

**City of Alpine
Regular City Council Meeting
Tuesday, June 16th, 2015
5:30 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flags – Mayor Rangra called the meeting to order. Lana Covington said the invocation. 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 Antrim, Salas, Fitzgerald, Gonzales and Stephens were present. The meeting notice had been posted at 1:45 P.M. on June 12th, 2015. City Manager Zimmer and City Secretary Taylor were also present.**

- 3. Presentations, recognitions and proclamations –**

- 4. Reports –**
 - City Mayor’s Report - (A. Rangra, Mayor)**

Mayor Rangra said people ask him what he means when he says “Weapons of Mass Destruction”. He said he means anger. He said please leave the anger part out.
 - City Manager Report – (E. Zimmer, CM) –**

PAVING UPDATE

 - 14 Blocks are in final prep mode. Working elevation and drain levels
 - Delay in getting heat tank here, but finally on ground in Alpine.
 - After today, 10 day forecast has lots of sunshine. Targeting week of June 29th for first layer of asphalt and grade 4 rock.
 - Start milling up next round of blocks after that. Continue on through Paving season.
 - Original budget allocation will be spent on materials through the first round of paving. Targeting first review of budget amendments in July to demonstrate cross-charge to Water, Sewer and Gas departments
 - Hot asphalt patcher projected for delivery in July. Team has been working through pothole fix requests over the last 4 weeks.

WATER BREAKS UPDATE

 - Seven major breaks in Musquiz site location over the last six weeks
 - Three major breaks in Sunny Glen location
 - Monitor well levels and adjust usage with major users.
 - Budgeting more repair dollars on infrastructure through 2015-16 FY budget

TCEQ ENFORCEMENT ACTION CASE #48535

 - Fee back from Mr. Smith in Congressman Hurd’s office and Jimmy Dutchover in Senator Uresti’s office.

- Legislation being contemplated in Texas currently that could change the administration of the enforcement cases. Jimmy asked us to hold tight until June 21-22 timeframe. Sarah Miller from TCEQ litigation engaged in dialogue with Jimmy Dutchover on this point.
- Will utilize the \$45K in this year's budget for a Bar Screen and redirect those dollars towards the de-watering tanks. City Manager said we need to be wasting more and this will streamline our operation.
- Old Marathon Highway Lift Station Update – formal compliance letter sent from TCEQ June 11, 2015
- Continue to make headway weekly and keep the lines open with TCEQ and our staff from elected officials.

STAFFING/EMPLOYMENT UPDATE

- Alpine has, what could be equivocated to 0% unemployment.
- Appears to be close to 100 jobs open in the City.
- Some could argue the point of underemployment, but there are many business owners in dire need of qualified employees wanting to work. City Manager said he routinely visits with business owners and tradesman who cannot find employees committed to working for long periods of time.
- City has struggled filling open positions in Public Works and Water/Sewer. It has impacted our ability to complete proactive work.
- Opportunity to work back with Sul Ross and AISD.

BUDGET VARIANCE/INCOME STATEMENT/SPECIFIC ACTIVITY REPORTING

- All funds continue to perform above expectation and we are starting to see the incremental CIP work being completed across the various departments (Rectifier for Gas, OMHLS, Aerator for WWTP and paving Materials for Streets)
- Have included the Budget Variance detailed reports in packets (with City Manager comments on some of the sheets), the income Statement report and the Specified Activity report.
- The checking accounts continue to be in good shape, though we are seeing the spend from the General fund greater than revenue now that most Ad Valorem taxed have been collected.
- We have included the charts again in the packets and will follow visually in this presentation.
- Megan and the City Manager will make the recommendation at the July 21st meeting for the dollars necessary to cross-charge Water, Sewer and Gas for Pavement reconstruction. If we need to go through the budget amendment process, we will make the declaration at that juncture.

REVENUE VS. EXPENSE

- Government Fund Revenue - \$2,843, 242
- Government Fund Expense - \$1,162,978

- Net Income - \$680, 264

- W/S/S Revenue - \$2,585,053
- W/S/S Expense - \$2,360,597
- Net Income - \$228,457
- Airport Revenue - \$372,428
- Airport Expense - \$362,285
- Net Income - \$10,143

- Gas Revenue - \$1,734,963
- Gas Expense - \$1,108,425
- Net Expense - \$629,537

- HOT Revenue - \$334,955
- HOT Expense – 179,316
- Net Income - \$155,639

City Manager Zimmer gave the Running Totals for the Year for General Fund, Water, Sewer and Sanitation, Airport, Hotel Motel and the Gas Company He also showed the Council a graph showing General Fund, Water, Sewer and Sanitation, Airport Gas and Hotel results year to date. Councilor Stephens said it sounds like the City Manager has made great progress with TCEQ. City Manager Zimmer said we are getting a lot of help from Congressman Hurd and Senator Uresti's staffs. He said he will continue to report monthly to the Council about this. Mayor Rangra asked if we still were making payments on our loans. The City Manager said we still have close to 7 million dollars in debt. He said we pay the small portion in September and the large portion in early February or March. Mayor Rangra said it looks pretty healthy. He said he wanted to mention that when people look at the detailed list of expenses for the City Council, legal expenses are listed under the city council as well. City Manager Zimmer said all City legal affairs come out of that budget. City Manager Zimmer said when we scan and send out the monthly legal fees, we do split out the legal fees as they are pertinent towards the general running of the city and we separate litigation. He said the cost of litigation can drive costs very high, very quickly.

City Staff Updates - None

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

Adrian Billings said he is speaking on item #12. He said he would like to thank the Planning and Zoning for their thoughtful efforts on this item. He said he worked in the City of Alpine for six years but left in 2013 to go and work for Presidio County Health Services. He said he drove away from Alpine that morning in tears wondering how many of his patients were going to follow him to Marfa and Presidio. He said ever since that day,

himself and his organization have been working very hard to come back to Alpine. He said they are very excited that they were awarded this \$650,000 grant from the Federal Government to bring back some of our Federal Tax dollars to operate this clinic on 5th Street. He said he wants to thank his patients that showed up at the Planning and Zoning Commission meeting and all of his patients who have stuck with him for the past two years. He said if there is anything he can do to help this agenda item, he would be happy to answer any questions.

Lori Glover said she would like to address two of the agenda items, number 13 and and number 15. She said she supports Mayor Rangra sending a letter of petition to voice the concerns of the community in regards to the pipeline. She said she does not live inside the city but has properties inside the city and she represents many other people who do live inside the city. She said in regards to the pipeline she prefers that it not go through Alpine or even within a mile of Alpine and changing the pipe to a Class three would not be sufficient. She asked if the pipeline would provide jobs and would it help us. She said the FERC application said the project does not require support from the nearby municipal resources but they are already using our water. She said they also said that they were not going to be bi-directional when they came in and talked to this group and they also said they did not need more than one compression station and they are saying in their application that they will need more than one compression station. She said they have been penalized by ten million dollars because of manipulating natural gas prices by the Houston courts. She said these are some of the reasons why she feels this company is not trustworthy and not good for our town and our community. She said are they safe? She said there are workers who have died from pipeline incidents. She said they have had twelve incidents in twelve years. She talked about ETP pipeline incidents in 2008, 2009, 2013, 2014 and 2015. She asked the Council to consider these incidents before inviting this pipeline into our community.

Oscar Cobos said it is awesome for everyone to be here again. He said he wanted to commend Mayor Rangra on item number 15 and Councilor Gonzales on item number 16. He said his focus today is on item number 13 in reference to Councilman Stephens. He said first of all he received the matter from Congressman Will Hurd (that he sent to FERC) and one point that gave him thought was if the pipeline was good for the public in the community. He said Congressman Hurd was concerned that his constituents were not being treated in an open and transparent way. He said he was concerned that the public was not receiving adequate information. Mr. Cobos referred to an interview that Councilor Stephens had with Boeing. He said it seems like we are orchestrating a sale for ETP. He said this is happening without respect for the people. He said item 13 states that the pipeline will be built to the requirements of Federal

Regulations. He said this project is going too fast. He said item number 13 is basically in favor of ETP trying to secure the sale and it is not a done deal.

Robert Paris said he lived in the city. He said he wanted to discuss item 16. He said this is the first time he has ever spoken to the City Council. He said we live in a very arid region which means water is limited. He said the aquifer here is a very fragile aquifer. He said if we allow them to come in and use water at the rate they want to use it, we will run out of water. He said they have said one thing and done another.

Coyne Gibson said he is not a resident of the City of Alpine. He said he wanted to talk about item #16. He said he is a research engineer and an associate scientist with the University of Texas, McDonald Observatory and he volunteers in the capacity of research with the conservation alliance. He said he would like to express his thanks to Councilor Gonzales for his sponsorship of item 16 and for stepping up to recognize the importance of the water issue. He said he would like to encourage everyone to look at the use of water for the pipeline project. He said the pipeline will consume about 155 million gallons of water just for hydrostatic testing. He said the water has to come from somewhere and that somewhere would be municipalities like Alpine and local well owners. He said finding a way to limit the water use in a way that is both beneficial to the oil and gas industry but also make responsible use of that water is an important thing. He said one thing that might be helpful is for the City to coordinate with the Brewster County Groundwater Conservation District. He said we need to protect our aquifer.

Cynthia McAllister said she was a resident of Ward 5. She said she graduated from Cuero High School. She said she is addressing item number 15 on the agenda. She said the story of the pipeline explosion that happened in Cuero was an ETP pipeline. She said no one was killed or injured in this accident but at the same time it was a rural area. She said an explosion in our community would cause a lot of physical and emotional damage to our friends and loved ones. She said she does not think it is worth it, no amount of money. She said she strongly encourages the Mayor to send a petition to FERC to deny the Trans Pecos Pipeline.

Suzanne Bailey - said she owns property in Ward 5 and lives just outside the city limits of Alpine and right next door to the Pumpco property. She said she wants to speak on item 16. She wants the amount of water to be sold to a commercial user to be limited and held to an acre foot. She said it would also be good to sell the commercial user's treated wastewater. She said she knows the water is used on the golf course. She said we need to require them to use conservation with water. She said the PUMPCO

property has flooded more than twice. She said they need to pay more attention and be limited with their water.

Florence Cox – said she resides in Ward 5. She said everyone needs to wake up. He said the water is the most important thing in this desert other than our very lives. She said they will drain the desert dry and when it is gone it is gone. She said some people in the city say this is a county issue. She said the water you drink, whether you come from the city or the county comes from the same aquifer. She said we cannot survive without water. She said don't let them destroy the Big Bend.

Manfred Fritsche – said he resides in Ward 1. He said he would like to discuss items 13, 15, 16 and 18A. He said he was staggered when four council members refused to second the motion of Councilor Gonzales about opposition to the pipeline. He said he believes the council and management of the city should be in total opposition to the pipeline. He said what we have instead is the City Manager is actually cooperating with them. He said we should not sell a drop of water to that company. He said the annual review of the City Manager will be conducted in Executive Session and the public, he is sure, will not be told what the evaluation is. He said in his opinion, Mr. Zimmer has proven himself to be not in favor of the interest of this city and the pipeline fiasco is the reason for that. He said it was time for Mr. Zimmer to go.

Carl Fleming said he lived in Ward 5. He said he wanted to comment on item 16. He said generally the “acre” of water is referred to as “acre feet” of water. He said if we limit commercial users of water we may be limiting Sul Ross' water as well. He said against Mr. Fritsche's remarks he thinks we should bless the amount of time we have had Mr. Zimmer.

Kay Nowell said she lives in Alpine and she would like to comment on agenda item 13. She talked about the numerous pipeline incidents that had happened. She said there has been an earthquake close to Valentine. She said it is not hard to figure out that earthquakes increase pipeline ruptures. She said the pipelines carry toxic chemicals. She said our volunteer fire departments cannot handle those fires. She said we are spread too thin and the territory is too rugged. She said this would require evacuation for 6 miles. She said the blast zone would be three and one half football fields. She said you cannot fight this kind of fire. She asked that the Council negotiate to stop the pipeline.

John Waters said he is a resident of Alpine. He said he wants to address item 18A concerning City Manager Erik Zimmer. He said in over a decade of professional observations in the management of this fine city, he has never seen a City Manager as competent, as excellent and as dedicated as Mr. Zimmer. He said he certainly appreciates his cooperation in every

professional encounter he has had with him and he certainly looks forward to that in the future.

6. Public Hearings –

A. Public Hearing to obtain citizens views and comments concerning Ordinance 2015-05-02, an Ordinance setting septic system rates/fees for the City of Alpine, Texas and amending Section 98-196, Fees of the Code of Ordinances. (E. Zimmer, CM) – There was no public comment.

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 May 5th, 2015 Special Meeting and May 5th, 2015 Regular Meeting. (A. Rangra, Mayor) –

Motion was made by Councilor Salas, by Resolution 2015-06-06 to approve items 7A and 7B on the Consent Agenda. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

8. Information or Discussion items – (Citizens are allowed to comment – limited to 3 minutes – after being called upon by Mayor.) –

- **Tourism readout from Chamber of Commerce. (E. Zimmer, CM) – Kristen Thompson, Executive Director of the Chamber of Commerce said in January of this year we had 161 visitors in Alpine, and in February we had 270 visitors. In March we had 614 visitors and that was our busiest month so far. She said internet and social media have been great for tourism. She said they have a lot of great feedback about the hotels and restaurants here. She said they also have a rack at Amtrak right now. She said a lot of people enjoy Murphy Street and Holland. She said Daytripper did an episode on PBS not too long ago. She said they are trying to get more surveys out to find ways to get more people into Alpine and it's events. She said the website for events is www.alpinetexas.com. Councilor Stephens asked what events drive people here. He asked about the surveys. Kristen**

said Viva Big Bend is one of the events that really brings people in. Councilor Fitzgerald said he heard compliments on the Chamber of Commerce from a friend who said the people at the Chamber were polite and courteous and that they got their information quickly that they requested. Jeanne Larremore said she just read on face book that Mr. Hurd let go of Amtrak in Alpine. She said there goes our tourism. Joseph Goldman said he wanted to know what the data base was. He asked if the data base was based only on the people who came in and signed up with the Chamber of Commerce or if they got information from the hotels and other businesses. Kristen said it was just from people who signed up with the Chamber. She said she knew the tourist count was a lot higher than what they had listed.

- City of Alpine, Code of Ordinances, Section 2-258, Prior Authorization for Payment, The City Manager to present to City Council for prior authorization, any bill or obligation, incurred by the City in excess of \$5,000.00. (J. Gonzales) – Councilor Gonzales said he thinks that is one of our ordinances and he remembers three weeks ago where the Council voted and the City Manager told the Council that the limit was \$25,000. He said the item cost \$23,000. He said we do have an ordinance that says that anything over \$5,000 should be given to the Council for authorization. City Manager Zimmer asked Councilor Gonzales if there was a particular amount that he was concerned about. He said we do our monthly budget variance and we do our consent agenda in the packets and asked if there was something that Megan or he was not giving to the Council. Councilor Gonzales said that is an Ordinance and we need to follow it. Mayor Rangra said he thinks we should change the Ordinance to authorize the City Manager if it is \$5,000. He said he is sure the City Attorney is aware of that. Barbara Quirk with the City Attorney's office said she does not know the exact spending limit for the City Manager for the City of Alpine. She said if the City does have a spending limit, her understanding is that all of the bills go to Council for approval and she is not aware of any items where he went past his spending authority. She said she would be happy to look at it if there was an item that passed the spending authority. Councilor Fitzgerald asked the City Manager if there were ever any expenditures for the City that he did not declare in the report that the Council gets. The City Manager said we go through the budget allocations in the summer and when the budget gets approved and beyond that Megan and he are very conscientious about getting all the expenses on the consent agenda. Councilor Gonzales said he was not saying that the City Manager was doing anything wrong. He said if that is something we do not want to do we need to change it. Manfred Fritsche said he believed that there is language in the Charter that states when Council approves the budget, that is

spending authority for the City Manager as long as he is expending money in accordance with the budget plan, he does not think an ordinance would be in violation of the City Charter. Angie Bermudez said she does remember at the last meeting that she was on the council, there was a purchase for over \$1,000. Councilor Gonzales said it was in reference to the Hot Box. Angie said the City Manager was clear anyway since he brought that item to the Council.

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 second and final reading of Ordinance 2015-05-02, an Ordinance setting septic system rates/fees for the City of Alpine, Texas and amending Section 98-196, Fees of the Code of Ordinances. (E. Zimmer, CM). – Motion was made by Councilor Stephens, by Resolution 2015-06-07, to approve the second and final reading of Ordinance 2015-05-02, an Ordinance setting septic system rates/fees for the City of Alpine, Texas and amending Section 98-196, Fees of the Code of Ordinances. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.**
- 10. Discuss and Consider Board and Commission Appointments. (E. Zimmer CM) – City Manager Zimmer said Councilor Stephens appointed Dennis Miller to the Airport Board, Ward 5, and Buildings and Standards Commission – Liz Jackson for Ward 5. Motion was made by Councilor Salas, by Resolution 2015-06-08, to accept the recommendations made by Councilor Stephens for Dennis Miller for the Airport Board and Liz Jackson for the Buildings and Standards Commission. Motion was seconded by Councilor Stephens. Motion unanimously carried.**
- 11. Discuss and Consider first reading of Ordinance 2015-06-02-A. Amending Appendix C, Zoning as recommended by the Planning and Zoning Commission, Article 1 Basic Ordinance and Schedule of Districts with possible amendment to only pass Section VI-A, “C-0 Offices Services District” (Ordinance 2015-06-02-A).(E. Zimmer, CM). – City Manager Zimmer said we talked about this item at the last Council meeting. He said after speaking with the City Attorney’s office we determined that there needed to be some overall review and recommendation for the Planning and Zoning Commission. He said Barbara included in the packet, a memo, voicing her position on that. He said we do have another item that is pending after this one that is really dependent that the R-1classification be changed to C-0. Barbara said the Council can just pass the C-O part and not pass the entire ordinance that the Planning and Zoning Commission sent to the Council. She said she did the alternative just in**

case the Council wanted to pass the C-0 zoning change. Motion was made by Councilor Stephens, by Resolution 2015-06-09, to approve the first reading of Ordinance 2015-06-02-A, amending Appendix C, Zoning as recommended by the Planning and Zoning Commission, Article 1 Basic Ordinance and Schedule of Districts with possible amendment to only pass Section VI-A, "C-0 Offices Services District" (Ordinance 2015-06-02-A). Motion was seconded on Councilor Fitzgerald. Councilor Gonzales asked for Barbara to please explain why they were only dealing with C-0. Barbara said they were only dealing with the C-0 zoning district to limit some of the uses that are allowed in that district. She said the new amendment states what the allowed uses will be. Mayor Rangra said we are going to pass only a portion of the item. Barbara said they are passing this item with an amendment. She said they are only passing one part of it. Barbara said we are planning to take this item back to Planning and Zoning. Motion unanimously carried.

12. Discuss and Consider first reading of Ordinance 2015-06-01, upon recommendation by Planning and Zoning Commission for Zoning Change from R-1 to C-0, Presidio County Health Services, Owner and Agent Linda Molinar, CEO, PCHS is requesting this change for the property to become a Medical Clinic. Property identification/street address is 1605 N. Ft. Davis Hwy, Alpine, Texas. Legal description is North Heights Addition, Block 7, Part of Lots 3 and 4 and all of Lots 5-8. (E. Zimmer, CM) – Motion was made by Councilor Gonzales, by Resolution 2015-06-10, to approve the first reading of Ordinance 2015-06-01, upon the recommendation by Planning and Zoning Commission for a Zoning Change from R-1 to C-0, Presidio County Health Services, Owner and Agent Linda Molinar, CEO, PCHS is requesting this change for the property to become a medical clinic. Motion was seconded by Councilor Fitzgerald. Councilor Antrim said there are deadlines on this and it is important to act quickly. She said she would hate to see the clinic lose their grant money. Councilor Fitzgerald said he thinks it is important that we support Dr. Billings on this. Councilor Stephens said he thinks if we start to run out of time we may need to have a special meeting. Angie Bermudez said she wanted to congratulate Dr. Billings. Motion unanimously carried.
13. Discuss and Consider Resolution 2015-06-12, a Trans Pecos Pipeline Resolution for the safety and security of the citizens of Alpine, their property and the Alpine City infrastructure by ensuring that the pipeline is built to a minimum of the Code of Federal Regulations, Title 49, Part 192, Class 3 for the locations where the pipeline comes within 1 mile of the Alpine City limits. (R. Stephens) – Councilor Stephens said one of the items that he has expressed concern about is the pipeline, particularly if it is used using a Class 1. He said he knows that there are people against and for the pipeline here. He said in the event the pipeline is built, we need it to be built as safely as required. He said we have had several nights of

comments on the pipeline. He said there have been pipeline accidents in the State of Texas. He said he does not think he will have an impact as where the pipeline will be built. He said today all that is required to build a pipeline is Class 1. He said we need to make sure to work with the officials at the county level and state level. He said this asks that the pipeline be built to a minimum of Class "3". He said that is the basis for the proposal. Councilor Fitzgerald said he thinks Councilor Stephens idea is valid. He said we are really restricted as to what we can do. He said our authority ends at the City limits sign. He said all we can do is suggest, to get the strongest pipe we can. Councilor Gonzales said he believes a class 3 is a good way to go but he believes that we need to make it class 3 the whole way to protect everybody. He said he believes that the majority of people here do not want it and they probably do not live in the city of Alpine. He said if we do this, let's do it whole-heartedly, not just one mile. Motion was made by Councilor Stephens, to approve Resolution 2015-06-12, a Trans Pecos Pipeline Resolution for the safety and security of the citizens of Alpine, their property and the Alpine City infrastructure by ensuring that the pipeline is built to a minimum of the Code of Federal Regulations, Title 49, Part 192, Class 3 for the locations where the pipeline comes within 1 mile of the Alpine City limits. Motion was seconded by Councilor Antrim. Councilor Antrim said one of the major concerns that she had was a safety issue because we have gotten very little factual material from the company themselves with regards to their safety record. She said if the pipe is to become a reality, and she agrees with Councilor Fitzgerald, that there is really not a whole lot we can do since it does not come through Alpine, itself, but will impact Alpine, we can at least request that it be constructed with the highest degree of safety. Jean Larremore said she had a chance to speak to Pete Gallego lately. She said he said the people of the City of Alpine have been apathetic. She did apologize because the Amtrak issue with Congressman Hurd did not pass. She said she did not know why they wanted to build a pipeline through an area that has been the hub of beauty and the hub of tourism. She said we have to stop this thing if at all possible and limit the water. She said we need to put a cap on this thing. Carl Fleming said everyone in Alpine, as individuals, can do as much as they can concerning the pipeline. He said the elected members of the City of Alpine and as Councilmembers, they are restricted to dealing with City problems. He said unfortunately we do have an extra territorial jurisdiction of up to one mile and that is what the one mile outside of city limits refers to. He said the Council is not allowed to deal with items outside of their jurisdiction as Councilmembers. He said as citizens, they may, but as Councilmembers they have to restrict their decisions. Alice Santoro said any vote the Council will give will be a very powerful message and the Council will become national heroes immediately if they will help the citizens who are against the pipeline. She said they really need to start with the Council. She said she hopes we are not compromising before we even start. She said we need to make it clear that we are not for this thing.

Oscar Cobos – Said he appreciates the concern for safety. He said if the Council really cares about this County they would be in contact with their legislators. **Bob Litton** said he is concerned about the community. He said he does think the Council has the right to pass a resolution and he thinks it is quite appropriate for the Council to do so. He said the Council needs to express their disapproval for this. **Mr. Paris** – told a story about a tent. Councilmen Antrim, Salas, Fitzgerald and Stephens voted in favor. Councilor Gonzales voted against. Motion carried.

- 14. Discuss and Consider Resolution 2015-06-13, a Resolution selecting a representative from the City Council to meet with a representative from the Brewster County Commissioner's Court for the purpose of determining the interest of the Brewster County Court to share data and have transparency and to determine a regular mechanism that the Alpine City Council will use to determine what information should be shared with the County (R. Stephens)** – Councilor Stephens said the purpose of this resolution is to determine the opportunities that Alpine as a City may have concerning the budget and activities and where there are similar activities going on at Brewster County. He said Brewster County has a new Emergency Management Coordinator and we have been visiting about the Ambulance Service (number of ambulances and the service of transporting citizens outside of the County), the sheriff and police, fire, water and opportunities for emergency services. He said he thinks if the City appoints one member and the Brewster County Court appoints one member, there is an opportunity for dialogue between them. This will be an opportunity for better communication between the two organizations. He said the City Council representative can bring back and share the information with the Council. Motion was made by Councilor Stephens, to approve Resolution 2015-06-13, selecting a representative from the City Council to meet with a representative from the Brewster County Commissioner's Court for the purpose of determining the interest of the Brewster County Court to share data and have transparency and to determine a regular mechanism that the Alpine City Council will use to determine what information should be shared with the County. Motion was seconded by Councilor Salas Councilor Stephens said this item would be brought back later so that the member might be named, should the Resolution pass. Councilor Salas said she thought this would benefit everyone in this area. She talked about contracts and ground transportation. She said this would help us to resolve this. Motion carried.

- 15. Discuss and Consider authorizing the Mayor of the City of Alpine in consultation with the City Attorney to submit a petition to the Federal Energy Regulatory Commission (FERC) to deny Trans-Pecos Pipeline, LLC (FERC DOCKET NO. CP15-000) a Presidential Permit to site, construct, operate, and maintain certain approximately 143 miles long 42" gas pipeline facilities to export and/or import natural gas between the United**

States and the Republic of Mexico for Energy Transfer Partners as it cuts through Brewster County, potentially endangering lives of seven thousand plus citizens in and around 'Greater Alpine'. (A. Rangra, Mayor) – Mayor Rangra said he put this item on the agenda. He said our former Congressman Gallego came out against the pipeline. Congressman Hurd has asked in his letter on June 9th for the FERC to look at the petition carefully. He said the questions that have been asked to this ETP organization have not been answered. He said we have our representatives in Washington who have some doubts. He said it is going to be outside the city but if something happens the damage will not confine itself to outside the city. Mayor Rangra said when he served on the Council there was a group of business people called "Motran" who wanted to open Hwy 67 to 18-wheelers from Mexico. He said the Council passed a Resolution in opposition to this. He said the Council can raise its voice. He said the people elect the City Council. He said if we give up and do not speak out, we are not doing what we should do by being elected by the public. He said if we do have an explosion it will be 6 miles wide. He asked if the line that is 42 inches is right next to your property what will that do to insurance costs. He said the pipeline will only be 48" under the ground. He said property values may also go down. Motion was made by Councilor Gonzales, by Resolution 2015-06-14, to authorize the Mayor of the City of Alpine in consultation with the City Attorney to submit a petition to the Federal Energy Regulatory Commission (FERC) to deny Trans-Pecos Pipeline, LLC, (FERC) Docket Number (CP15-000) a presidential permit to site, Construct, operate and maintain certain approximately 143 miles long 42" gas pipeline facilities to export and or import natural gas between the United States and the Republic of Mexico for Energy Transfer partners as it cuts through Brewster County, potentially endangering lives of seven thousand plus citizens in and around 'Greater Alpine'. Councilor Salas asked the City Attorney what her recommendation was for comment on this item. Barbara Quirk said they will consult with the Mayor to draft a petition. Councilor Salas seconded the motion. Councilor Antrim asked if we could amend the motion to require that any letter or petition, before the petition is sent, be approved by the Council. She said she would definitely want to be able to see any letter or petition brought before the Council for City Council approval before the letter or petition is sent. Councilor Antrim's motion was seconded by Councilor Salas. Councilor Stephens said there is a Resolution that then Councilman Rangra proposed 6 or 7 years ago concerning running a pipeline between Alpine and Presidio. He asked how the Mayor saw the difference between the action back then in comparison to supporting this action now. Mayor Rangra said the proposal came from the Southwest Texas Municipal Gas Corporation and the proposal was at the request of Presidio to see if we could provide natural gas. He said he talked to Congressman Ciro Rodriguez and State Representative Pete Gallego about

this and by taking natural gas to Presidio it would have created quite a few jobs. He said Senator Uresti said he was going to be able to get some money from the Governor's fund. He asked the **Southwest Texas Municipal Gas Corporation Manager** to do some surveys, which **he did between** the City of Marfa to Presidio, along the railroad track. He said then the SWTMGC Board started thinking that it was not a good idea. He said this was specifically to provide gas to Presidio, not to **export** or import gas to Mexico. Councilor Gonzales said he believed there was also a difference in the size of the pipe that they were talking about, a 12 inch pipe compared to a 42 inch pipe. Mayor Rangra said the **pipeline** that we get gas through was sold to West Texas Gas several years ago. He said he believes that the line also provides gas to all the communities along the way. Councilor Fitzgerald said that is still a pipeline and it could explode. He said there was an Airplane that crashed into a house in his ward on Saturday morning. Mayor Rangra said we take risks but we need to minimize the risks if we can. Councilor Salas said she was a little leery about seconding the motion. She said the Council cares about the city. She said if they did not they would not spend endless hours at the City. She said if the Council could get this kind of support (compared to the crowd that was at this meeting) for every meeting, every other Tuesday, that would be great. She said we get the same 7 to 10 people every time. She said moving on, Brewster County did not support Pete Gallego. She said if we are going to use each other and support each other, we need to do it all the time and not just when we run into situations like this, that could be life threatening to all of us. Alice Santoro – said there are many who are opposing the Trans Pecos pipeline but not in opposition to bringing gas to Presidio. She said if this were just about bringing gas to Presidio there would be many in favor of it, just not in a 42 inch pipeline. She said if we could get rid of that but somehow provide the City of Presidio with natural gas, there would be many of them in favor of it. She said we do not need a 42 inch gas pipeline that is designed to power 32 power stations in Mexico. She said this is not a municipal gas line. She said ETP has not promised gas to Presidio with this pipeline. Jessica Sierra – said she has four children aged 5 and under and she is concerned for them. She said she is looking at the larger picture, at what will benefit them in the end. She said whether it is a class 1 or a class 3 pipe there will be leaks. She said you cannot smell Methane. She said her four kids go to school and the pipeline will put our schools into the rich category. She said we will not be getting as much funding from the state and we will have to cut back our faculty. She said she is speaking from her heart. Mrs. Glover said she has lived in this community for many years. She said they now live in Sunny Glenn. She said there are many people who live there who work in the City and who pay sales tax in the City of Alpine and contribute to the City of Alpine. She said just because they are just beyond the City limits it does not mean that their safety is

not important. She said if they are going to make a resolution, that makes things more safe, why don't we route this pipeline further away from Alpine. She said at least let the Community be supported in this letter that Mayor Rangra is going to write. Sarah Kennedy Neely said she lives in Sunny Glenn. She said ETP wants to sacrifice Sunny Glenn. She said there is only one exit and entrance to Sunny Glenn. She said if there is a fire or explosion out there you are going to sacrifice Sunny Glenn and some people will not have a chance to get out. She said this is just a Resolution on where they stand. She said please support your city and Sunny Glenn. She said they appreciate the Council and their hard work. Councilor's Gonzales, Salas and Antrim voted in favor and Councilors Fitzgerald and Stephens voted against. Motion passed.

16. Discuss and Consider limiting the amount of water sold for commercial purposes to any entity or its' subsidiaries not to exceed one acre foot per year at a rate to be decided by the City Council, to be modified by Ordinance to reflect this intent by the City Council of Alpine. (J. Gonzales) Councilor Gonzales said he thought we had already sold quite a lot of water to the Pumpco people and there are ways to charge them. He said he took the amount of gallons that were sold and divided it by the amount of money that we got and found that we are selling a gallon of water for 2.5 cents a gallon. He said there is a problem here and he thinks we should limit how much water we sell to any commercial entity. He said we are still talking about 325,851 gallons at 1 acre foot per year. He said that is still quite a bit of money we are making. He said the citizens of Alpine not only pay for water but also pay for sewer. He said these people are not paying for sewer. He said anybody who buys water outside the City limits is paying one and one half times the normal rate of the water. He said he thinks this is important because water is more important than the gas that they are going to sell. He proposed that we limit the amount of water we sell and that we sell it at a better rate. He said our water is more valuable than that. He said he is not including Sul Ross or the hospital since they are in the city limits. Motion was made by Councilor Gonzales, to approve limiting the amount of water sold for commercial purposes to any entity or its' subsidiaries not to exceed one acre foot per year at a rate to be decided by the City Council, to be modified by Ordinance to reflect this intent by the City Council of Alpine. Councilor Antrim said the motion does not specify within or without the city limits, nor does it exclude Sul Ross. Councilor Gonzales said he would amend the motion to exclude Sul Ross and the hospital and anyone in the City limits. Councilor Salas asked if we could table this until we finished with item 15. Barbara said with the revisions that Councilor Gonzales has made it would require some research and there is no resolution in the packet at this time for this. She said she needed to check the legality of this. Motion was made by Councilor Gonzales, to table this item, to get more information. Motion was seconded by Councilor Salas. Motion carried unanimously.

17, Council Member Comments –

Councilor Antrim – said she would like to thank everyone for coming and particularly those who stayed to hear the entire council meeting. She said the public’s concerns are the council’s concerns because they do represent the different wards in the city and by no means, mean to exclude Sunny Glenn. She said the Council wants to hear your comments but please keep in mind that our first concern has to be for the city.

Councilor Salas – said she would like to thank the people for the support at this meeting. She said as she said earlier she would like to see this crowd all the time and not just the 10 people who come all the time. She said her hat goes off to Linda Molinar. She said they have done a great job and she is looking forward to having the clinic here.

Councilor Fitzgerald – said it would be nice to see this crowd here for the general things and not just for major issues. He said on a lighter note, he said it looks like Mr. Zimmer is doing his job because he has made enemies. He said Jesus Christ had enemies and Adolph Hitler had friends. He said Mr. Zimmer could not please all the people all the time.

Councilor Gonzales – said he is really excited that we are going to have a clinic here. He said Dr. Billings is his Doctor and he did not like having to drive to Marfa to see him. He said he knows these proceedings are kind of tough and everyone has their opinion but he would like to say that he is trying to represent his constituents and he also lives here too. He said he is very concerned.

Councilor Stephens – said he also represents his constituents and he has the same concerns. He said he wants to make sure that Alpine is a good community to live in. He said he is going to continue ward 5 and all the public. He said he hopes that this size crowd is present every time.

Mayor Rangra – said thanks to everyone who stayed for a 3 ½ hour meeting. He said in a civil society we make our opinions known and move on. He said thanks for coming.

The Council recessed into Executive Session upon the Motion of Councilor Salas and seconded by Councilor Gonzales at 8:25 P.M.

18. Executive Session – Pursuant to Texas Government Code, Section 551.074 (personnel matters)

A. Annual Review – City Manager Zimmer. (R. Stephens)

B. Update from City’s Attorney on litigation in Cause No. 2015-03

19. Action After Executive Session –

A. Action, if any, concerning Annual Review of City Manager Zimmer. (R. Stephens) - Councilor Stephens said the annual review of the City Manager had been completed. Motion was made by Councilor Stephens, by Resolution 2015-06-15 to provide \$7,579.00 per year to the City Manager as car allowance. Motion was seconded by Councilor Salas. Motion unanimously carried 5-0.

C. Action, if any, concerning Scown Litigation Update – Motion was made by Councilor Salas and seconded by Councilor Fitzgerald to take no action on this item. Motion carried unanimously 5-0.

20. Adjournment – There being no further business, meeting was adjourned at 9:10 P.M.

NOTICE: The City Council reserves the right to adjourn into Executive Session Purat any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).

I certify that this notice was posted at 1:45 P.M. on June 12th, 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 1:45 P..M. on June 12th, 2015, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary