

**City of Alpine
Regular City Council Meeting
November 5th, 2013
6:00 P.M.
Minutes**

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Mayor Rangra called the meeting to Order, Brad McGuire from Hillside Baptist gave the invocation and the Pledge of Allegiance to the flags was led by Mayor Rangra.**
- 2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra and Councilors Bermudez, Fitzgerald, Gonzales and Castelli were present. Councilor Davidson was absent. Amended Meeting notice had been posted at 3:45 P.M. on November 1st, 2013.**
- 3. Presentations, recognitions and proclamations – None**
- 4. Reports –**

City Mayor's Report -

City Attorney Report – Robert Steele said he was happy to be here and hope to serve the citizens well. He said he was catching up and moving forward. Mayor Rangra told the citizens that Bob Steele was appointed interim City Attorney at the last meeting and he has been busy. He said he is working pretty hard.

City Manager Report – The Interim City Manager said almost everything she could report on is in this agenda. She said she has been busy.

City Staff Updates –

Martha Latta, Recycling Coordinator – Martha Latta said she is happy to report that the glass machine was reassembled with all of its components last night and started running again today. She said hopefully, if everything goes right, we need to process one more lump of glass and its still on the ground before we can accept more glass. She said they should be accepting glass by the end of this week or Monday of next week at the very latest. She said that is good news. She said she just looked up the numbers and the first nine months of this year, we have diverted nearly 70 tons of glass. She said that is about ten more tons than all of last year all 12 months. She said we are still not accepting brush. She said she does not like to say this but users have abused the privilege of being able to

dump brush for free and have dumped things that we cannot process. She said these include whole trees, spiny thorny, sticky things, fencing wire and piles of vines. She said all of that has to be handled manually and we only have one part time person. She said this time of year critters like to move into warm covers so snakes like to move into brush piles as do raccoons and other critters. She said she cannot really accept more brush until we can deal with what is on the ground right now. She said that is unfortunate but it is a privilege to do that and not a right and she feels that it is her privilege to cut it off when it is being abused. She said hopefully they can get that taken care of after they get caught up with the glass. She said then we can have that area back open. She said finally National Recycling Day is ten days from now, Friday, November 15th. She said if anyone is a follower of the Keep Alpine Beautiful Facebook page she has been posting "It's Easy To Recycle" tips for the last 15 days and will continue to do so up until America Recycles Day. She said on that Friday they will culminate a month long recycling tips with a showing of the documentary called "Bag It". She said there will be a matinee at the library at 3:00 P.M. and then an evening showing at the Unitarian Universalist of Big Bend Church in the evening. She said it is a very good documentary about how plastic has brought us problems.

Virgil Clark, Interim Utilities Director – said he was the Interim Utilities Director and everything is going well. He said they are making progress at the wastewater treatment plant. He said they had a plan to start working to get rid of their sludge now that is now in compliance. He said the guys at the plant have been cleaning it up and he appreciates their efforts. He said things are going good in the water area. He said they had a major water break Saturday Night and worked all night and part of Sunday on it. He said it was on Brown Street by the golf course. He said we got that back together but sometime in the future and cap the line off where we went under a bridge where it broke. He said he checked with the engineers today and tomorrow to see what their thoughts are on whether we need to put that back or if we are okay like we are. He said other than that things are progressing good. He said our sludge dewatering bags should be here next week and he thinks we will be in pretty good shape real soon.

Randy Guzman – said he was the Gas Utilities Director. He said last meeting the council had a yearly report from August to August. He said they are a month behind so this month's report is for September, 2013. He said they purchased 4,939 mcfs from West Texas Gas. He said the purchase price was \$24,959.88 and we billed out \$86,248.96. He said that is for both Alpine and Fort Davis. He said broken down, he believe that the finance director had given them a chart for September. He said the numbers that he gave the council do not have the actual adjustments in tax and penalty. He said when all that is added in it is up to \$92,047.63. He said they are prepared for the TxDot project that is supposedly taking effect

possibly in March of 2014. He said how this will affect us is that we are trying to retire a main that is about 6 to 7 feet deep and is a three inch steel main which goes from ninth to 13th streets and in order for them to do that and retire all of that they are going to have to relocate a service line for this meter here at the Civic Center and run a new service line for that and that is in the process right now. He said they are going to try to do that to try to get ahead of the game. He said as soon as we get done with that they are going to try to head back to Fort Davis so that they can go ahead and try to get all the infrastructure changes they need over there that is required by us through DIMP. He said hopefully they will try to have that done before the year is over. Councilor Gonzales asked Randy to explain the percentage on the bottom of the sheet that he handed out, 16.76. Randy said that percentage is not a loss but is a gain. Councilor Gonzales said so you have an increase from last year, is that what you are saying. Randy said that is what they had. He said they actually made 826 mcf's. He said they sold more than they purchased. He said they had no gas losses and that is the percentage rate. Councilor Gonzales said so that is a plus. Randy said you will see a negative on the unaccounted for loss if we have any gas loss it will have a negative figure.

Deborah Pattison, Interim Finance Director, said it has been a very productive period. She said they are getting a lot done and making a lot of forward progress. She said one of the projects they have done is work with the gas department and they have upgraded their folding and inserting machine that they use for their billing and by updating their postage machine contact that had been through West Texas Natural Gas and changing that through the city and using the buy board municipal contract and then updating the model number of the folding machine, between manpower and actual dollars per year we will be saving almost \$5,000 making that change. She said the contract prices are lower than before. She said for instance the old folding machine could only do 720 pieces an hour and it required hand folding for the inserts. She said the new machine will be 3,000 pieces per hour that will handle the gas bill and the insert and it has an extra tray so if we merge the water and sewer and sanitations operations with the gas operation, it will mean all of this in one envelope. She said this will be at a lower price than we have been paying. She said they saved a small amount in Municipal court by upgrading their postage machine. She said sales tax this month was \$129,939 compared to values in October of 2012 and October of 2011 of about \$105,000 average. She said so sales tax has gone up. She said one of the biggest areas that they have made progress is all of these bank statements on this side of the table, they have gotten June updated in the old system and transferred that through and started July 1st with the new program, all the bank records through the end of September were reconciled with all of these accounts. She said they are still working on General Fund but just to let the council know why it was not just snap your fingers to do the bank records to get

them into the new system, when they did the conversion on July 1st, for instance in the new system, in the old system you would have a check and it would show as cashed and in the new system you look up the same check and it would show as not cashed. She said then we would have to go back to the bank statement and verify one by one whether it was truly cashed or not cashed. She said the same thing as part of the conversion process, there would be a hard copy check in the old system for \$10,000 to a vendor. She said we would migrate to the new system and it would be for \$7,000. She said then you have to look. She said to go through the bank statement line item by line item and see if it was as \$10,000 check or a \$7,000 check. She said it was a very tedious process and she is sorry that it has taken so long but they have everything reconciled except for General Fund because most of our activity is through General Fund. She said hopefully by the 19th they will be finished with General Fund as well and start being able to produce reports out of the new software. She said they are making progress. She said there are a lot of outstanding checks in the system that they are working their way through. She said they have checks as far back as 2005 that are still showing outstanding. She said they are verifying. She said they filed their quarterly reports this quarter. She said they resolved some prior discrepancies in the payroll taxes and some of the Municipal Court Reporting. She said they have contacted and updated the w-9s from vendors and they have an organized A,B,C files for updated w-9's and got the information in the computer and they have written some of their first standard operating procedures for the finance department to green line our operations. She said they had a lot still to do but they have made a lot of progress. Councilor Fitzgerald said he thinks we all realize that you cannot scramble the eggs for years and put humpty dumpty back together again in a matter of a few weeks. He said he knows the type of job she is doing and thinks it is amazing.

Robert Polanco, Code Enforcement – said he wanted to just give a quick update on the building and code enforcement department. He said he has created a website that shows permits on line, due to the public's request. He said they are back on line at this time. He said this address is alpinecode432.com. He said it shows inspection schedules for each day of construction including building, foundation, frame and it is pretty self explanatory. He said there is a drop down menu on the side you can go to get all of your forms or applications. He said you can download them, fill them out and send them in. He said this aids in processing. He said he will be updating the site once a week. He said the Council agenda is also posted on there. He said he did not think the city web site was up yet. The City Secretary said it was. Robert said he posted the zoning map on the site as well and it is basically a picture of a map in his office. He said until we get a digital copy of the map, this is all he can post. He said you can still get an idea as to what the zones are here in Alpine. He said his contact information is on the site and you can send your information to him.

Councilor Bermudez asked if he had done that himself and how long did it take. Robert said it took about six hours. Councilor Gonzales said he commended Robert for this and that he did a good job.

5. Citizens Comments (on agenda items) –

Oscar Cobos – said he thanked Councilor Castelli for placing item 17 on the agenda. He said this issue is very important to the community. He said he has been working with the people in this community on this particular issue. He said the last meeting that this was discussed was on July 2nd. He said he is very excited for people to discuss setting a time frame for this to be heard. He said the issue is on the table and the people are ready for this particular issue. He said they are ready for Tuesday, November 12th. He said we are not on the Texas A & M time clock. He said in the summer, Mr. Ron George said on June 19th, 2013 that Texas air space is pure gold for this program. He said this opens the door for liability issues. He talked about this agreement indemnifying Texas A&M University from claims, liabilities, losses, obligations, expenses, judgments and causes of action. He said this included claims for personal injury, death, property damage and cost of defense. He said the liability issue here is a top priority for this community. He said they clearly said they would not be held liable for any malfunction. He said every day people are signing the petitions for this. He said he would request that the public hearing be held before Thanksgiving so the people will not have to wait for a decision on this issue. He said he will have a binder for the Council and Mayor City Attorney to look at. He said it will have information, a copy of the petitions, and a survey conducted at the Airport answered by pilots and businessman. He said they said if this airport is turned into a drone airport they will not be flying into this airport anymore. He said this city would lose millions. He said there would be no economic benefit to this. He asked the council to consider the beauty of this community and the tourism. He asked that the Council move forward and set a hearing date for the public hearing, tonight.

Walt Pyle – said he encouraged the Council to decide on a Public Hearing date this evening.

Shane Conner said when Lone Star was here last meeting they did not give us enough information to make a decision. She said we need to have another public hearing with Lone Star so we can get the facts so we can make an intelligent decision.

Chris Little said he is very heavily aviation oriented and this is the first time that he has been before the Council. He said he has the facts already. He said he has them in his briefcase right now. He said they know how big the aircraft are and how heavy they are and how fast they fly, how they launch and how they land. He said when they do this public meeting he intends to make

everybody available. He said he has a set of URL's about this program at TAMU in Corpus Christi that is really awesome to look at. He said there are not any questions left about the size of the airplanes, the endurance, the altitudes or anything else. He said he has that available and he looks forward to doing that.

John Murphy said he is speaking on item 17. He said there is already a precedent to not use this airport for drones.

6. Public Hearings – None

7. Consent Agenda- (Minutes, Financial reports, Department written reports, board appointments, etc.) –

A. Approve Accounts payable. (M. Taylor, ICM)

B. Approve Minutes of September 17th, 2013. (A. Rangra)

Councilor Castelli asked that 7A be moved to action items. Motion was made by Councilor Gonzales by Resolution 2013-11-01 to approve item 7B. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

8. Information or Discussion items –

A. Discuss visit from TCEQ of October 24th and status and update of three issues. Grant Jackson from Naismith Engineering will be present to discuss this item. (M. Castelli and M. Taylor, ICM) – Grant Jackson with Naismith Engineering was present to discuss. Councilor Castelli said we had Pamela Aguirre out from TCEQ and we discussed or covered three issues. He said one was the sewer plant and she was very encouraged that we have Virgil on board taking care of those issues. He said she did not even want to go out to the sewer plant. He said she said if the Council and the City Manager will support Virgil in doing the job that he needs to do, she is confident that we will get that done in a timely fashion and that any pending fines will not be proceeded. He said the second thing was regarding the landfill. He said they did go out to the landfill and met with Ron, the Manager and another gentleman that works out at the landfill and looked it over and at the time she gave us ten days to come up with a plan and he said he thought Naismith had a way to massage that and turn it into 30 days so that we can work with it and we are making progress on that, he understands. He said concerning the third item was the old Marathon lift station and Pamela saw first hand something that has been left since 2001 and has been inappropriate. He said now the city has her guidance and we will put a plan into action to clear that issue up. He said those are the three things. He said she was very responsive. He said she was very happy to work

community and he is anxious to hear what Naismith has to say. Grant Jackson with Naismith Engineering said he appreciated the opportunity to address the Council and the Mayor. He said as Councilor Castelli mentioned just a minute ago, we have had a number of contact times with TCEQ and we have contacted Miss Aguirre and we have provided a notification letter on October 22nd. He said the letter contained a request to be allowed 30 days to submit a written plan to TCEQ for addressing the discovered waste and he will talk about that a little later. He said we received, in response to our letter, an email granting that 30 day request. He said a little background on this is that in the early part of October or latter part of September, Mr. Jim Gregory with TDS, made a presentation to the council on that issue. He said he referenced a report that would be provided by TDS. He said they received that report this Friday on the discovered waste. He said he has reviewed that and they have had a number of discussions with Texas Disposal Systems and also some discussions with TCEQ about the technical content. He said the landfill permit authorizes the city to operate that landfill and to build it in segments. He said there are no requirements per TCEQ rules for the city to take preapproval prior to opening each one of those segments but the city had been providing notification to TCEQ as it added those segments. In developing the last segment, TDS did discover a couple of areas where they encountered garbage that was already buried in an area where they had not previously opened a landfill segment. He said the garbage was not supposed to be there. He said as a part of excavating that new segment, they removed that garbage and put it into their active landfill. He said subsequently, they began to have some discussions with some of their operators and drivers that work for them that previously worked for Duncan Disposal Systems which subsequently became Republic Industries. He said they indicated that there were some other trenches or areas on the landfill site where garbage had been buried in the past. He said this is word of mouth from the previous operators. He said as a result of some of those discussions, TDS conducted some investigations of some undeveloped areas of the landfill and did discover a number of trenches. He said those trenches were identified by drawings in their report and they also provided photographs of those trenches. He said the interesting part of this process is how TCEQ perceives that. He said he believes that TDS was concerned that TCEQ would consider that to be a violation. He said in his knowledge of the rules and circumstances, he is not sure that this raises to the level where that could be a TCEQ violation. He said obviously that determination is up to TCEQ and not up to him. He said if you look at the circumstances surrounding what has occurred, we have garbage that is buried at the landfill and that has subsequently been covered. He said that is exactly what your permit authorizes you to do at the landfill. He said from the

way that it has been managed, he is not sure that it presents an enforcement issue for the city but it does provide very significant operational issues for the city. He said the operational issues that it presents are based on the investigations done by TDS. He said the garbage is buried at approximately 10 feet and your permit authorizes you to bury garbage down to 20 feet. He said if that garbage remains in place, you lose 10 feet that is below where the garbage is placed right now. He said from an operational standpoint you are giving up a lot of permitted landfill volume if you allow that garbage to stay in place. He said moving garbage is a delicate issue. He said he has had to do that on a number of projects in his career. He said most of you could probably relate to this, if you have ever left a bag of trash in your garage too long, you know the longer that it stays there, the more it smells and the more problematic it becomes. He said the same is true for garbage that has been buried. He said digging and exposing this garbage is going to present some issues that are not typically associated with your normal garbage operation. He said obviously with any garbage operation you are going to have some odor issues. He said if you dig up and expose this buried garbage that has been buried for an extended period of time, the odor issues will be multiplied many times. He said it will stink a lot more than the normal garbage that you deal with. He said there is a potential to produce these odors and there are other potential issues involved. He said as the garbage decomposes the organic material generates methane gas. He said if you are familiar with the operation of the landfill, there are some monitors out at the landfill to check for the presence of methane gas. He said methane gas is a fairly light substance and its primary threat is that it is an explosive gas if it comes into contact with and ignition source. He said the purpose of the monitoring around the landfill is to make sure that you are not having explosive concentrations of gas move off site. He said one of the issues with moving garbage is that you have to be careful as you are digging it up, that it is not generating sufficient methane to pose a potential explosion hazard or something of that nature. He said so there are some issues associated with moving it and it is not that simple, just to dig it up and move it. He said he believes in some of the previous discussions with TDS they have indicated the cost to move the garbage that they have found is going to be 90 to 100 thousand dollars. He said Naismith's opinion is that it may be more than that. He said the impacts to the city of that material being present causes a lot of operational headaches and a lot of available airspace, which is money, if you leave it in place. He said it will also cost money to move it, because it has to be handled in a special way. He said in a long term perspective, it makes sense for the city to move the garbage because it is in a place that would interfere with the efficiency of the development of the landfill. He said the question arises as to who pays for that. He said he believes there has been some prior discussion about instituting some type of action to try to recover

the costs of that from prior operators. He said obviously that would be a legal proceeding and he is an engineer and not an attorney. He said obviously an attorney would need to drive that boat. He said Naismith could provide them with some assistance in that but that is a tenuous activity at best. He said at this point the things to weigh in the balance on behalf of the city are do we spend money now and try to move all the garbage and get it completely out of the way at one time in as efficient manner as possible and attempt to recover that money all at one time or do we try to do it in pieces as we encounter it. He said those options, he recommends that we put in the plan to TCEQ for their approval, to allow the city to do that either way. He said obviously \$100,000 is a lot of money. He said he is sure that the city does not have an extra \$100,000 lying around to be able to accomplish this quickly. He said he thinks it is important to allow the city the opportunity to do this in small increments as the landfill develops. He said that option would be predicated on TCEQ's approval to do that in stages, rather than doing it all at one time. He said his first experience with moving garbage was back in the late 1980's. He said the state agency at that time was called the Texas Department of Health and they were adamant that any garbage that was found in a place that it was not supposed to be, needed to be moved. He said they went through the process and in later years he thinks the state recognized the hazards in moving it and in the last couple of instances where they discovered garbage at the various facilities, if it is safe and secure where it is, they will generally allow you to leave it there, unless it causes some hazard to the public. He said in this instance based on that precedent, there is a good reason to believe that TCEQ will allow the city to leave this garbage in place until the development of the landfill progresses to where the garbage is located. He said at that point, it can be moved in small enough increments to allow the next landfill segment to be developed and then divide it up in chunks rather than do it all at one time. He said that is what he would recommend that we put in our written plan to TCEQ and spell out in that plan the procedures that will be used to protect the people that are doing this work and the type of equipment that is being used to do that and the way that the waste area would be protected to make sure that everything was acceptable once the waste was removed. He said that is Naismith's recommendation for the plan. He said he has developed a draft plan that he would be happy to submit to the staff and council if they would like to see it. Councilor Fitzgerald said TCEQ is not going to go all ballistic on us for having the stuff right there. He asked why we did not go after Republic during this time frame and get them to pay for the whole darn thing. Grant said certainly that could happen but he is an engineer and not an attorney. He said he is not completely sure of the process that would be followed there but that probably makes some sense. Councilor Fitzgerald said if they are not going to make us move it right away we have time. He said we should go to court and get them to pay for it. Grant said he thinks

that TDS has a preference to move it all at one time and in his discussions with them that is the impression that he has received from them. He said he really believes that it is in the best interest of the city particularly if the city is having to bear any of the costs even on an interim basis to do that, to try to spread that out, as long as TCEQ will allow that. Bob Steel, interim city attorney, talked about discovery and default action. He said we could do it all at once and sue for that amount. Grant said as he said we could put it in the plan to either do it all at once or do it in piece meal fashion. He said if the city were successful in making a recovery of that amount, you would probably want to get it all done and have it out of the way. He said in the event that the city was not able to recover that, it would probably make sense to spread that expense out. Grant said TDS completed a segment back in May and there is some of this that will be in the way of their very next segment. He said he does not recall the specific timing of that but they have typically been doing those about once a year so there may be a little bit of a time window. He said if they did a smaller segment this time that may come up sooner. He said within the next year this will be an issue that will need to be addressed. Ray Hendryx said he was a little confused about what was said about enforcement. He said the way he understood it was that burying garbage in places where it was not supposed to be, was not enforced by TCEQ. He said in other words you do not have to have liners or meet certain depths to meet all these requirements. Grant said because of the unique status of the landfill, the landfill falls under what the TCEQ calls an arid exemption landfill. He said arid exempt landfills back in the mid 90's were exempted from the construction of liners and groundwater monitoring systems. He said there is not a specific liner system or anything that is required to be constructed prior to placing garbage so in that sense there is not a violation for TCEQ to permit. He said it gets a little complicated. He said one of the things that is included in a TCEQ permit is a sequence of developments. He said when you develop a permit, you are supposed to put it like, A and B and C and D and technically if you go out of that sequence, that is a potential enforcement issue. He said we modified the permit in 2007 and included in the TCEQ rules a sequence of development. He said the fire permit, however, didn't include a sequence of development because it was submitted at a time when that was a not a requirement. He said even the sequence of development issue may not be an issue. He said the arid exempt landfills are not required under EPA or TCEQ rules to have a constructed liner or groundwater monitoring system. Mayor Rangra said Duncan was allowed to bring in 20 tons a day, so obviously they brought in more than 20 and that is why they had to put the garbage there like they did. Grant said that is a factor if that can be demonstrated. He said that certainly would be a violation. He said at the time in 2007, part of the modification was to do some technical things within the landfill. He said another part of that modification was to allow the landfill to take 20 tons

per day of garbage and an additional 20 tons per day of brush and construction materials because those are classified separately. He said prior to that 2007 modification, they were only allowed to take a total of 20 tons per day. He said all of the indoor reports that were filed, indicated less than 20 tons per day. He said however, in 2008, when they conducted a volume survey, they identified some things that did not match up. He said he had a conversation with the city manager at that time about the numbers not matching up. He said these were numbers that were reported in a TCEQ annual report. He said you are required to identify how much waste that you bring in metered by either weight basis or volume basis. He said periodically they want you to do a survey of the landfill mass to reconcile weight vs. volume. He said those two do not always correspond very closely. He said there was a survey done in 1999 and a second one done in 2002 and then Naismith went back and looked at the reports vs. a revised survey conducted in 2008 and the objective here was when you bring in a certain amount of waste on a weight basis, you want to determine how much volume that waste takes up. He said TCEQ has some default numbers that they use. He said for compacted waste in a landfill, that is approximately 1,000 pounds of waste per cubic yard of airspace. He said if you look at waste as it comes out of a garbage truck, before it is compacted at the landfill, if the garbage truck has a compactor, the TCEQ tells you that you that your factor is three. He said a ton of garbage will take up 3 cubic yards if it comes out of a compactor truck. He said if it comes out uncompact a ton will take up 5 cubic yards. He said if you do the conversion math, the compacted waste will have the density of 667 pounds per cubic yard and uncompact waste will have the density of 400 pounds per cubic yard. He said when the initial assessment got calculated what was in the landfill from the surveys back in 1999 and 2008, the number they came up with was 329 pounds per cubic yard based on the reported tonnage. He said if you think about that, that means the waste as placed in the landfill calculated as being less dense as uncompact garbage. He said the conclusion that you might draw, in the absence of any other information was that there was more waste put in the landfill than what showed up on the reports. He said again that is a question of fact that probably requires a little more detail and this is just an initial indicator but that certainly does raise a lot of questions as to how in the world all of that waste and volume relationship in the landfill got that far out of whack. Mayor Rangra asked if we needed to do more research on this. Grant said they certainly could, but it gets a lot more complicated from here because at that point we would have to go back to the individual tickets to try to compile the information.

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.)

7A. Approve Accounts Payable – Interim City Manager Taylor said Councilor Castelli had a question on this item. Councilor Castelli said there was an item on here for \$2,100 for master plan for sewer plant and he thought that was kind of ironic concerning the condition of the sewer plant. He said obviously it was done prior to today. Interim Finance Director Pattison said that was by Interim City Manager Harrington. She said he had hired Walker Partners to take a secondary look and look over the shoulder of Naismith and invited them in to do a survey of the sewer plant. Virgil Clark said this was the first time he had heard of this. Councilor Castelli made a motion by Resolution 2013-11-02, to approve the accounts payable with the exception of this one bill. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

9. Discuss and Consider appointing and reappointing grievance committee members and alternates. Councilor Angie Bermudez, Employee Hector Ramirez and Citizen Katie Elms-Lawrence are the current grievance committee members. Molly Taylor is alternate employee and Elidia Polanco is alternate citizen. It is requested that all Council Members serve as alternates, and that we add three more employees and three more citizens as grievance committee alternates should the regular members not be able to serve. (M. Taylor, ICM) - Molly Taylor, ICM said she believed this was a good idea because grievances come up so quickly. She said after you go through the department head and the city manager you have approximately one day to call people in and very often there are conflicts. She said if we can do this we can name all of the council members in case Councilor Bermudez cannot attend and we could draw out of a hat for other council alternates, call them one by one and come up with someone who could serve. She said for alternate employees, she has submitted some names to the council. She said these are not in cement but just suggestions and other names can be submitted to her. She said she has also listed some citizen names and she has not checked with the citizens yet but those are also suggestions. She said we do not need to vote on all of these tonight but she does suggest that we specifically have the council members serve as alternates. She said the employees she has asked and those can also be voted on. She said the employees are Megan Antrim, Diana De La O and Eddie Molinar. She said we can wait on the citizens, since they have not been contacted. Betty Fitzgerald volunteered for citizen alternate. Motion was made by Councilor Gonzales, by Resolution 2013-11-03 to reappoint grievance committee members Councilor Angie Bermudez, employee Hector Ramirez and citizen Katie Elms-Lawrence and alternates Molly Taylor (employee) and Elidia Polanco (citizen). Motion was further made to accept all council members as alternates and accept Megan Antrim, Diana De La O and Eddie Molinar as alternate employees and alternate citizen Betty Fitzgerald. Councilor Fitzgerald asked if he would have to recuse himself. Bob Steele said if she was on the panel hearing a grievance, he would

have to recuse himself. Councilor Fitzgerald said he meant for this vote. Bob Steele said it was the same for this vote. Motion was seconded by Councilor Fitzgerald. Motion carried unanimously.

10. Discuss and Consider accepting volunteers to work for the City of Alpine and approving a City of Alpine waiver for volunteers to sign to protect the city. (M. Taylor, ICM) - ICM Taylor said Martha Latta brought this item to her attention because she has some wonderful volunteers who help her. She said we are very happy to have them and do not want them to go away because of this but sometimes these volunteers do some work where they could get hurt or injured. She said at the recycling plant there are volunteers who help move the brush and do some things out there where they could be injured. She said to protect the city we have come up with a waiver and the interim city attorney has reviewed at it. She said we would like to have the council's approval for this waiver for volunteers. Motion was made by Councilor Bermudez, by Resolution 2013-11-04, to approve accepting volunteers to work for the City of Alpine and approve a City of Alpine waiver for volunteers to sign to protect the city. Motion was seconded by Councilor Gonzales. Motion unanimously carried.

11. Discuss and Consider appointing Gloria Brownell as the Municipal Court Clerk for the two year appointment for Court of Record as recommended by Judge Schlosser, ICM Molly Taylor and IFD Deborah Pattison. (M. Taylor, ICM) - ICM Taylor said Judge Schlosser, herself and Deborah have interviewed Gloria Brownell who will be introduced here in a moment. She said we are all in agreement to recommend her for the position of Municipal Court Clerk for the term of two years. She said Judge Schlosser and Gloria may have something to say and asked them to come up and speak. Judge Schlosser introduced Gloria Brownell. She said we had four applicants for this position. She said we did not receive any applicants who already had a municipal court certification at any level. She said however we did have one outstanding applicant and that was Gloria. She said Gloria has a law degree from Mexico and obtained her citizenship in 2012. She said since that time she has obtained a Masters in public administration criminology. She said we feel that she is highly qualified for the position and we have already looked into training and she can have her clerk certification, level one as early as January and attend Municipal Clerk Boot Camp in December to prepare for that. She said they looked into that this week. She said it was part of the job description that whoever got this job would do training and Gloria is enthusiastic about not only obtaining levels one, two and three but also being certified as a municipal court administrator. She said she was pleased to recommend Gloria Brownell to the Council for a two year term as Municipal Clerk. Councilor Fitzgerald said if Gloria is fine with those three, she is fine with me. Motion was made by Councilor Fitzgerald, by Resolution 2013-11-06, to appoint Gloria Brownell as the Municipal Court Clerk for the two year appointment for

Court of Record as recommended by Judge Schlosser, ICM Molly Taylor and IFD Deborah Pattison. Mayor Rangra asked about the salary and the ICM said the salary had already been agreed upon as the same salary of the former clerk. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

12. Discuss and Consider submitting an application for the EDAP grant and loan for the sewer interceptor – Grant Jackson. (M. Taylor, ICM)- Grant Jackson with Naismith Engineering was present as was Adam Luke with Naismith Engineering. Grant said Adam is the project engineer. Grant said for this he provides the gray hair and Adam does the heavy lifting. He said Adam is a licensed engineer and a very bright young man and has done a good job for the city on this project. He said this is actually for the EDAP sewer system repairs. He said EDAP is the economically distressed areas program operated by the Texas Water Development Board. He said there is a separate project that the city is in discussions to fund for the interceptor relief. He said that is funded under a different program by the Texas Water Development Board. He said just to clarify, those are two separate items. Adam Luke said as Grant said, the EDAP project is separate from the other project. He said five or six years ago you started and the first part of the EDAP project was planning. He said the EDAP program consists of three phases, planning, design and construction. He said sometimes acquisition is part of that but since all the systems we are talking about belong to the city there is no acquisition. He said they have already completed the planning phase and that was done two or three years ago. He said the design phase was started last year. He said now we have a set of construction plans that have been presented to the Water Development Board and they are currently reviewing them. He said at this point they are proposing, if the Council agrees, to submit an application for construction for these design plans. Grant said he wanted to provide a little background as to why this was important. He said the economically distressed areas program has been in existence for many years, 15 to 20 years. He said over the years it has been funded at different levels. He said for the last 3 years the funding level has been very, very low. He said in the 2013 legislative session they approved about \$50 million dollars to put into this program and one of the reasons that they are asking to be able to apply for construction funding at this point in time is because now, the program has been funded as of September 1, 2013. He said the prioritization for the construction funding that the Water Development Board has proposed for this program is first come, first serve. He said the sooner we get the application in, the more likely you are to have this funding. He said he believed that the type of funding that was involved here is 50 percent grant and 50 percent loan. Councilor Castelli asked “To do what?” He said he did not know what the project was. Grant Jackson said this will make some repairs and modifications to problem areas in the wastewater system. He said there are some areas where there are some collapsed lines. He said

there are manholes that provide relatively frequent overflows. He said they create some bottlenecks within the system and there are a number of areas that need to be addressed. He said these 9 areas have been selected, specific target areas, to qualify for this funding they had to be in the EDAP eligible area. He said that is an area that has been established through income surveys and census information as meeting the water development board's criteria for the economically distressed areas program. He said then you have to have a project that contributed to the problem in the area to be eligible for that money. He said we have identified that these are nine target areas that qualify for that funding. He said it could be to correct some operational issues in the city's collection system. Mayor Rangra asked if this was inside the city. He said the interceptor was running east of Sul Ross. Grant said that is where the confusion lies. He said the EDAP project is actually within the nine areas within inside of the city limits. He said the other project, the interceptor relief project is not funded out of the water development board's EDAP program. He said it is funded out of what they call the defund development funds and that has some portions of the project that are both inside and outside the city. Mayor Rangra asked what we were going to be looking at tonight. Grant said this will be for the EDAP area. He said the words EDAP and interceptor don't go together. Mayor Rangra said so we are not looking at the interceptor tonight. Grant said not in this item. Mayor Rangra asked the City Attorney if we could delete the portion about the interceptor. Bob Steele, ICA, said he thought we had to delete the interceptor section. Grant said just to be clear, the project that this application would address would be the 9 target areas within the EDAP area inside the city limits. Councilor Fitzgerald asked how much was the matching funds. Grant said it was 50% grant and 50% loan. Grant said the project amount is approximately \$2 million dollars, \$1.96 and change actually. He said it is approximately two million dollars. He said 50% of that would be grant funds from the TWDB and 50% of that would be a loan that they would need to close on, on behalf of the city. Councilor Fitzgerald who the loan would come from. Grant said the loan is also from the Texas Water Development Board. He said it is a combination package. He said the way they have been typically been doing this is that they structure the entire amount as a loan and then have some language in there that this is loan forgiveness. He said you borrow this much money and you pay back 50%. Councilor Fitzgerald asked what kind of rates we would get. Grant said it is 1 and 1/4 below the current established market rates. He said he is not a financial person so he could not explain to him exactly what this is. He asked how much this would cost us. He said that was a good rate. Councilor Castelli asked what the time frame was for this. He said with our financial situation a million dollars is a lot of money. Michael said this would be awarded in 6 months and you would have 6 months to do it or two years from that. Grant said we estimate that this would be approved about March. He said the loan will close sometime in the April to May timeframe if the water development decides to award the funding to us. He said it

probably be the second quarter of the next year before the city would actually see the money being made available for the construction part of the project. Councilor Fitzgerald asked what the terms of the loan were and how long did we have to pay it back. Grant said that is probably a financial question. He said the normal time frames are 20 to 30 years. He said it is a fairly extended time frame. Councilor Bermudez said they did say that it was a first come, first serve basis. Grant said the EDAP program is currently developing revised guidelines for how they distributed that funding. He said their current guidelines are first come, first serve. He said they had an agenda item on their meeting from Monday, the 4th of November, a work session to come up with some revised material for having to distribute these funds. He said that was discussed in work session and it will probably be on the November 20th agenda but as of today the current qualification is first come, first serve. Motion was made by Councilor Bermudez, by Resolution 2013-11-05, to approve submitting an application for the EDAP grant and loan for the EDAP nine target areas for construction funding inside the city. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

13. Discuss and Consider approving ambulance service contract for a three year term. (M. Taylor, ICM) – Molly Taylor, ICM, said we do not have an ambulance service contract at this time. She said we asked for proposals not too long ago and the other ambulance service has relocated and we are back down to one ambulance service at this time. She said the contract is the same contract that has been used previously in the past. She said it is for a three year term. She said they have not gone up on their request for funding and it is the same amount and for several years they have not asked for more money. Motion was made by Councilor Bermudez, by Resolution 2013-11-07, to approve the ambulance service contract for a three year term with West Texas Ambulance Service. Councilor Castelli said he thinks that it is good to have a contract and he thinks that it is sad that we went three years without a contract. He said doing this a week before we are bringing in a new city manager, it seems like it is our time to bring Alpine into the current situation and at least it should be coincided with the county since the county also funds this service and both contracts should expire at the same time. He said otherwise you get into a negotiation situation and you have two contracts covering most of the entire county. He said we are going to be asking a city manager to come in and this is a significant amount of money that we spend every year and like a lot of decisions if you can wait a week or two or three, we have gone two or three years without a contract and he would suggest that we allow the new city manager to have impact on this. Councilor Bermudez said we have not had a contract? Councilor Castelli said we have not had a contract for three years. Mike Scudder with West Texas Ambulance Service said we had a contract but the contract disappeared. He said it expired September 30th. He said their contract with the county used to be October 1st but they bumped it

up to November 1st, so the contract with the County started this month for a three year period also. Councilor Castelli said three year? He said they told him it was a one year. Mike Scudder said no, it used to be one year, and the new contract is three years with two extensions after the three years. Motion carried unanimously.

14. Discuss and Consider moving date for December Council meeting from December 3rd to December 10th due to Thanksgiving Holidays. (M. Taylor, ICM) – ICM Taylor said the reason for that is that we will have a holiday on the Friday that we would post the agenda for the third of December meeting. She said it would have to be posted very early that week and we only have one meeting in December by the Charter. She said if it is okay with the Council, we can move it from the third to the tenth, which is closer to the middle of the month. Motion was made by Councilor Castelli, by Resolution 2013-11-08, to move the date for the December Council meeting from December 3rd to December 10th due to the Thanksgiving Holidays. Motion was seconded by Councilor Bermudez. Motion unanimously carried.
15. Discuss and Consider approving Resolution which indicates that any reference to transfers between water and sewer funds in the 2012-2013 budget and 2013-2014 budget and financial records should be interpreted as Payments in Lieu of Franchise Fees. (M. Taylor, ICM) - ICM Taylor said the Water Development indicated that they would like us to do this and we have consulted our new auditor who has instructed us on how to do this. Deborah said this is a terminology change on two line items that are in the budget for transfers of general fund. She said there are two locations in the budget and this also refers to any historical locations. Motion was made by Councilor Fitzgerald, to approve Resolution 2013-11-09, which indicates that any reference to transfers between water and sewer funds in the 2012-2013 budget and 2013-2014 budget and financial records should be interpreted as Payments in Lieu of Franchise Fees. Motion was seconded by Councilor Bermudez. Motion unanimously carried.
16. Discuss and Consider transferring funds from CO Series 2005 account-2304 into new bank accounts for purpose of TWDB-EDAP projects and transferring funds from CO Series 2009 Acct – 5325 into new bank account for purpose of GO Refunding Bond Series 2011 Debt Service. (M. Taylor, ICM) – ICM Taylor asked IFD Pattison to address this item. Deborah said in following the documents with the TWDB and EDAP program legal documents, we have consulted with ICM Bob Steele and we confirmed with Bickerstaff, Heath, Delgado, Acosta as to handle the legal for the Alpine 2012 Tax and Revenue Certificates of Obligation that there are four different accounts that need to be created for that purpose. She said those have been created. She said we have now a debt service account that is TWDB EDAP tax and revenue GO Series 2012 and then we have two construction projects the TWDB EDAP grant project account and then the loan project account

and then the documents also require that the water and sewer enterprise fund be separated distinctly from the existing fund. She said a contribution of \$10,754.75 is needed from the Water and Sewer Fund into NEW Bank Account TWDB-EDAP Tax and Revenue CO, Series 2012 – Debt Service to meet the FY 2014 Debt Service payment that is due during the FY2014 Budget. She said \$18,238.50 plus \$11,354.50 or a total of \$29,593.00 will be transferred into a NEW Bank account TWDB-EDAP Grant G100027 Project Acct. to meet TWDB requirements. She said \$18,238.50 plus \$11,354.50 or a total of \$29,593.00 will be transferred into a NEW Bank account TWDB-EDAP Loan L100025 Project Acct. to meet TWDB requirements. Deborah said this will show all of the transactions and shows what will be left in the Series 2005 account once we make those transfers there will be a remaining balance in the 2005 debt service account of \$80,754.42 and an additional \$57,245.58 will be needed from the water and sewer fund to make our debt service in March of next year. She said those are all transactions that support the EDAP project and these are the funds which will receive the design aspect which is completed now. She said we have been talking about when the EDAP program will come through, what time next year, as far as structuring the payments on the principal and interest that which will be due during that first fiscal year. She said we need to remind ourselves that on March 15th of next year we have five outstanding debt service issues right now. She said on March 15th of next year we have due \$593,527 and we have to make that payment on existing debt. She said then we can look at structuring that and perhaps paying interest only on the first year of EDAP or something like that. She said that handles moving money from the general funds and the CO 2005 series into the new account and if you will flip the page over (she gave the council a handout) when the general obligation refunding bond series 2011 were processed that issue combined certain historical debt issues and combined them and paid them off and eased the combination and tax revenue series CO 2009. She said however, we still have an active bank account for CO series 2009. She said that was actually and technically paid off through GO refunding series 2011. She said that amount that is in that bank account, 5325, can be transferred into this newly created account and this is our fifth account that we are creating. She said that is general obligation, refunding bonds, series 2011 debt service so we will already have \$3,200 in that account, pending that debt service payment that is due this year and we have a total of \$363,000 due in March on that fund. She said we will be closing the CO 2009 account. Councilor Fitzgerald asked if we were good on the debt service that needs to be paid March 15th. Deborah said we are very tight right now. She said Virgil Clark and she may be before the Council at our next meeting, discussing water and sewer rates because you see from cash flow of paying the accounts payable where we are now but we have to have almost \$600,000 available on March 15th. Councilor Castelli asked how we were paying payroll based on Deborah's analysis. Deborah said we are making payroll but what she is doing is monitoring cash flow in the morning and in the afternoon and we

mail what we can mail. She said we are going to hold something up until we can make payroll and then we have some bills we have to pay. Councilor Castelli said this is more than tight. Mayor Rangra said this says CO 2011 and money was borrowed just to pay off CO 2009? Deborah said it was 2009 and there were about four different debt issues that got paid off and rolled into that. She said technically 2009 is paid off and that account was dissolved at that point but there was still a written amount in it so we need to close that account and roll it into the newly created account that will be for GO 2011. Mayor Rangra said in these that we are looking at the budget is for 2012/2013 and 2011/2012 and the allocated funds are 2011 to take care of the belt press and..... Deborah said that is CO 2011 which is different from the GO 2011. Mayor Rangra asked if the money was still there for the belt press and the rest of the things? Deborah said lets follow the history of the CO 2011. She said on April 19th, 2011, you received and closed on CO 2011 and received the bond proceeds for the CO 2011. She said that was 1.2 million dollars and some change that was deposited into the general fund account. She said the CO 2011 proceeds account that was basically a construction account, \$300,000 was moved from General Fund through a check on September 30th of that year, so five months later, \$300,000 of the 1.2 million was put into a proceeds account. She said that has been expensed down. She said its current balance is roughly \$15,000. She said \$800,000 was never moved to the proceeds account and it was kept within the General Fund and she said she has not followed that all the way through as to how it was expensed. She said it was not set up as a separate construction account. Mayor Rangra asked if now we were set up like we need to be. Deborah said yes, now we have all of the bank accounts that should be associated with those debt sheets and the correct dollar amounts for the transfers. She said we have not made the transfers yet but this is setting it up so that we can make the transfers. Motion was made by Councilor Bermudez, by Resolution 2013-11-10, to transfer funds from CO Series 2005 account-304 into new bank accounts for purpose of TWDB-EDAP projects and transferring funds from CO Series 2009 Acct – 5325 into new bank account for purpose of GO Refunding Bond Series 2011 Debt Service. Motion was seconded by Councilor Fitzgerald. Motion unanimously carried.

17. Discuss and Consider setting a date and time for a Public Hearing on the Drone issue. (M. Castelli) – Councilor Castelli said he thought Mr. Cobos said the whole story. He said it has been 122 days and this is something that we agreed to do within 90 days and it is on the agenda. He said he did ask Oscar to come to us with a date and the date he proposed is next Tuesday the 12th. He said that is their recommended date and it is up to the council to vote on this. Mayor Rangra said that is the same day that we are going to have a special meeting for interviews. Councilor Fitzgerald said are we going to do the interviews for Manager and drone public hearing on the same day? Councilor Bermudez said she thought we should separate

them. She said the interviews for the City Manager are very important. She said we need to take our time on that. Councilor Fitzgerald said he agrees with Angie. He said he did not care who goes first but he does not think that we should do both at the same time because obviously you cannot make significant presentations. He said we need to take our time with this. Councilor Castelli asked about the 13th of November. He said what this is, is a negotiation between the needs of the council and the needs of the committee. Oscar Cobos said this is a very serious issue. He said we have waited and he does believe that he has a great deal of respect for the council and the city for their interests and we know for a fact that special interest has nothing to do with public interest. He said reviewing the contract over and over again and talking to people for this whole issue. He said the people are asking for accommodations for the civic center as well because there were a lot of people who said they wanted to come to the meeting but were not able to even sit down. He said he does believe that this issue tonight is very important to people. He said he has a lot of respect for the pilots here tonight that have researched and introduced the surveys and he wants to thank the Avalanche and the Big Bend Sentinel and Ray Hendryx and all the people who are making an effort for this. He said he does believe that the people are ready for Tuesday. The Interim City Manager/City Secretary said the candidates have already been notified of the 12th as the date for the interviews. Mayor Rangra asked if we had a long agenda on the 19th. The ICM/CS said she did not have any idea, yet. Mayor Rangra asked if the 19th would be okay instead of the 12th. Councilor Castelli said that would allow more time to put the information in the press and let more people know about it. Oscar said for the record he would say that they will have those folders ready for the council and attorney. Mayor Rangra asked if we had a PA system for the Civic Center. Abel Hinojos told the Mayor that we did have one. Councilor Castelli made a motion, by Resolution 2013-11-11 to hold a public hearing regarding the drone issue on Tuesday, the 19th of November at 6 P.M. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

18. Citizen's Comments (limit 3 minutes) – None

19. Council Member's Comments and Answers –

Councilor Castelli – said he wanted to thank the citizens of Alpine that came out tonight for whatever reason that they came and for those of you with specific issues the fact that you were willing to come when your issue was not really on the agenda but you did have an opportunity to speak. He said he did appreciate the time that they took to come to our council meeting.

Councilor Gonzales – said he was excited that a lot of people came to voice their opinion and that is what this is all about and hopefully we will be moving in the right direction.

Councilor Fitzgerald – said we have a lot to do and he wants to again compliment Deborah Pattison for the job that she is doing. He said it is a horrendous task that she has undertaken. He said he appreciated the large group that we have here tonight. He said he did not see Mr. Polanco here tonight and he knows it is 5 days early and not November 10th yet but in case he does not see him, Happy Birthday Marine.

Councilor Bermudez – said she wanted to thank all the people for coming and we will see you on the 19th for the hearing.

Mayor Rangra – said he was glad the citizens came to the meeting.

Motion was made by Councilor Bermudez to enter into executive session. Motion was seconded by Councilor Fitzgerald. Council entered into executive session.

20. Executive Session – Pursuant to Texas Government Code, Subsection 551.071, Consultation with Attorney and Subsection 551.072 Real Estate Issues –

A. Discussion concerning trade of real property. (J. Gonzales)

21. Action Executive Session – Pursuant to Texas Government Code, Subsection 551.071, Consultation with Attorney and Subsection 551.072 Real Estate Issues –

A. Any action, if necessary, concerning the trade of real property. (J. Gonzales). – Motion was made by Councilor Gonzales, by Resolution 2013-11-12, to ask the City Attorney and the City Manager to further develop the issues for a real property exchange. Motion was seconded by Councilor Bermudez. Motion unanimously carried.

22. Adjournment. – There being no further business or action, meeting was adjourned.

I certify that this notice was posted at 3:45 P.M. on November 1st, 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 3:45 P.M. on November 1st, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret "Molly" Taylor, City Secretary