 182
Total Due	Sept. \$5,302.50 Oct. 6,632.50
Amount PAID DUE	\$11,935.00

Make payment to:

BIG BEND LAW
123 N. 6th Street
Alpine, Texas 79830

5. Discuss, consider, and take appropriate action on Resolution 2020-11-13, on Alpine Country Club request. (R. Stephens, City Council)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	NOVEMBER 17, 2020	AGENDA REQUEST NO:	ACTION
	RICK STEPHENS	RESPONSIBLE DEPARTMENT:	CITY COUNCIL
PRESENTED BY:	RICK STEPHENS	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	

SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RESOLUTION 2020-11-13, ON ALPINE COUNTRY CLUB REQUEST.
------------------------------	--

CLEARANCES	APPROVAL
------------	----------

LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

EXPENDITURE REQUIRED: \$	0
SAVINGS ANTICIPATION: \$	
CURRENT BUDGET FY2020-2021: \$	0
ADDITIONAL FUNDING: \$	

RECOMMENDED ACTION

EXECUTIVE SUMMARY

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-11-13

A RESOLUTION OF THE CITY OF ALPINE, TEXAS REGARDING COLLABORATIVE IMPROVEMENT EFFORTS FOR 2020/2021 BETWEEN THE CITY OF ALPINE AND THE ALPINE COUNTRY CLUB TO ACCOMPANY THE 2016 LEASE AGREEMENT.

WHEREAS, the City of Alpine leases a significant portion of the land used for the golf course to the Alpine Country Club; and

WHEREAS, the City of Alpine would like to ensure that the property is properly maintained and provides aesthetic beauty to the community, which is found to be a valid public purpose; and

WHEREAS, the Alpine Country Club currently does not receive any other financial assistance from other governing entities; and

WHEREAS, the City of Alpine and Alpine Country Club will annually review the lease agreement and the progress of a capital improvement plan; and

WHEREAS, the City of Alpine provides water to the Alpine Country Club from three separate sources known as the clubhouse meter, effluent tank and the Brown/Phelps meter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

Section 1. The City Council authorizes the City Manager to provide for a monthly discount of 60% for the water being provided to Alpine Country Club for account number 168430.00, known as the Brown/Phelps meter (ID 8145940).

Section 2. The City Council authorizes the City Manager to provide water from the effluent tank (ID 8221064), at no cost to the Alpine Country Club for use on the golf course. The objective of the City will be to provide the effluent water 20 or more days per month.

Section 3. Alpine Country Club is to continue to invest in the projects identified in the Capital Planning Document and report progress to City Council in March 2021.

Section 4. This policy takes effect upon approval and the water discount period is July 1, 2020 through September 30, 2021.

Section 5. The Alpine Country Club will work with the City on establishing a cost to build the irrigation system on the course property. The cost estimate will be completed by March 31, 2021.

PASSED BY A MAJORITY VOTE OF THE CITY COUNCIL on this 17th day of November 2020.

Andres “Andy” Ramos, Mayor
City of Alpine
ATTEST:

Cynthia Salas, City Secretary
City of Alpine