

**City of Alpine
Regular City Council Meeting
Tuesday, March 3rd, 2015
5:30 P.M.
Minutes**

1. **Call to Order, Invocation and Pledge of allegiance to the flag** – Mayor Rangra called the meeting to order. Jo Beth McLeod with the Ministerial Alliance gave the invocation and Mayor Rangra led the Pledge of Allegiance to the flags.
2. **Determination of a quorum and proof of notice of the meeting** – Mayor Rangra, Councilors Bermudez, Salas, Fitzgerald, Gonzales and Stephens were present. The meeting notice had been posted at 2:30 P.M. on February 27th, 2015. Barbara Quirk was present remotely for the meeting as well as City Manager Zimmer and City Secretary Taylor.
3. **Presentations, recognitions and proclamations** –

A. **Proclamation for Meals on Wheels. (A. Rangra, Mayor)** – Mayor Rangra presented the proclamation for Meals on Wheels to Cathy Lammons with the Sunshine House.

4. **Reports** –

City Mayor's Report -

Mayor Rangra said last week he went to El Paso for a Rio Grande Council of Governments meeting. He said the audit report was presented. He said they used the same CPA that we had hired. He said on the 10th of this month, State Senator Uresti and State Representative Pancho Nevarez declared it as Brewster County Day. He said we need to get the names of the Councilmembers who plan to attend in Austin for the invitations.

City Manager Report –

- **RU OK initiative with Alpine Police Department** – City Manager Zimmer said the RU OK initiative had received recent media exposure but had been in effect for about 10 years. He said it was a great opportunity for residents (typically elderly) who still live at home but need extra check-ups. He said the police department will call them and check up on them once a week or even once a day. He said this compliments work done by other agencies in our city. He said the City of Alpine Police Department was recently praised by Newswest 9 for performing this service.
- **Public Works Update – Guardrail at CC Estates** – City Manager

Zimmer said we are doing continued work on pothole remediation. He said we are looking for road base across the region. He said the price for it is trending up this year. He said we had a 35% increase from the existing vendor. He said we have completed the guardrail at Country Club Estates and we are starting work at Baines Park on the new swing set. He said the monies for the new swing set were raised by Friends of Big Bend Parks.

- Interlocal Agreement for EMC Position – Update on progress – City Manager Zimmer said the draft on the Interlocal Agreement for the EMC position was provided to the City on February 27th, 2015. He said he is reviewing it with the City Attorney. He said he will not be at the meeting on March 17th, 2015 and he is targeting having this in a complete form prior to the April 7th, 2015 meeting. He said we are taking the time to ensure that we have a good agreement between the City and the County.

City Staff Updates – None

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

Bob Litton said he lives in the Alpine Manor Apartments and mentioned the pot holes.

Brian Shugart said there are 3 or 4 important Home Rule bills in Texas right now. He said Representative Pancho Nevarez said he does not believe they will go anywhere. He said there is a bi-partisan group against it and he asked that the Council create a Resolution against these bills.

Roger Sigland said these bills would outlaw the Home Rule charter. He said the Home Rule City protects the rights of the city. He said this all started with Denton, Texas and oil and gas development. He asked that the Council support the Home Rule City.

6. Public Hearings –

A. Public Hearing to hear citizens views and comments concerning zoning change request from Residential to Commercial. Owner is requesting this change to provide high quality student accommodations. Property identification/street address is 1003 Loop Road, Alpine, Texas and legal description is Kokernot Addition, Block 9, Lots 6 & 7 and South Part of Lot 8. Record owner is Sara Rice, Missionary Baptist Foundation of America and Agent is John W. Carpenter. There was a notice published in the paper about this public hearing. The Planning and Zoning Commission postponed this item and did not act upon it. (E. Zimmer, CM) - Glenn Ramsdale said the record owner did not say what level of commercial they would go to. He said half the building is in a residential zone and the other half is in a commercial zone. He said Sul Ross was not involved in this at all. He said the owner/agent was not present at the last Planning and Zoning Commission meeting and the potential buyer is an employee at Sul

Ross. He said there is also a possible asbestos problem in the building. Johnny Carpenter said he spoke to Ryan O'Shaughnessy and he requested that this item be withdrawn from the agenda or postponed. Roby Golden said the application at this time is withdrawn. She said at this time there are no more than 10 parking spaces in front of the old Nursing Home and the residents would like something done in that area. She said she understood the plan was for 26 rooms to be turned into apartments for young ladies. She said the potential would then be for 52 cars to be parked somewhere in that area. She said the local residents would like a plan that would benefit the neighborhood instead of making it worse. She said the single family dwellings in that area are home owned and they would like to maintain the neighborhood as it is. City Manager Zimmer said notice of this Public Hearing was published in the newspaper but there is no action item concerning this item, since it has been withdrawn or postponed at the present time.

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

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

B. Approve Council Minutes of February 3rd and February 17th, 2015. (A. Rangra, Mayor) –

Councilor Gonzales asked that item 7B be moved to the Executive Session. Motion was made by Councilor Fitzgerald, by Resolution 2015-03-01 to approve item 7A (accounts payable) of the consent agenda. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.) –
- A. Discuss the impact of HB 540 on the City of Alpine's Home Rule Charter and constitutional authority, and negative effect on the rights granted the voters and citizens of Alpine to exercise powers of initiative and referendum. (A. Rangra, Mayor) – Mayor Rangra said when he was in San Marcos, attending the Texas Municipal League Meeting, there was a one page brief concerning the history of House Bill 340 and Senate Bill 343.

He said the Home Rule City would be abolished if this is passed and signed by the government. He said there are two kinds of cities, one was General Law and one was Home Rule. He said at one time Councilor Fitzgerald was approached about banning smoking in eating places and other places in the City of Alpine and the City of Alpine passed an Ordinance for that. He said the brief referred back to New York City and that citizens in New York can only do what New York tells them to do. He said in 1912 the State of Texas decided that "we the people" should be in control and over 5,000 population cities adopted a Home Rule Charter, more than 350 cities in Texas. He said if these bills pass we will have to do what the Senators and Representatives in Austin tell us to do. He said another bill has to do with the Rollback issue. He said if we abolish Home Rule cities we will end local control. He said there are two items on this agenda to vote on later on. Councilor Fitzgerald said it is ludicrous to reduce our authority. He said we have the ability to make our own decisions and to heck with New York. Councilor Bermudez said TML (Texas Municipal League) is fighting for Home Rule against the bills. Councilor Gonzales said we need to stop those bills and contact our state and local officials. He said Representative Pancho Nevarez has expressed his opinion against these bills and Senator Uresti is also against them. Dale Christophersen said none of us want this. He said he thought the main issue was annexation. Anita DeVries said she was glad to see it made it to the agenda and what can the city and county do to get the news out. Brian Shugart said he would like to see the Council pass a Resolution that we are opposed to this.

- B. Discuss the impact of SB 343 on the City of Alpine's Home Rule Charter and constitutional authority and powers. (A. Rangra, Mayor) – Discussed under 8A – above.**

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

- 9. Discuss and Consider City Council review of Alpine Municipal Court data to better understand the status of the Court and to determine if any action is required to address the significant backlog of Municipal Court cases. (R. Stephens) – Councilor Stephens said he and Judge Trook took the challenge to pull the data together and analyze the data from the Municipal Court. He said there were 3,466 pending cases in 1996. He said there were 2,671 cases from 2010 or earlier and 796 cases from 2011 or later. He said there were an average of 45 new cases each month. He said the case backlog is relatively flat and the statute of limitations for misdemeanors is two years. He said the case dismissal rate seems high and the data is not readily available on fine collection rates, number of repeat offenders, or non-compliance to court orders. He said concerning traffic cases, 98% of**

them are moving violations. He said on an average month, 45.26 new cases are filed in the Municipal Court and \$1,956 is the amount of revenue kept by the City on an average month. Councilor Stephens made the following observations and recommendations. He said the pending case backlog needs reduction. This can be accomplished by 1) City Council – support Municipal Prosecutor motion to dismiss cases that are more than four years old and pending cases will drop to 800 2) Municipal Court – conduct analysis of remaining cases to determine actions and timeline for completion 3) Municipal Court – provide recommendations to City Council regarding support needed to reduce pending case backlog to reasonable load. Councilor Stephens said the last 8 months of hearings shows less than 1/3 of citations resulting in “no contest” or conviction. He said 99 were no contest, 220 were dismissed and 3 were convicted by the court. He said in Municipal Court, a complete analysis was requested by Councilor Stephens regarding repeat offenders, non-compliance to court orders and failure to appear cases. He said the City needs to conduct a workshop with the Chief of Police, Code Enforcement, the Municipal Prosecutor and the Municipal Judge to align on violation penalties. He said finally he will help and work with Judge Trook to obtain the data that is needed. Councilor Fitzgerald said Councilor Stephens made a good presentation. He said the dismissal rate is high. Judge Trook said everything makes a great deal of sense. She said they are looking at the burden of proof or the individual in the courtroom. She said concerning the dismissals, there was a huge amount of clearing out due to the statute of limitations. She said there were cases that should have been cleared out long ago and revenue that could have been collected. She said she is willing to work with the City Manager to answer questions. She also said the court is not there to generate revenues. She said they have a process for collections now and Hill Country came out to assist them. Councilor Stephens asked if they needed help. Judge Trook said she took a class in Intel spreadsheets. Manfred Fritsche said he used to work with the El Paso Courts and said they gave the offender 10 days to pay their ticket or ask for a court date. He said if they did not make the court date a warrant would be triggered. Carl Fleming suggested that the names of the people who had not paid their fines or have not come to court have their names published in the newspaper. Judge Trook said the court now has an option to begin using Omnibase. She said it is state funded and much less expensive than sending an officer out. She said it is a way to get people to respond to court orders. Carl Fleming said people have to renew their driver’s license every 6 years and they also have to have a vehicle registration and inspection. Anita DeVries said concerning Omnibase, what if they have no license in the first place. She said licensing meets the needs of the cities, not paying the fines when you get them. Joseph Goldman asked if there was a list of multiple offenders and dismissals and statute of limitations. Dale Christophersen thanked the Judge for bringing this matter forward and also thanked Councilor Stephens. Judge Trook said there is one other state option. She said there

is another program called SCOFFLAW which applies to all state regulations. She said entering into SCOFFLAW requires a fee by the city which is \$25 per case. She said they are entering into Omnibase in October. Motion was made by Councilor Stephens, by Resolution 2015-03-02, 1) for the City Council to support the Municipal Prosecutor's motion to dismiss cases more than 4 years old, 2) for the Municipal Court to conduct an analysis of the remaining cases to determine actions and timeline for completion, 3) Municipal Court to provide recommendations to the City Council regarding support needed to reduce pending case backlog to reasonable load, 4) Municipal Court to complete analysis requested by Councilor Stephens regarding repeat offenders, non-compliance to court orders and failure to appear, 5) City to conduct a workshop with the Chief of Police, Code Enforcement, the Municipal Prosecutor and Municipal Judge to align on violation penalties, and 6) Help Judge Trook in obtaining the data she needs. Motion was seconded by Councilor Fitzgerald. Mayor Rangra said the state gets most of the money out of these cases from court costs. He said the court files a monthly report with the Office of Court Administration. Motion unanimously carried.

10. Discuss and Consider authorizing acceptance of West Texas HIDTA (High Intensity Drug Trafficking Area) grant (G15SW0009) for the City of Alpine and the Alpine Police Department. Previously, the City of Alpine had received \$24,781.00 and this increases that amount by \$101,009.00 to a total of \$125,790.00. (E. Zimmer, CM) - City Manager Zimmer said he included the information concerning this in the packets. He said we also discussed this grant three or four meetings ago at a Council meeting. He said we do need a positive motion for the city to accept the grant money. Motion was made by Councilor Fitzgerald, by Resolution 2015-03-03, to authorize acceptance of the West Texas HIDTA (High Intensity Drug Trafficking Area) grant (G15SW0009) for the City of Alpine and the Alpine Police Department. Motion was seconded by Councilor Gonzales. Motion unanimously carried.
11. Discuss and Consider action to oppose the passage of HB 540 and direct the Mayor and City Manager to advise state elected officials of the City's official position. (A. Rangra, Mayor) - Motion was made by Councilor Stephens, by Resolution 2015-03-04, for the Mayor and the City Manager to sign a Resolution opposing the passage of HB 540 or any other legislation that hinders in any way, the cities with Home Rule and work with TML for an action plan to oppose this action, and direct the Mayor and the City Manager to advise state elected officials of the City's official position. Motion was seconded by Councilor Bermudez. Motion unanimously carried.
12. Discuss and Consider action to oppose the passage of SB 343 and direct the Mayor and City Manager to advise state elected officials of the City's official position. (A. Rangra, Mayor) - Motion was made by Councilor Bermudez, by Resolution 2015-03-05, to approve action to oppose the

passage of SB 343, direct the Mayor and City Manager to advise state elected officials of the City's official position and authorize the Mayor and City Manager to sign a Resolution opposing the passage of SB 343. Motion was seconded by Councilor Gonzales. Councilor Bermudez said TML had already put together a resolution and that TML is fighting against this legislation. Motion unanimously carried.

13. Council Members Comments –

Councilor Bermudez – said she appreciates all the people who came to the Meeting

Councilor Salas – said thanks for coming and thanked the City Attorney

Councilor Fitzgerald – thanked Councilor Stephens for his presentation

Councilor Gonzales – said he agreed with Councilor Fitzgerald

Councilor Stephens – said it was a good meeting, and said thanks.

Motion was made by Councilor Fitzgerald to enter into Executive Session at 7:10 P.M. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

**14. Executive Session – (moved from Consent Agenda into Executive Session)
A. Approve Council Minutes of February 3rd and February 17th, 2015. (A. Rangra, Mayor)**

Council returned into open session at 7:23 P.M.

15. Action – After Executive Session – (moved from Consent Agenda into Executive Session)

A. **Action, if any, concerning approval of Council Minutes of February 3rd and February 17th, 2015. (A. Rangra, Mayor)** – Motion was made by Councilor Bermudez to take no action until the next meeting of March 17th when the Council would like to discuss this item with City Attorney Mick McKamie. Councilors Bermudez, Salas, Fitzgerald and Gonzales voted in favor. Councilor Stephens voted against. Motion carried.

16. Adjournment – Meeting was adjourned at 7:30 P.M.

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 2:30 P.M. on February 27th, 2015, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Dr. Avinash Rangra, Mayor

Attest:

Margaret "Molly" Taylor, City Secretary

I, Margaret "Molly" Taylor, City Secretary, do certify that this notice was posted at 2:30 P.M. on February 27th, 2015, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary