

**City of Alpine
Regular City Council Meeting
July 2nd, 2013
6:00 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Oscar Cobos, 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 and Councilmembers Bermudez, Davidson, Fitzgerald, Gonzales and Castelli were present. Meeting notice had been posted at 2:30 P.M. on June 28th, 2013.**
- 3. Presentations, recognitions and proclamations – None**
- 4. Reports –**
 - City Mayor's Report - Mayor Rangra said this was a pretty busy week. He said just a few minutes ago at 5:30 P.M., over at the Railroad Park, the Cowboy poets had a ribbon cutting ceremony. He said everyone needs to go and see it. He said earlier last week we had a visitor from the Texas Film Commission. He said they were a couple of very enterprising young people, Rick Edward and John Green. He said they are trying to set up a Big Bend Film Commission and they invited a representative from Austin. He said he met with the representative. He said they are trying to create a situation where we can have filming. He said all of you are aware of the fact that we gave some money to the Marfa Film Festival and in Alpine last week on Friday and Saturday, they had two shows each day here in Alpine. He said there were quite a few people present. He asked if the Council was going to have a float in the parade for the 4th of July celebration. The City Manager said we would have a float for the Council. The Mayor invited everyone to come for the 4th of July celebration. He said our Congressman, Pete Gallego will be here on the 4th of July, joining in the parade. He said talking about that, on the 5th, which is Friday, around 8:30 A.M., Congressman Gallego will be at Bread and Breakfast. He said you are all invited, family members and your friends. He said it is a buffet breakfast at no cost. He said you can meet with him and let him know that you appreciate what he is doing and has done. He is loved by the community where he was a State Representative. He invited everyone to come.**

City Attorney Report – The City Attorney said he had a couple of items on the agenda. He said he will not go into them now. He said he has been working with and supporting city staff and he is pleased to report that we are not being sued by anybody or suing anyone right now.

City Manager Report – The City Manager said he did not have a report

tonight. Councilor Bermudez asked what happened at the City pool with electrical problems. The City Manager said they had an electrician out there this afternoon. He said when the motor was wired in, improper wire nuts were placed on it and worked loose and we had a ground short and it shut the motor down and caused burning of the wiring. He said it has already been fixed and we will be back on line. Councilor Fitzgerald asked if there was anything that could be reported to the Council concerning the progress of the Texas Ranger investigation. The City Manager said the Council had the latest information that he had. Councilor Fitzgerald asked if there was any progress on the possibility of a forensic audit. The City Manager said at this point right now we are not prepared to do anything with that right now. He said once we get the new system converted over and once we get a firm hand on what we have got, if we need to do that, we will be able to do it. Councilor Bermudez said she had six or seven phone calls from people who are saying that they have been told that the city is doing really badly financially. She asked if there was any truth in that statement. The City Manager said he did not know where they were getting their information. He said we are not doing badly. He said we are getting things sorted out and getting a handle on things. He said he would not say that we are in any kind of bad financial issue. He said we are working all that through and of course Deborah will give you a better report when she comes up with the new system with ideas. He said there are some things there that we are trying to clean up but are we going broke, no. Councilor Bermudez said she was glad she asked because she thinks she answered correctly. She said the public was really worried but she told them we were not going broke. She said she told them that we had new people here and they are really doing great.

City Staff Updates –

A. Judge Schlosser Report – The City Manager said she had an emergency and had to be out of town. He said you do have a written report and she will be happy to visit with council at the next council meeting.

5. Citizens Comments (on agenda items) –

Steve Posner – Said he wanted to address Item #14 regarding the proposal for the Alpine Airport to be the home for unmanned drones to operate over Alpine and the Big Bend area. He respectfully encouraged the Council to hold a public hearing before they made any decisions. He said there are many complicated issues including: 1) Safety – he said he talked to A&M and their strategy for preventing potentially fatal mid-air collisions is flawed and will not work in our air traffic environment 2) Economics – if the drone plan is implemented, the FAA is required to publish a notice to airman warning of dangerous air space around the Alpine airport due to

unmanned aerial vehicles operating. He said aircraft that normally would land in Alpine to buy fuel or bring in tourists or hunters to the area would instead divert their business to Marfa or Ft. Stockton airports and would sabotage the economics of our airport, and 3) Cultural issues – He said people choose to live in Alpine to enjoy the natural beauty and isolation. He said having drones buzzing overhead would destroy the serenity.

Oscar Cobos – said he wanted to state also in reference to the drone issue, item #14, is that the timing of the public hearing is an issue for the people. He asked that the public hearing not be held within a week or a few days because that would show that there are special interests involved here. He said his suggestion would be 90 days, in case there is a coalition that wants to come against this. He said we all know that this is a government for the people, by the people. He said he also wanted to state that this is very important that we research all this and find out if there is legislation out there which outlaws this in certain areas already. He said he thinks that people deserve to know with the proper advertisement for the meeting. He said there needs to be more awareness.

Ray Hendryx – said he also wanted to speak to item #14. He said at the Meeting where this was discussed, the Airport Board, it was very plain that there were as many unanswered questions as there were answered questions. He said he just questioned whether or not we should have a hearing until the FAA acts and in that way we can get some things answered and he thinks in that way we would have a little better idea about what was going on.

Walt Pyle – said in regards to item #14, we have had some good comments. He said we need for the public to have full understanding of what we are dealing with here. He said our Airport is too valuable in the tri-county area and we must give it real hard consideration.

Kevin O’Cuilinn – said he is a pilot and operate out of the Airport. He said he second everything he has heard from the people before us. He said this really deserves some consideration that has not been given. He said it is his understanding at the Airport Advisory Board meeting that Texas A&M does not have to have the city’s approval prior to them being awarded this contract. He said therefore we need to postpone this until we know all the facts and until it is not kept secret like they were saying it had to be for negotiations, or for bids. He said if it is not contingent on the city’s approval then why not wait to see if they get the contract and then the public will have an understanding without it being kept secret. He said we should not fast track this thing.

James Jones – said he was not going to say anything tonight. He said he loves this town and he thinks it is the greatest place in the entire state of

Texas to live. He said he does think that we have to be very careful about trying to run businesses out of here. He said we have a tax base that is awful shallow right now. He said if we get some new businesses in here and some new blood he thinks it might possibly do the city a lot of good.

Diana Rodriguez and Kelly Carol – said they were here to discuss the issue on item 8 B, the Electric Smart Meters. She said based on her research of finding previous agendas of the City Council, in August of 2012 this issue was brought before the Council for their attention. She said she contacted some people to see what happened and they were told that the installation of smart meters would be on the Council's hands. She said she started doing research and discovered that Brady, Texas was able to have a vote for an "opt out" option. She said smart meters in the Big Bend area are set to be installed by April of 2014. She said Kelly Carol has a report on this. Kelly said according to the Boston Globe, 8 states have already passed laws allowing or facilitating an opt out for the installation of smart meters in their homes and 8 more states are in the process. She said if smart meters were not a concern for security, privacy and health reasons, government officials and citizens would not be rising to the occasion. She said an article from the Boston Globe in June of 2013, addresses health concerns in regards to smart meters. She said concerning smart meters in Massachusetts, citizens have gathered more than 200 signatures on a petition to their Attorney General opposing the national program and stating that electro-magnetic frequencies emitted by the meters, similar to those from cell phones causes insomnia, ringing ears, headaches, nausea, anxiety and other problems for people who are electro-magnetic sensitive. She said although cell phones do emit more radio frequencies, smart meters are more harmful since cell phones emit radiation to only one part of your body. She said you have to be very close to the cell phone. She said smart meters are designed to give you full body exposure, 24 hours a day, seven days a week no matter where you are in your house. She said they are designed to project up to four miles each way. She said in the previously referenced Boston Globe article, it also addresses security concerns. She said you also have to worry about increase in your lines by computer technology can make a power grid more vulnerable to cyber attacks which could shut down entire cities. She said some of the senators and representatives are calling for legislation to enhance security of the power system. She said state reports that analyze smart meters looked at radiation levels installed outside of a kitchen and outside of a nursery and found that FCC violations occurred in both situations as well as for people who should be protected under the Federal Americans with Disabilities Act. He said the report states that people who are afforded special protection under the Federal Americans with Disabilities Act are not sufficiently acknowledged or protected. She said people who have medical and/or metal implants or other conditions rendering them vulnerable to health risks at lower level than FCC/RF limits may be particularly at risk. She said

that may also hold true for children, people who are ill, people taking medication, people going through chemotherapy and the elderly. She said children's tissues absorb more RF than adults. She said the report also addresses topological leakage of the blood brain barrier and neuron death. She said RF levels are associated with the inhibition of DNA and neurological symptoms, cardiac problems and increased cancer risk in the kitchen and nursery. She said the RF levels in smart meters surge, reaching higher peaks than are expected by the distance between the smart meters within an area of the grid, the findings in this report may not represent worst case scenarios. She said her daughter's crib just happens to be directly across the wall where the smart meter would be installed and she lives in duplexes, a block away from apartment complexes. She said she feels like she could, inadvertently, expose her daughter to radiation. She said another problem is electronic interference and the state reports also researched that. She said consumers may experience electronic interference from smart meter wireless signals. She said the FCC is trying to investigate consumer complaints about electronic interference. She said the FCC requires that unlicensed, low power RF devices must not create interference and such equipment must resolve any interference. She said according to the FCC, the operator of a radio frequency device shall be required to cease operating the device upon notification by a commissioned representative. She said medical and other critical care equipment in a home environment may not work, or not work properly, due to interference by smart meters as well as security systems, surveillance monitors, wireless intercoms and others. She said there are also privacy issues. She said smart meters also provide information about your usage of electricity throughout the entire day, which time of the day your energy usage is highest and what appliances you are using. She said if someone were to intercept or hack into that information, they would know what times you were at your home, what appliances you are using and so forth. She said those are issues of security. She said there is a bill which will not be able to be brought up to the senate again until the next regular session which will be too late to prevent the installation of smart meters in Alpine. She said because of lack of information available to the public they were not able to establish a statewide "opt out". She said however there is an option for individual municipalities. She said Brady, Texas used the Local Government Code which called for petitions containing signatures of 5% of the city population to allow for a citizen vote during the first upcoming city election to make a charter amendment in which Alpine can provide an "opt out" option for its citizens. She said in an Alpine City Council Meeting of August 21st, there was some citizen opposition to the installation. She said one of them was electro sensitive and struggling to survive and those issues have still not been addressed. She said what they are asking the Council is to try to gather some support and work with citizens. She said she created a brochure and survey and will be going door to door. She said they are looking for focus group who will work together and target people

to get their 5% vote. She said that will give them data to show the Council who is for the “opt in” and who is for the “opt out”.

Andy Ramos – said there is an issue that greatly impacts the City of Alpine and the tri-county area and that is the lack of wireless or cell phone service. He said as you all know, once you get out of the city limits, you are pretty much dead in the water. He said along with John Armstrong, they have been working and trying to formulate a game plan to try to contact the powers that be, AT&T, Sprint and Verizon. He said he is no coming in empty handed but he is asking for the Council’s support or endorsement. He said he has made some progress. He said he has contacted AT&T external affairs in government and the external affairs for this area. He said in talking to them they are very positive and are willing to sit down and talk to us about it. He said he also contacted Senator Uresti, who also oversees this area and Pancho Navarro, our newly elected State Representative and they are both very positive about it. He said with that said it not only affects us but also homeland security. He said these folks are out there in the middle of nowhere and if they lose their two-way service sometimes they have to rely on their cell phones. He said he understands that companies cannot cover every little pocket that does not have cell phone service but at least cover the major thoroughfares, Highway 90 East and West, 67, 118 and towards the park. He said at least we will have some communication. He said as we recently found out with the fire in Fort Davis, AT&T went up there and set up a remote site and some of the folks that he talked to were ecstatic that they had cell service in the middle of nowhere. He said he thinks it is doable. He said they are working it and trying to form a committee on this right now. He said they will have a small committee, probably about 4 or 5 individuals to address this issue to AT&T. He said again the folks at AT&T have been very positive. He said he contacted Congressman Gallego’s office yesterday and got a very positive response. He said he is endorsing this endeavor.

Oscar Cobos - said concerning item #14, he just wanted to mention that he understood that concerning the drones that whoever was behind it, corporations or companies, would not be held liable for any malfunctions. He said that is something that the city needs to take into consideration because somebody needs to be held liable.

6. Public Hearings – None

7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) –

- A. Approve Council Minutes of June 4th, 2013. (A. Rangra, Mayor)**
- B. Approve Accounts Payable. (C. Harrington, CM)**

Motion was made by Councilor Davidson , by Resolution 2013-07-01, to approve the Consent Agenda in full. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

8. Information or Discussion items –

- A. Financial Update – June 29, 2013 Conversion to Hill Country Software – Deborah Pattison (C. Harrington, CM) – Deborah Pattison said every month the Council will get a brief update which shows the City's financial position and in comparison the previous four months in comparison to the prior June, 2012. She said you will have a very good snapshot as to where we are as of June 30, 2013, our balance is \$1,140,596. She said on the second page it shows the primary cash reserves and how they have fluctuated and the secondary cash reserves. She said that is our current financial condition. She said the Council did have a complete check listing which is coming out of the new software. She said this is all the checks that are for approval tonight and you will get this straight out of the system every two weeks for council meetings. She said you have individual detail by every check for every vendor and then a summary of the number of checks that were issued. She said these are awaiting approval and signatures. She said over the weekend they have made a successful conversion to the system. She said Jim Stateczny, the President of Hill Country Software is here tonight. He said for the last two or three weeks they have been working on the conversion of the old City's system. He said it turned out to be a lot more of a challenge than he thought it would be. He said he thinks we have plowed through it and he thinks we have gotten everything out of the old software that we can get. He said the position that we are in right now is that we have made the conversion and tomorrow we will be printing paychecks for the City employees. He said after that we will be cleaning up the chart of accounts. He said by our next council meeting we will have a full set of reports and a budget analysis. He said it is just that we need to clean up the chart of accounts a little bit. He said it is kind of cumbersome. He said there are a lot of things that have been in there a long time that do not need to be there. He said everything is going fine and it all worked out. He said the conversion is completed. Councilor Gonzales asked if this Software is also going to be operating the gas department. The City Manager said that would be a separate billing system. He said it will take the numbers from the general ledger but what we still have to work out is getting a separate utility billing so that we can do both gas and water as one bill. Jim said basically what he is providing to us is a budgetary accounting system that does all the accounting functions and it has been around a long time. He said it has been around since 1982 and is well proven. He said it is very intense on detail. He said when money moves there are transactions generated. He said once a transaction is generated, you cannot delete it, or modify it. Councilor Fitzgerald asked if**

there was anything that he could share with the Council that was good, bad or indifferent, about anything that has happened in the past. Deborah said we have in the system now financial data that begins October 1, 2012. She said we do not have a back-up before any of that in stored information at this time. Jim said as soon as they can find back-ups for previous years, he can convert that as well and we will have a whole lot better history and he knows that they were backing up the files, he just does not know where they put them. He said your backups traditionally go away. He said they are either put up on CD's or backed up on the web. He said they go somewhere where if this building was to be destroyed, your data is where it is safe. He said a lot of times you might take it down to the Sheriff's Department or Police Department. He said you do not want all of your eggs in one basket. He said that is totally independent of your software. He said this is just a precaution that you do to protect your information. Mayor Rangra said last year's audit was done by Shaw Skinner so we should have that information somewhere. Deborah said there was no electronic file that was provided by the auditor. Mayor Rangra asked if the files are deleted, can we retrieve those by some sort of mechanism. Jim said there are no files that have been deleted. He said you have a folder that is called Real-X and that folder has been copied off and stored somewhere. He said there are no files that have been deleted because if there were, their system would not work. He said it requires all of their files to be there. He said in trying to figure out the old system, he has literally opened up every old file we have to see what is in there and to try to figure out how to put the puzzle together. He said with the help of the City Staff and the City Manager it has been a team effort. He said we make accomplishments and then take a step or two back and then we make accomplishments. He said over the weekend it really came together. He said we cleaned up payroll and we are in good shape. He said we just have to find those backups but they are there somewhere. Mayor Rangra said since May of last year, when he got elected as Mayor, they used to get every month, a list of checks and a report form from the finance director, so that information must be somewhere. Jim said starting at your next Council meeting, Deborah, Mr. Harrington and he have agreed that the council will start to get some reports. Jim said he could give the Council reports back to October 1, 2000. The City Manager said yes, the hard data is out there but to get the electronic converted would be light years ahead of how long we would have to go back and look at each piece of paper and re-enter the information. He said that is kind of the dilemma we are in. Jim said when we find the back-ups, to convert the past years fiscal years, he has already written the program. He said we are in good shape. He said we just have to find them. Deborah said with that information in the system, going through the budget process, you could compare back five years on any single line item, any department and know your five year history plus move forward a year. She said it is just in seeking that historical information. Councilor

Bermudez asked if this was still part of the financial report and wanted to know if she could still talk on this. The City Attorney suggested that she put an item on the next agenda. Councilor Gonzales asked Deborah if she had to start somewhere and wasn't she starting with the audit report. Councilor Gonzales asked why Councilor Bermudez could not ask a question if it had to do with the audit report. The City Attorney said this isn't a part of the financial report. Deborah said this was just provided because it was an update from the auditor. She said these numbers from the update are now entered in the new system. She said they had to be entered so the balances could be accurate. The City Attorney asked if what Councilor Bermudez was asking was part of this agenda item. Deborah said this is a financial update and a software update. The City Attorney told Councilor Bermudez to go ahead. Councilor Bermudez said the City Secretary asked her if she had her audit report to give to Shaw Skinner. Councilor Bermudez said she did but she was not going to turn it in because she had her own personal notes on there. She asked if we ever got a letter from Shaw Skinner stating that there was a mistake on that first audit. The City Manager said he honestly did not recall. He said in the original he talks about the errors that were in there. Councilor Bermudez asked if there was any way that we could get him to come and tell us exactly what happened here and why that big error was on there. The City Manager said we certainly can ask him.

- B. Information and Discussion on Electric Smart Meter Installation. (C. Harrington, CM)** – The City Manager said the situation is such, and Ms. Carol made a very good in depth presentation on her issues, he has provided the City Council with an executive summary of a report from PEC that was produced. He said the actual report was 80 pages long but he did produce the Executive Summary that gave you the summary of findings of several scientific different groups that have looked at the information and according to PUC's website has found no danger. He said we recommend to the Council that they receive Ms. Carol's information but at this point, pending any kind of authority by the state, we need to leave it in the hands of the PUC. He said if they want to take the approach like Brady did, certainly they can come forth with a petition to the City Council that could be done at the next election. Ms. Carol said they would have actual data for the council so that they could see what the people feel and think based on the analytical report. Councilor Fitzgerald said we have the Boston Globe report and wondered if there was another report. The City Manager said they have the Executive Summary which gives references. He said they did not do their own report. He said they just went out and got other scientific bodies reports. He said they did not do their own testing but took their information from the other labs. Ms. Carol said as far as the information they looked up, they tried to be impartial from the beginning and they feel like that although there is information out there that says that they are not

harmful most of that is coming from government agencies, whereas research done by small organizations is showing that they are harmful. She said they are designed to be on four acres of land and not in individual houses. She said everyone needs to do their own research, read and figure out some ideas. She said they are going to offer a petition and if they get the 5% it will then be put on a ballot.

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 approving Resolution 2013-07-02, supporting the efforts to expand cell coverage in areas surrounding the City of Alpine, Texas. (C. Harrington, CM) – Motion was made by Councilor Davidson to approve Resolution 2013-07-02, supporting the efforts to expand cell coverage in areas surrounding the City of Alpine, Texas. Motion was seconded by Councilor Bermudez. The City Attorney said this is a resolution that is similar to one that he has sent off. He said everyone wants cell service out here and no one is opposed to it. He said together with Andy they went to Brewster County Commissioner's Court last week and they unanimously adopted the resolution and thought it was best to start there because we are talking about many areas in Brewster County that are outside the City Limits. The City Attorney said the Mayor pointed out to him that this directly impacts the City of Alpine with people travelling from within the city out to have contact with family, friends and business associates within the city. He said also he talked to President Maestas briefly and he has an interest because his students either on assignment at field camp or travelling to and from intermural events, extra-curricular events, faculty members, etc. would like to have communication with people that are outside of the University and in particular, if something happens, like a tragic incident that we have seen around the country, at Sul Ross, they need the ability to communicate with their students on a cell phone by cell phone basis, text messaging, like other universities do. He said all the other Universities in the Texas University System have implemented this. He said he has asked for support. He said Mike Davidson was very helpful in approaching Judge Beard and he wants to make sure that is recognized. He said from Mike's emphasis on tourism, it certainly would be a boom to the local economy in terms of making sure that we have coverage along the major portals from place to place, tourists that are in their location planning their trip can look up on line to help them with their next destination and their next reservation and things of this nature. Councilor Fitzgerald said having had the opportunity, to have made the call and spending 32 days in hell for his geological field camp to have his geology degree it would have been really nice to have that. He said we had to use walkie-talkies and stuff like that. He said he thought this was a great idea. Dave Dumas, President of the Alpine Chamber of Commerce, said it**

goes without saying that at a meeting of the Board of Directors of the Alpine Chamber of Commerce, on the 27th of June, the following Resolution was made, seconded and adopted. It read “Be it resolved that the Alpine Chamber of Commerce Board after due deliberation does support the extension of cell services in rural areas in proximity to the City of Alpine and encourages the City of Alpine and Brewster County Commissioners to proceed immediately in effecting these improvements.” Motion unanimously carried.

10. Discuss and Consider the second reading of Ordinance 2013-06-04, repealing current Section 18-37 of the Code of Ordinances of the City of Alpine, Texas and replacing it with new Article 18-37 of said Code, and Amending Section 18-39 of the Code of Ordinances by increasing the fine for violation from \$500 to \$2,000. (C. Harrington, CM) – Motion was made by Councilor Fitzgerald, by Resolution 2013-07-03, to approve the second reading of Ordinance 2013-06-04, repealing current Section 18-37 of the Code of Ordinances of the City of Alpine, Texas and replacing it with new Article 18-37 of said Code, and Amending Section 18-39 of the Code of Ordinances by increasing the fine for violation from \$500 to \$2,000. Motion was seconded by Councilor Gonzales. The City Manager said there was not a whole lot to say about this. He said this was presented at the last meeting and is up for second reading. He said the City Attorney could answer any questions if there were any since the last meeting. The City Attorney said there were no changes made to the Ordinance since the last Meeting. There were no questions or comments on this item. Motion unanimously carried.

11. Discuss and Consider approving a request by the Lions Club of Alpine for allocation of \$1,500 from the hotel/motel tax fund for advertising of the gun show. (C. Harrington, CM) – The City Manager said this is a request the Lions Club has made to the City Council asking for an allocation of \$1,500 from the hotel/motel tax fund for their labor day weekend gun show. He said there are a number of issues to consider in making this decision and foremost is whether or not this request meets the letter and intent of the law. He said our City Attorney has reviewed this and found that it did not meet any one of the nine acceptable uses for the funds. He said the second issue is trying to assess the impact that the gun show would have on local hotel/motel rooms because that is obviously the purpose, to bring in additional heads in beds. He said we did not receive anything from the Lions Club as to what they expected for out of town visitors to be Attending, or how many would be staying overnight. He said he did know that the club, at last count, had already leased 40 vendor tables. He said there was no indication of how we would be determining how many vendors would stay here. He said that was another issue for us. He said finally we conducted a short poll of several local hoteliers to see what their opinion was and what impact this would have on their activities. He said

we found that the majority felt that it would have negligible impact. He said many of the rooms are already booked for labor day weekend and some of them are already booked for the balloon bash. He said they felt they would have a negligible impact for hotel rooms for this event. He said for all these reasons, the primary reason is that if we could not find a place that this request would fall under, the staff would recommend that this request be denied. Councilor Gonzales said he had a couple of questions. He said on the balloon bash, he understands that the balloon was requesting the hotels to donate rooms for the ballooners. He said that might be part of not contributing to the hotels because they are having to donate the rooms. He said we put these items on the agenda and try to donate so that they can build up. He said in other words, we try to give them money so they can start up their event. He said they do not have a history of how many people are going to stay or anything like that. He said a lot of the people who are coming from out of town and they are going to have to stay overnight since it is a two day event. He said he believes that we should at least try to give them some money and then let's get a report and see if they are making an impact as far as hotels are concerned with the number of people that they draw. He said this is a start-up thing. He said it is not something that we are going to do continuously. He said he thinks it is an ideal situation and would impact the financials of the city and he thinks they can show that they will have some people staying here, whether its full right now or not. He said he thinks it will make a difference. He said we could at least create a survey to find out if they are making an impact. He said basically we do not know right now. The City Manager said he understood what he was saying but we do have a lot of applicants that come in and do have an estimate of how many people will be staying here and what the impact will be. He said the impact may or may not be right. He said in this particular case though, he thinks he has to fall back on the one key issue here, and that is, that it does not meet what the hotel/motel tax law says. He said that is the foremost issue. Councilor Gonzales asked if advertising did not meet one of the nine points. City Attorney Armstrong said no, it is a decision mostly based on the information that the Lion's Club provided, to make it fit an exception. He said you have the letter in your packets. He said he would have to create data and create a description in what they are attempting to do in order to get it better into an exception. He said we could get it in there, but it did not sound good. Councilor Gonzales said so basically what he was saying was that we did not get enough information to be able to make a determination. The City Attorney said he had the same information that the Council had. He said when he made a determination it was based on the information that he had. Councilor Davidson said perhaps he could clarify the issues up a little bit. He said he was contacted by one of the Lion's Club members who asked him about this and his specific request was for street banners here in Alpine. He said he responded that the intent of the hotel/motel tax is to advertise out of town to bring people into town and in his opinion that did

not fit any one of the nine items, because people were already in town. He said he encouraged them to put it on the agenda so the Council could consider it. He said he told them the other events had street banners but they did not come with the City Council's funding. He said at least on paper our money for an event would go for newspaper advertising or radio advertising somewhere else. Councilor Castelli said he was starting to see a pattern of us discussing the hotel motel tax in the nine issues. He asked if it was possible for us to postpone this for two weeks and then the council could be educated in five or ten minutes and then we could discuss it again about the nine items. He said he was not comfortable about the knowledge or information. He said we have plenty of time between now and labor day and asked if we could postpone this for two weeks. Councilor Davidson said he has been in communication with the director of the Texas Hotel and Lodgers Association who generally on an annual basis goes around and gives seminars on the hotel/motel tax. He said these are the people who actually write and lobby for these laws. He said they were trying to figure out a time when they could come to this area and he even said he thought it would be good for this council to attend a seminar before we get into our budgetary process. He said maybe he could see if they could come and give us a primer. Councilor Castelli said if nothing else we hear the explanation from the City Attorney, Texas Hotel and Lodgers Association will come in and tell us a slightly different story and we will hear both sides. The City Attorney said Scott is a long time friend of his. He said he used to be with the Attorney General's office. Councilor Davidson said this man's name is Jason. Councilor Bermudez said that at the July TML meeting, we will learn all about this information. Mayor Rangra asked if it was the wish of the Council to postpone this, he needed a motion. Councilor Davidson made a motion to postpone this item until the following meeting. Motion was seconded by Councilor Gonzales. Councilor Fitzgerald said there is a publication out there that deals with hotel/motel tax. Councilor Castelli said he is not sensing a clear understanding on the council's part. He said he thought all the council should have the same understanding of the law. James Jones asked if it would be possible for the Lions Club to resubmit an application that would be a little more specific about what they were asking for. The City Attorney said as long as it was 72 hours before the next meeting, they could do that. Councilor Fitzgerald said he does not think it really fits and would like to see more information. Motion unanimously carried.

12. Discuss and Consider creating an "on-call" heavy trash pickup program. (C. Harrington, CM) – The City Manager said he was sure that Council was aware that there seems to be a continuing problem of dumping of heavy trash, brush materials and things of that nature and improper use of dumpsters throughout the city. He said the staff has been meeting with TDS to try to get to the root of the problem to find solutions for some of this. He said they have come to one solid conclusion. He said there is no

cause for all the illegal activities. He said however, convenience is a big factor. He said the first thing they really identified is that they do not think the quarterly pick-up of heavy trash is an acceptable level. He said if you miss it by one day you are sitting there with all of your heavy trash. He said it kind of makes you want to get rid of it. He said so someone stores heavy material for 90 days until the next pickup. He said we talked to TDS about that and asked them to come up with a plan at cost for having a truck be dispatched to a location when called upon to haul away special materials like brush or washer and dryer or anything like that. He said when a citizen has something like that, that does not fit into the containers, they have to get it to the landfill themselves or wait for the 90 days. He said he thought we would offer this to the citizens. He said they can call City Hall and ask for a special pick up and TDS will dispatch a truck in a couple of days to pick the materials up and haul them off to the landfill just like they would on a regular heavy trash day. He said after that was done the account holder would be billed on their next water bill for the cost of doing this. He said TDS has given us a price of \$35 for the cost of the equivalent of a three yard pickup which is basically like a washer and dryer or a mattress and box springs. He said the only cost to the City would be the time it would take our staff to click one box on our software to add a charge to their water bill. He said that is one additional thing that we will be doing during the next week or so, is getting out special flyers to all the residents regarding the next quarterly pickup and we are doing a PR program regarding illegal dumping. He said TDS marketing team is going to produce us a nice flyer that will be inserted into the gas bills so that all the citizens will get it. He said this will not end all the problems. He said we think there are some other issues and we are looking at several other options. He said this one does not affect our contract with TDS and does not affect our costs. He said we are trying to put something in place right away. He said we expect to bring back some other ideas to the City Council during budget process and talk about some other options that we could look at that we would maybe help the problem too. He said not only does this look bad for the community but it puts a heavier workload on our staff because we have to get the stuff picked up and we have to go out to the old dump site where people dump mattresses at the gate and we have to go out there with our crews and pick it up and get it removed. He said it is a problem and we have to find every method that we can to get it addressed. Motion was made by Councilor Davidson, by Resolution 2013-07-04, to create an on-call heavy trash pickup program. Motion was seconded by Councilor Gonzales. Councilor Fitzgerald asked if the software had the capability of two items, if someone has a washer and dryer one time and then before the end of the billing cycle, they put out a mattress. The City Manager said yes, that would just be a double click. Councilor Davidson said currently we have heavy metal one week and then one week it is brush. He asked if this would be able to take mixed loads. The City Manager said it would take mixed loads. Councilor Gonzales asked if it wouldn't be easier for the

person to load the truck or trailer and take it to the dump. He said it would be \$16 or something like that. The City Manager said certainly there are other ways to do it. He said first we thought of who could use this service and who might have need of it. He said a lot of people do not have the ability to take things to the dump. He said what we were trying to find was an alternative for everybody. He said there was another way we could do it and that would be to bill it through TDS but that got to be really into some issues with credit cards. He said not everybody pays their bills with credit cards so we were trying to find a method where we could keep control of it and we could accept the cash or checks and we could keep control of it and make it as easy as we could. Councilor Gonzales said he understood, so we don't have two people trying to collect money. The City Manager said yes, sir. Councilor Bermudez asked if we would ever get back what we used to have where people would go on Saturdays to the recycle and dump their own things over there for free. The City Manager said we are researching and evaluating that. He said someone else in staff meeting had come up with another idea, the other day. He said we are running that by TDS too. He said what we don't want to do at this point is bring back anything that is going to cost more money until we get into the budget process. He said that is some of the issues that we are going to try to hold back on. Councilor Davidson said he had a conversation the other day with one of the gentlemen from TDS and one of the things they talked about was maybe not going back to that process but having one Saturday a month where a citizen of Alpine, who is a bill payer, can go dump free. He said he has a trailer and a truck so he can help out some folks. The City Manager said that is a no brainer that we are looking at but we have to work out the cost with TDS. He said to him it did not seem like it was a big deal but they are looking at it because they bill us by the cubic yard or the weight that comes across that scale so we have a couple of issues there financially. Councilor Castelli said he ran this by a couple of neighbors as a service and not a solution. He said his neighbors were very positive about it. He said they also thought it was a reasonable fee. Mayor Rangra said he had a couple of questions. He asked if we were going to be a collection agency for TDS for \$35. He said we get the money from the customer and we pass it on to TDS. The City Manager said that would not be any different from the garbage bill. Mayor Rangra said in that case we get a percentage back. The City Manager said in this case it will be just a straight pass through. Mayor Rangra said he had a little problem. He said the small businesses around Town said they have seen an increase in the last 2 or 3 months of about 35 to 40% on their sanitation bill. He said that is unheard of. He said he thinks we should start answering that question before we start these other things. He said that is a problem with this from a different angle too. He said it is not acceptable. He said he does not know what the problem is or why the businesses are paying more of a percentage for the last few months. He asked if the City Manager could check on that. The City Manager said they have already been checking on that and they will be

prepared to give the council a report on that. Mayor Rangra said the other thing is illegal dumping. He said he understands that a lot of the illegal dumping is done by people who do not live in the City limits. He said if someone comes in and dumps some stuff behind his house, what is he supposed to do. He said if he calls the city and tells them to come and pick it up, he will be paying \$35.00. He said that is not fair. He said there should be a monitoring system somehow. The City Manager said he has talked to people who lived outside the city about how they can solve their problems. He said with dumpsters we are setting ourselves up for that very problem. He said especially here where we are surrounded with people who live outside of the city limits. He said we have talked a little bit to TDS about this but have not gotten real serious about it. He said no one seems to have a real good handle on this. He said unless you do away with dumpsters and that is something in the past that the council has not wanted to do. He said we are trying to find a solution. He said he does not believe that even the new permitting that we do is a very good idea because who will be out there monitoring those people using dumpsters. He said it is a continuing problem and he is doing everything he can. He said he does not have an answer for them. Mayor Rangra said he has a suggestion for TDS and that is when the truck drives down the alleys, they see a lot of stuff by the dumpsters. He said they could take a picture and we could see if there was some sort of trend and where it came from. He said TDS needs to take some sort of responsibility for the money that they make. He said they need to take some responsibility. He said at the same time they should help us come up with some sort of solution. He said \$35 is a lot of money and as he said earlier, what is he supposed to do? Not call? He said the elderly folks do not have a way to take this to the landfill. He said we need something more acceptable. The City Manager said TDS is doing a complete reevaluation of all the dumpster locations. He said we have had a lot of issues about unequal locations, where there are 6 families on one and one has three elderly people on one. He said they have been working on that and we are trying to move some around. He said they did listen and we are trying to find out and when we get down to actual monitoring, we have some ideas where we have problems, including security cameras. She said it is a matter where we are moving forward but we need to pick a starting spot. Mayor Rangra suggested that we postpone this item for two weeks and have TDS come in and make a proposal for this. He said it is up to the Council. Councilor Davidson said he has a problem with a number of lots and he has enough stuff to fill up several dumpsters that a number of families use. He said he could pile that stuff on the street and get them to come and pick it up for him. He said this is \$35 and you do not have to use it if you don't want to. Councilor Fitzgerald said this is a step in the right direction. He said they are being receptive to us. Councilor Bermudez said she and Councilor Gonzales have been out there with their vehicles and trailers and almost all the time there is stuff in the same places. She said they know for a fact that this is not working. She

said this \$35 on here may not work for the people who are already retired or who are on a fixed income. She said those \$35 could be a medication they are taking. Councilor Gonzales said the \$35 is a good deal if it is your trash, but if it is somebody else's trash, you have a heartache about it and don't see how you can justify paying for it. He said he thought we should start using the security cameras and start enforcing the laws as far as illegal dumping and fine people for that and that will stop some of that. He said he has also seen the situation where they put something out there and then said it was not theirs. Councilor Fitzgerald asked if we were still using the cameras that we bought for \$6,000 apiece. Robert Polanco said we have used those for illegal dumping. Councilor Gonzales asked if we had any convictions. Robert said we have had some convictions. Councilor Davidson said there was one location in his ward where there was a notorious place and there was a camera there that would shoot a strobe light when you passed by. He said he did not know if it was still there but to this day it is one of the cleanest locations in town. He said we also need to look into some other technologies. He said he has heard of a motion sensor that we might use. The City Manager said we are examining the other technologies, but \$6,000 a dumpster is obviously too expensive. Councilor Castelli said if we are talking about solutions he has a \$5.00 solution. He said it would be a campaign that says "you click it, we ticket". He said everybody has a camera phone, you take a picture of the person putting out the trash, you e-mail it to a city address and the city sends out a ticket. He said it is kind of big brotherish but everybody in town has a cell phone. He said if they knew that you click it and we ticket and stand behind it, it would work. Oscar Cobos said he agreed with Councilor Bermudez said this should be more fair for Senior Citizens. He said he did not know who came up with the \$35 amount but it does need to be lowered. Andy Ramos said we have a great recycle place here in town and we need to advertise it more. He said it is a resource that we need to use and it is free. Motion carried unanimously.

13. Discuss and Consider authorizing the City Manager to advertise for bids on the construction necessary to institute a "Quiet Zone" in Alpine. (C. Harrington, CM) – The City Manager said the City has been working for a long time to establish a quiet zone to prevent excessive noise as the trains come through town blowing their horns. He said we have now reached another milestone toward accomplishing that goal. He said we are ready to start moving forward with construction, for the necessary improvements to protect vehicles from being struck by a train, which is really one of the final hurdles that we need to overcome. He said Naismith Engineering has prepared some documents for us for the necessary improvements at the location shown on the maps that we attached for you. He said in addition there are some drawings of typically how the improvements would appear. He said we did not attach all of the legal documents since there are about 225 pages but those are all being reviewed by the City Attorney. He said we

have reviewed the drawings and have met with the project engineer and we concur it is time to move this forward. He said we are now asking the City Council for authority to advertise the project bids so that we can move forward in actually preparing for this. He said our target is to try to get this quiet zone in place by fall. Motion was made by Councilor Bermudez, by Resoluitiion 2013-07-05, to authorize the City Manager to advertise for bids on the construction necessary to institute a “Quiet Zone” in Alpine. Motion was seconded by Councilor Gonzales. Motion carried unanimously.

14. Discuss and Consider setting a public hearing to consider a request by Texas A & M Corpus Christi for authorization to utilize Casparis – Alpine Airport to test unmanned drone aircraft. (C. Harrington, CM) – The City Manager said as the Council knows, the Airport Advisory Board conducted a hearing and Texas A&M Corpus Christi was present. He said after that public hearing the Airport Advisory Board recommended to the City Council approval. He said what we are asking at this point is direction from the City Council as to what they would like us to do. He asked if the Council wanted to conduct their own public hearing and the earliest date we could hold one right now is August 6th. He said it may cause some other conflicts because we will have the schedule coming out for budget workshops and that will take up quite a bit of the Council’s time. He said Council may set the hearing whenever they want, if that is what they desire, or we can move it forward without a public hearing. He said the staff’s position is that we feel like public hearings like this help air things out and get a better grasp of issues and that is why we are coming to you to ask you for direction. Motion was made by Councilor Davidson, by Resolution 2013-07-06, to approve setting a public hearing to consider a request by Texas A & M Corpus Christi for authorization to utilize Casparis – Alpine Airport to test unmanned drone aircraft at a Special Meeting in September or later. Motion was seconded by Councilor Bermudez. Councilor Fitzgerald said the meeting would probably take an hour or an hour and a half and the first responsibility is to the people for the budget right now. He said since there is no real sense of urgency on this, let’s do it sometime in September. Councilor Gonzales said he understands that they are not going to make a decision as to where they are going to go until December. He asked if that was right. The City Manager said they have until December so they could do it at any time. He said we just do not know. Councilor Castelli said he had not received any information and he wanted to receive the information on this item. Walt Pyle complimented the Council members for asking the right pertinent questions. Motion carried unanimously.

15. Citizen’s Comments (limit 3 minutes) –

Andy Ramos said he wanted to thank the Council for their support concerning cellular service.

Kelly Carol said she would report back to the Council concerning the smart meters. She said the meters could be considered dirty energy.

Oscar Cobos – appreciated the Council moving the public hearing to September but wanted the public hearing publicized so everyone would know about it.

Kevin O’Cuilinn – said the drones would have an impact on corporate jets that fly into Alpine. He said also he talked with the flight crews and they will not fly into Alpine if the drones are here. He said they will fly into another airport.

16. Council Member’s Comments and Answers –

Councilor Castelli – Said the Lions Club had quite a presentation from a competing EMS provider. He said we need competition out there. He said we pay \$84,000 a year for EMS Service. He said it sounds like we have some competition out there and he has started looking into it. He said if anyone has any information, he will be gathering information to get an idea of what the complete picture is of our EMS situation. He said he is going to be asking questions of staff and meeting with the County Commissioner and getting that information so we can really look at what our EMS situation is. He said he is not saying we need to do away with the current provider that we have, but with competition we have a chance to negotiate better service and he thinks we are entitled to that as a community.

Councilor Fitzgerald – said he appreciated what Deborah and Jim have done in the changing over of the software.

Councilor Davidson – said he appreciated all the people who came out tonight who have done their research and homework. He said he has been researching if the FAA approves the drones what does that mean to the City of Alpine. He asked if that takes place do we get to ban drones from our airport? He thanked everyone for coming.

Mayor Rangra – said to remember the 4th of July events and Congressman Gallego’s breakfast on the 5th. He said to remember to recycle. He said only about 15% of people do it. He said to use our recycling center. He said that will save us a lot of money.

Councilor Bermudez – said she has not seen the actual financial conversion like Mr. Fitzgerald did but she has come into the office when the staff is working and they are like little ants going back and forth, papers here and papers there. She also commended Deborah and Jim.

17. **Executive Session – None**
18. **Action – Executive Session – None**
19. **Adjournment** – There being no further business, meeting was adjourned, upon the Motion of Councilor Fitzgerald and Seconded by Councilor Bermudez. Motion unanimously carried.

I certify that this notice was posted at 2:30 PM on June 28th, 2013, 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 PM on June 28th, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary