

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

- 1. Call to Order, Invocation and Pledge of allegiance to the flag – Oscar Cobos, with the Ministerial Alliance, gave the invocation and Mayor Rangra led the pledge of allegiance to the flags.**
- 2, Determination of a quorum and proof of notice of the meeting – Mayor Rangra and Councilmembers Bermudez, Davidson, Fitzgerald, Gonzales and Castelli were present. Meeting notice had been posted at 2:30 P.M. on June 28th, 2013.**
- 3. Presentations, recognitions and proclamations – None**
- 4. Reports –**

City Mayor's Report - Mayor Rangra said this was a pretty busy week. He said just a few minutes ago at 5:30 P.M., over at the Railroad Park, the Cowboy poets had a ribbon cutting ceremony. He said everyone needs to go and see it. He said earlier last week we had a visitor from the Texas Film Commission. He said they were a couple of very enterprising young people, Rick Edward and John Green. He said they are trying to set up a Big Bend Film Commission and they invited a representative from Austin. He said he met with the representative. He said they are trying to create a situation where we can have filming. He said all of you are aware of the fact that we gave some money to the Marfa Film Festival and in Alpine last week on Friday and Saturday, they had two shows each day here in Alpine. He said there were quite a few people present. He asked if the Council was going to have a float in the parade for the 4th of July celebration. The City Manager said we would have a float for the Council. The Mayor invited everyone to come for the 4th of July celebration. He said our Congressman, Pete Gallego will be here on the 4th of July, joining in the parade. He said talking about that, on the 5th, which is Friday, around 8:30 A.M., Congressman Gallego will be at Bread and Breakfast. He said you are all invited, family members and your friends. He said it is a buffet breakfast at no cost. He said you can meet with him and let him know that you appreciate what he is doing and has done. He is loved by the community where he was a State Representative. He invited everyone to come.

City Attorney Report – The City Attorney said he had a couple of items on the agenda. He said he will not go into them now. He said he has been

working with and supporting city staff and he is pleased to report that we are not being sued by anybody or suing anyone right now.

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

City Staff Updates –

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

5. Citizens Comments (on agenda items) –

Steve Posner – Said he wanted to address Item #14 regarding the proposal for the Alpine Airport to be the home for unmanned drones to operate over Alpine and the Big Bend area. He respectfully encouraged the Council to hold a public hearing before they made any decisions. He said there are

many complicated issues including: 1) Safety – he said he talked to A&M and their strategy for preventing potentially fatal mid-air collisions is flawed and will not work in our air traffic environment 2) Economics – if the drone plan is implemented, the FAA is required to publish a notice to airman warning of dangerous air space around the Alpine airport due to unmanned aerial vehicles operating. He said aircraft that normally would land in Alpine to buy fuel or bring in tourists or hunters to the area would instead divert their business to Marfa or Ft. Stockton airports and would sabotage the economics of our airport, and 3) Cultural issues – He said people choose to live in Alpine to enjoy the natural beauty and isolation. He said having drones buzzing overhead would destroy the serenity.

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

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

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

Kevin O’Cuilinn – said he is a pilot and operate out of the Airport. He said he second everything he has heard from the people before us. He said this really deserves some consideration that has not been given. He said it is his understanding at the Airport Advisory Board meeting that Texas A&M does not have to have the city’s approval prior to them being awarded this contract. He said therefore we need to postpone this until we know all the facts and until it is not kept secret like they were saying it had to be for negotiations, or for bids. He said if it is not contingent on the city’s approval then why not wait to see if they get the contract and then the

public will have an understanding without it being kept secret. He said we should not fast track this thing.

James Jones – said he was not going to say anything tonight. He said he loves this town and he thinks it is the greatest place in the entire state of Texas to live. He said he does think that we have to be very careful about trying to run businesses out of here. He said we have a tax base that is awful shallow right now. He said if we get some new businesses in here and some new blood he thinks it might possibly do the city a lot of good.

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

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

said one of them was electro sensitive and struggling to survive and those issues have still not been addressed. She said what they are asking the Council is to try to gather some support and work with citizens. She said she created a brochure and survey and will be going door to door. She said they are looking for focus group who will work together and target people to get their 5% vote. She said that will give them data to show the Council who is for the “opt in” and who is for the “opt out”.

6. Public Hearings –

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

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

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

8. Information or Discussion items –

- A. Financial Update – June 29, 2013 Conversion to Hill Country Software – Deborah Pattison (C. Harrington, CM) –
- B. Information and Discussion on Electric Smart Meter Installation. (C. Harrington, CM) -

Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 15 per meeting.)

- 9. Discuss and Consider approving Resolution 2013-07-02, supporting the efforts to expand cell coverage in areas surrounding the City of Alpine, Texas. (C. Harrington, CM)
- 10. Discuss and Consider the second reading of Ordinance 2013-06-04, repealing current Section 18-37 of the Code of Ordinances of the City of Alpine, Texas and replacing it with new Article 18-37 of said Code, and Amending Section 18-39 of the Code of Ordinances by increasing the fine for violation from \$500 to \$2,000. (C. Harrington, CM)
- 11. Discuss and Consider approving a request by the Lions Club of Alpine for allocation of \$1,500 from the hotel/motel tax fund for advertising of the gun show. (C. Harrington, CM)

12. Discuss and Consider creating an “on-call” heavy trash pickup program. (C. Harrington, CM)
13. Discuss and Consider authorizing the City Manager to advertise for bids on the construction necessary to institute a “Quiet Zone” in Alpine. (C. Harrington, CM)
14. Discuss and Consider setting a public hearing to consider a request by Texas A & M Corpus Christi for authorization to utilize Casparis – Alpine Airport to test unmanned drone aircraft. (C. Harrington, CM)
15. Citizen’s Comments (limit 3 minutes) –
16. Council Member’s Comments and Answers –
17. Executive Session –
18. Action – Executive Session –
19. Adjournment – There being no further business, meeting was adjourned,

I certify that this notice was posted at 2:30 PM on June 28th, 2013, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Dr. Avinash Rangra, Mayor

Attest:

Margaret “Molly” Taylor, City Secretary

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

Margaret “Molly” Taylor, City Secretary