

City of Alpine
Workshop Meeting and
Regular City Council Meeting
Tuesday, February 2, 2021

Notice is hereby given that the City Council of the City of Alpine, Texas will hold **a Workshop Meeting at 3:00 P. M. on Tuesday, February 2, 2021 in Council Chambers at 803 West Holland (in person attendance will be limited to 15 people total including elected officials, staff, and public) and via Zoom Conference, in the City of Alpine, Texas.** Meeting login details may be found at **www.cityofalpine.com** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

Notice is hereby given that the City Council of the City of Alpine, Texas will hold **a Regular Meeting at 5:30 P. M. on Tuesday, February 2, 2021 in Council Chambers at 803 West Holland (in person attendance will be limited to 15 people total including elected officials, staff, and public) and via Zoom Conference, in the City of Alpine, Texas.** Meeting login details may be found at **www.cityofalpine.com** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

Members of the audience will be provided an opportunity to address the Council on any agenda item after determination of quorum and proof of notice of the meeting. Zoom meeting comment and question rules and procedures are listed on the City Website. Remarks will be limited to a total of 3 minutes per person. Please email your name to Geo Calderon (g.calderon@ci.alpine.tx.us). If you have a petition or other information pertaining to your subject, please email it to the City Secretary beforehand. All names wanting to make public comment for the meeting will be queued up and given to the Mayor at that section of the meeting. The Mayor will call on those individuals one at a time and our meeting moderator will take you off mute to make your comments. This will function the same as our existing sign-up

sheet in Council Chambers. ***** Please note, you MUST include your full name (first and last) along with what Ward you reside in or have business interest in. If you do not live or own property in the City please state that in your email.** State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.** The Mayor and/or City Council Members may call a Point of Order to stop Personal Attacks. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred.

WORKSHOP MEETING - 3:00 P.M.

AGENDA

1. Call to Order.
2. Determination of a Quorum and Proof of Notice.
3. Workshop
 - a. Key City priorities and initiatives

CITY COUNCIL REGULAR MEETING - 5:30 P.M.

AGENDA

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Public Comments – (limited to 3 minutes per person) - None
4. Presentation, Recognitions and Proclamations – (A. Ramos, ,Mayor) - None
5. Reports -

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report -

- Update on case file review in Municipal Court

City Manager Report

- Coronavirus Update
- Vaccine Distribution Update
- Fair Housing Call Update
- Election Packet Distribution Update

City Staff Update

- Environmental Services Program Update by Adelina Beall
- Animal Control Services Update by Jennifer Stewart

6. Public Hearings –

- Public Hearing to obtain citizens views and comments on Ordinance 2021-01-01, a Short-Term Ordinance for the City of Alpine.
- Public Hearing to obtain citizens views and comments on Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine.

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.)

1. Approval of minutes from City Council meeting on January 19, 2021. (E. Zimmer, City Manager)

8. Information or Discussion items –

1. Coin Operated Businesses. (A. Ramos, Mayor)
2. Jail and needs of the City and Alpine Police Department. (R. Stephens, City Council)

9. 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.) after being called upon by the Mayor or Mayor Pro Tem. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action on the second and final reading on Ordinance 2021-01-01, for Short-Term Rental Ordinance for the City of Alpine. (C. Rodriguez, City Council)
2. Discuss, consider, and take appropriate action on the second and final reading on Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action approving the City Attorney contract. (E. Zimmer, City Manager)

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

1. Discuss letter from Texas RioGrande Legal Aid (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda,

above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development.)

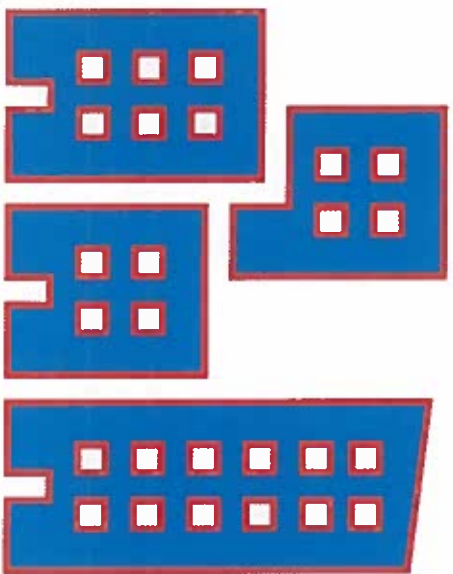
12. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, on the letter from Texas RioGrande Legal Aid. (E. Zimmer, City Manager)

I certify that this notice was posted at 2:00 P. M. on January 29, 2021, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). 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 email city.secretary@ci.alpine.tx.us for further information.



Cynthia Salas, City Secretary
City of Alpine



Key City Priorities Workshop February 2, 2021



Agenda

- 3-3:05p Call Meeting to Order, Proof of Quorum, etc...
- 3:05-3:20p Review of Key City Accomplishments Over Last Decade and Current Challenges
- 3:20p-3:25p Review of Budget Workshop Document Shared in Packet – workshop on July 7, 2020 outlining key inputs from Elected Officials
- 3:25-4:10p Roundtable Review for Each Elected Official to express goals (short, medium and long range) they have for the City
- 4:10-4:20p Staff inputs on goals (short, medium and long range)
- 4:20-4:35p Alignment of Goals with Council and Staff
- 4:35-4:55p Role of Boards and Commissions relative to work towards priorities/goals
- 4:55-5:00p Wrap-Up



2021 Priorities

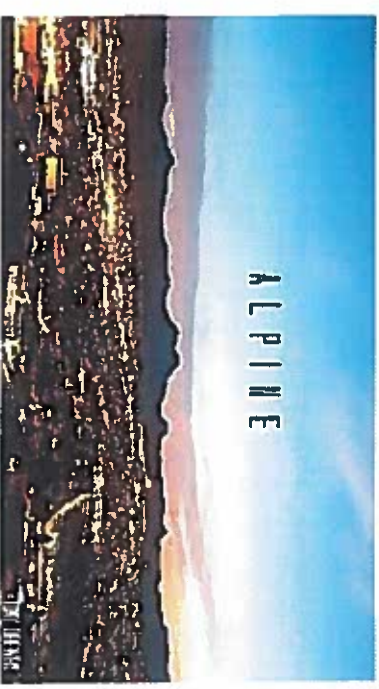
(Suggested at the January 5, 2021 Meeting)

Staff Driven

- Paving and Street Repair
- Park Revitalization
- Tourism – 2021 and Beyond
- Utility Infrastructure Improvements
- Economic Development

Council and Staff Driven

- Support of SRSU Enrollment
- Zones and Zoning Map Refresh
- Affordable Housing
- Roadmap for Transportation Improvements
- Ordinance Updates
- Emergency Medical Services
- Jail Facility
- City-County Relationship



Alpine City Council

BUDGET WORKSHOP #1

JULY 7, 2020



5-Year Capital Plan

7 JULY 2020



Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Airport	Lighting Project VASI to PAPI-2 conversion - 2024ALPIN	2020-2022	\$920,000	1	TxDOT Aviation - 90% funded by Grants, 10% Funded Local	Engineering being complete in 2020.
Airport	Sealcoat Project Runway 01/19 sealcoat and mark - 2024APINE	2021	\$590,000	2	TxDOT Aviation - 90% funded by Grants, 10% Funded Local	
Airport	Rotator Beacon	2021	\$10,000	1	CARES Act or Ramp Grant	
Airport	Additional Sealcoating	2021-2023	\$500,000	2	TxDOT Aviation - 90% funded by Grants, 10% Funded Local	
Airport	AWOS replacement/relocation	2022	\$150,000	1	TxDOT Aviation - 90% funded by Grants, 10% Funded Local	
Airport	Update Airport Master Plan and Airport Layout Plan	2022-2023	\$150,000	2	TxDOT Aviation - 90% funded by Grants, 10% Funded Local	

Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Public Works - Parks	SplashPad	2021	\$200,000	2	25% from City, 75% from donations and outside entities. City has already allocated these dollars.	City has already allocated \$50K to this project.
Public Works - Parks	Tractor - Mower	2022	\$70,000	2	Would look for grants to supplement our General Fund budget.	This item would be used to mow primarily along the city streets and causeways. Would utilize in alleys where applicable.
Public Works - Parks	Kubota Mower	2023	\$45,000	2	Mower to replace on existing fleet. Would need to pay for it via a donation or Public Works budget.	
Public Works - Parks - Grant	TPWD- Trails Grant, 2021-2023 (phases I-III)	2021-2023	\$400,000	2	50-50 Grant Opportunity - This would directly target Pueblo Nuevo Park buildout and any additional projects that mature	The first main project to address is Pueblo Nuevo
Public Works - Streets	Front End Loader	2020	\$150,000	1	From Public Works budget. Buying a used one would cut this in half. We could also consider a lease.	Getting a Loader that is slightly smaller than our existing piece of equipment would allow us to get into the Alleys better and the portion of the creek between Ave E and Holland. Would also be used in our Paving Projects
Public Works - Streets	Wash Bay Construction	2020	\$15,000	2	From Public Works budget.	Cleaning of vehicles and equipment. Would also be a location for other departments to utilize.
Public Works - Streets	2 New dump trucks	2021	\$150,000	1	Existing dump trucks are coming to end of life and would need to consider as part of paving budget. Buying used would cut the price in half.	Had targeted this purchase for 2018, but was never completed
Public Works - Streets	Small Maintainer	2021	\$75,000	2	From Public Works budget. Would also look at buying a used one for 40-50% of the price	This would allow us to work in the smaller (tighter) areas and smaller jobs maintenance jobs around buildings and parks.
Public Works - Streets - Grant	CDBG- Downtown Revitalization funds for sidewalks, etc	2021	\$225,000	1	US-DA, CDBG. Funds for replacement of sidewalks and curbs in core business area. Est project cost is \$225,000. 96.5% CDBG/3.5% City match required. \$9,000 in City funds needed to apply by 9/1/2020. *City has funds identified for street improvements each year; match can come from those.	

Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
City Administration	Old Schoolhouse (aka - old Sunshine House)	2020-2023	\$200,000	2	Would look at \$60K in year one to get the Finance and Billing Staff moved over. Target Texas Historical Commission Grants after that.	This facility plays historical importance to Alpine and one strategy of restoration is to move City Staff over there and open as our Billing/Finance Office. This would allow us to gradually restore this amazing facility to her old glory. This also allows us to spread out at City Hall and enjoy more social spacing in the workplace.
City Administration	Security Cameras placed across town - tied in to Police Department	2021	\$20,000	2	Fund 50% from our IT budget, and look to supplement the remainder with grants.	Strategically place 20-25 more cameras around the community.
City Administration - Grant	Incubator Space for Economic Development	2022	\$400,000	3	Potential Economic Development Administration funding to establish an Incubator Business space	This is still in idea/concept form, but may require some level of match and administration by the City if we pursue this route.
Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Building Services - Code Enforcement	Technology Upgrades	2020-2024	\$15,000	1	General Fund	Incremental Software updates and upgrades to go along with iWork software tool purchased this fiscal year.
Building Services - Code Enforcement	New Vehicle - Code Enforcement	2020-2024	\$24,000	1	Lease program (60 month lease at \$400/month)	Existing Code Enforcement vehicle is end-of-life.
Building Services - Code Enforcement - Grant	CDBG- Planning & Capacity Building Grant- Strategic Growth & Development Plan	2021	\$10,000	1	US-DA, CDBG. Funds for a Strategic Growth and Development Plan for the City to include updated zoning. Program limits awards to \$55,000 with a 15% City match required. Est. project total is \$65,000 with \$10,000 in City funds needed to apply by 9/1/2020.	

Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Visitor Center	Exterior Post Replacement, Exterior Lighting, Outside Benches	2020	\$5,000	2	From HOT Fund	Outdoor posts are rotting and lighting needs to be replaced. Also put in new benches as the venue gains importance for outdoor events.
Visitor Center	New HVAC for Visitor Center	2021	\$10,000	2	Would fund out of HOT Fund as part of the Visitor Center facility improvement	Have purchased a small floor A/C to help cool the office on the east side of building in the interim.
Visitor Center	Interior Lighting, Wiring and Ceiling Work	2021	\$10,000	2	From HOT Fund	Replace wiring and lighting inside the facility. Replace and enhance ceiling. This work needs to be done after HVAC work
Visitor Center	Furniture for Visitor Center Lobby and Conference Room	2022	\$10,000	2	From HOT Fund	Replace furniture in lobby and conference room. Venue will continue to grow in it's community use.
Visitor Center	Outdoor Gazebos (2)	2022	\$7,500	2	From HOT Fund	One at Visitor Center and one at the Park on 5th and Sul Ross Avenue. The one on Sul Ross Avenue will also have information in it for people walking through downtown.

Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Police	Tasers (current ones are outdated)	2020-2021	\$25,000	2	Targeting grant opportunities first	
Police	New Software for ticketing and Courts	2020-2021	\$25K-\$40K	1	Target grant opportunities first. Some will come from Operating budget	Costs are reliant on conversion of data from existing system.
Police	New Body Cams - over three years	2020-2023	\$35,000	1	Targeting grant opportunities first	
Police	Uniforms	2020-2025	\$10K/year	1	General Fund	Not really a capital item, but need visibility for the cost structure we need to move forward with
Police	License Plate Readers (LPR's)	2021	\$5,000	1	Targeting grant opportunities first	
Police	Two holding Cells	2021-2022	\$250,000	1	Target grant opportunities first.	Continue to have challenges with County jail occupancy levels and contemplating adding local holding cells
Police	K-9	2021-2022	\$10,000	2	Target grants and second would be General Fund	\$5-\$8K for the K-9 and additional dollars for training
Animal Control	Security Cameras	2020-2022	\$3,000	2	Through General Fund	
Animal Control	Expand Outside Kennels (Fencing and Cover)	2021	\$17,000	1	Target funding through annual operating budget	Would help with puppy intake and also dog enclosures
Animal Control	Shade Structure	2021	\$10,000	2	Target funding through annual operating budget	
Animal Control	Replace both A/C Units	2021	\$5,000	2	Target funding through annual operating budget	Swamp coolers
Animal Control	Replace one vehicle	2021-2025	\$30,000	2	Operating Budget - lease program through Enterprise	This would be our last vehicle to include in the lease program for ACO
Animal Control	Cremation / Incinerator	2022	\$18,000	1	Look for Grants first, second option is General Fund	High use item for facility

Department		Fiscal Year	Amount	Priority	Funding Strategy	Notes
	New Software - working in Municipal Court collaboration with PD	2020-2021		1		
Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Fire Department	ladder truck	2021	\$500,000	1	CDBG - Fire Ambulance & Service Truck (FAST) grant can provide \$500k towards Ladder truck with a minimum \$5k match (no funding is currently listed)	
Fire Department						



Department	Item	Fiscal Year	Amount	Priority	Funding Strategy	Notes
Utilities	SCADA	2020	\$40,000	1	Target funding through annual operating budget	Will use materials purchased over last two years, but also need to supplement additional materials and labor as outlined in June 2, 2020 meeting. Will try to complete in 2019-2020 FY
Utilities	Electrical System	2020	\$50,000	1	Utilize budgeting through operating budget	
Utilities	Safety Program enhancements - material and training	2020-2022	\$10,000	1	Utilize budgeting through operations budget	
Utilities	Backhoe	2021	\$60,000	1	Utilize budgeting through operations budget	
Utilities	New sewer lines on east side of City	2021-2022	\$450,000	2	Potentially work from reserve dollars	
Utilities	Automated Metering System	2021-2022	\$1.2-\$1.4M	2	Would address through reserves over 2-3 year period	Upgrading to this type of meter will provide better capture of water usage and give citizens more accurate visibility to use of water. We can not 'cost-justify' with labor savings for a meter reader, but would increase billing by having meters that measure more precisely.
Utilities - Grant	Refurbish two inactive wells at Musquiez and other underutilized water wells in current collection system	2021-2023	\$125,000	1	Categorize with other large ticket items to determine if we need to obtain debt financing for critical items and impact of debt service on overall operating budget.	We also could review this project for 2022 CDBG Funding Cycle application
Utilities	Expand Ground Tank Storage at Golf Course effluent tank - utilization of water through KP and KL	2022	\$50K-\$100K	3	Work on grants through our Environmental Services team	This is part of the bigger project that Adelina B is Planning Group out of Austin
Utilities	Drying Beds	2022-2024	\$30,000	2	Utilize budgeting through operating budget	Restore all six drying beds
Utilities	Manhole additions	2023	\$90,000	2	Target funding through annual operating budget	30 identified manhole needs with an average cost of \$3K each to build with local staff.
Utilities	Clarifiers	2024	\$20,000	1	Utilize budgeting through operating budget	Completed some work in early 2020, anticipate more repair in 3-5 years
Utilities - Gas	Kubota - Mini Excavator and Utility Trailer	2021	\$55,000	1	Fund from annual Gas Budget	
Utilities - Gas	Alternate to Kubota - repair existing Ditch Witch	2020	\$10,000	1	Annual operating budget	This would extend life by 2-5 years and push the \$55K capital cost out to that timeframe.
Utilities - Gas	Rectifier - For Fighting Buck Avenue	2021	\$50,000	1	Annual operating budget	Similar to project we did on South Neville Haynes in 2015
Utilities - Gas	Combustible Gas Indicators	2020-2023	\$36,000	2	Annual operating budget	Need 6 total (replace 2 of them a year for 3 years). Would cost \$12K a year.
Utilities - Gas	A/C Unit for Facility	2023	\$25,000	3	Annual operating budget	

Budget Survey Responses

FISCAL YEAR 2020-2021



Top 3-5 Budget Expectations for the 2020-2021 Fiscal Year

W2:

Residents of Alpine continue to benefit from the provision of vital city services (i.e., law enforcement, potable water, safe waste water treatment, gas, garbage pickup, recycling, street repairs, etc.). Naturally, these services should continue to be adequately funded to meet our city mission.

In my opinion, we are doing OK for now, but what tomorrow? What comprehensive management plan(s) and revenue seeking strategies could be explored to insure that residents will continue to benefit from existing and/or enhanced services in the future. Where do we stand with other cities of similar size (i.e., population, ethnic composition, economic development, etc.)?

Budget expectations for 2020-21 could include some \$\$\$ for comprehensive management planning with public involvement is essential. 2. We need to invest in GPS data collection capabilities. 3. We should consider spending on effective practical police training, technical modernization, and try to avoid militarizing our law enforcement department.

Finally, we should consider continuing discussions regarding a plan to cope with the continuing COVID 19 and other related emergency situations.

W4:

1. Concentrated on paving roads and fixing water leaks
2. Getting the sewer plant to run smooth and the scada
3. Provide training so supervisors, department heads and employees are up to date on licenses. Especially the water, sewer, parks department

W5:

- 1 - Having an established set of goals and objectives for all departments tied to the annual budget
- 2 - Creation of an economic development plan that supports tourism and the business base in Alpine
- 3 - Implementation of a long term plan that improves the city infrastructure (roads, water, waste water, parks, and airport
- 4 - Continued strong fiscal management and reduction in city debt
- 5 - Aggressive pursuit of grants to meet city priorities/funding requirements

Paving - We funded the first portion of work with Jarrett Dirt Works (approximately \$1M). There is still another \$700K to fund in this fiscal year to complete all 51 blocks of the original project. We also want to seal-coat an additional 100-150 block internally which will cost us \$375K in capital materials. What are your thoughts on budget allocations for paving?

W2: The city is doing OK with its planned street repairs and paving efforts in the more affluent Wards in Alpine. I wonder when Ward 2 will benefit from budget allocations for paving and city block seal-coats, street shoulder fortifications, alley way clean ups, and rebuilding of deteriorating streets. All we get are yearly pot hole patch work.

W4: We need to get the streets done, we lost too much time last year.

W5: Great that the city is back on plan (after two years of no action) to maintain the roads and alleyways. Hopefully the level of funding will not need to be as high next year. That said, will look forward to understanding process expected by end of the FY, and the plan for the next 5-7 years. Based on that, road budgets can be set.

CM Additional Thoughts – we are targeting completion of the original 51 blocks we approved earlier this year and anticipate seal-coating 200+ blocks over these two years – that will cover 25% of our Streets asset. We would like to replicate that approach in 2022-2024 (new Assessment (updating our PCI) to be done in March 2021

Airport: We have two key projects in motion for our Airport (airport lighting and sealcoat of runway). We also are in need of taking action on our AWOS. What other projects/thoughts do you envision for the airport? What is your perspective on having the taxiway extensions to support new hangers being paid by the builder or the City?

W2: The airport provides essential services (i.e., medical emergencies, fire suppression needs, product deliveries, etc.) to the City of Alpine. Therefore, safety is important for our airport users.

Yet, it has never been clear how these services benefit all the citizens of Alpine? What are the future plans for the airport? How much revenue and jobs does the airport provide for Alpine citizens? I don't know of Ward 2 residents who rent and/or own hangers at the airport? I doubt many Ward 2 residents own an airplane.

W4: The airport is very important to our city and county etc... any improvements I'm all for it any thing that needs to be fixed needs to get done.

W5: Keep on the plan approved this FY for the two key projects. Relative to taxiways, the city should pay for main trunks, but hangar owners should pay for the new taxiways that run to the new hangars.

CM Additional Thoughts – airport provides a vital evacuation service for critical medical needs. Majority of capital funding (90%) is achieved through the Federal and State Government

Parks: We have a wonderful Parks Master Plan now developed for Alpine and an energized Parks Board. There is a Texas Parks and Wildlife Grant submission deadline in early December 2020. We have allocated \$50K for a Splash Pad (which may need to redirect due to Covid-19 implications). We also have a project plan for the Pueblo Nuevo Park which would cost the City approximately \$350K (we believe half of those monies could be secured through grants). Please offer your thoughts on renovations, equipment upgrades and maintenance equipment.

W2: Kudos to the energized Parks Board and the newly Parks Master Plan! We now have a basis to seek funding for the benefit of residents who enjoy the outdoors and recreational facilities at municipal parks. For Ward 2, these are my thoughts for potential park needs: 1. Medina Park...drinking fountain, portable toilets, and 1-2 picnic tables and grills for family outings. 2. Vicente Baseball Field (next to Centennial School) could use better sitting facilities, parking, baseball field equipment, and sun shelters for elderly spectators. 3. I sincerely hope the Parks Board will reconsider a budget request for the historic names plaques proposed for the Medina, Baines, and Kokernot Park in this year's budget. The cost is not more than \$1,000.00. The incentive to the community is important.

W4: With this COVID-19 crisis I do feel very strong and will continue to fight to make Pueblo Nuevo a reality because I feel that the children and adults need to be able to enjoy the outdoors and release the stress cause by this corona virus.

W5: Council should review the plan and follow the priority for recommended improvements and allocate funding accordingly

CM Additional Thoughts – funding additional capital projects this year (without the support of grants) will be important to contemplate by Council as we review the draft budget this next week.

Five-Year Capital Plan: We have produced a list this spring that outlines the Capital Budget Allocations that Council has approved over the last five years (that will be provided to you as we send out this survey). We are also close to completing our updated 5-Year Capital Plan for Council to review by June 15, 2020. As with other years, the requests will outweigh the capacity of the City to fund. Please provide any thoughts or comments on Capital spending related to both physical and infrastructure related assets. Knowing that we may have 5-10% lowering of revenues on the General Fund side to satiate needs of PD, Parks, Streets, Admin and Courts - what are other ideas you want to ensure we are considering in the formation of the budget?

W2: Comprehensive City Management Plan

W4: No comments I will wait on this until our budget meeting, I'm not sure why the gas department was left out?

W5: In order to help fund capital needs we should take action to sell property that the City no longer requires to fulfill City needs.

CM Additional Comments – as part of our Asset inventory project, we will be bringing additional physical assets to Council for approval to sell. We do not anticipate large revenues from these activities. The two pieces of property we own that could raise the most dollars are the land under the Post Office and Old Schoolhouse. The land under the post office could be sold for \$200K, but is worth closer to \$1M to the City. The Old Schoolhouse is projected to remodel to space City employees out further. Also has strong historic ties to the facility.

Utility Billing: The City last took action to increase the Water and Wastewater rates in 2016. As we shared in April of this spring, the City of Alpine is currently billing it's water at 65% of similar sized cities in Texas and it's sewer at 49%. These rates impact our City's ability to re-invest in assets and also the quantity of employees needed to run the department. What action would Council like to see relative to an increase in billing rates specific to Water and Sewer?

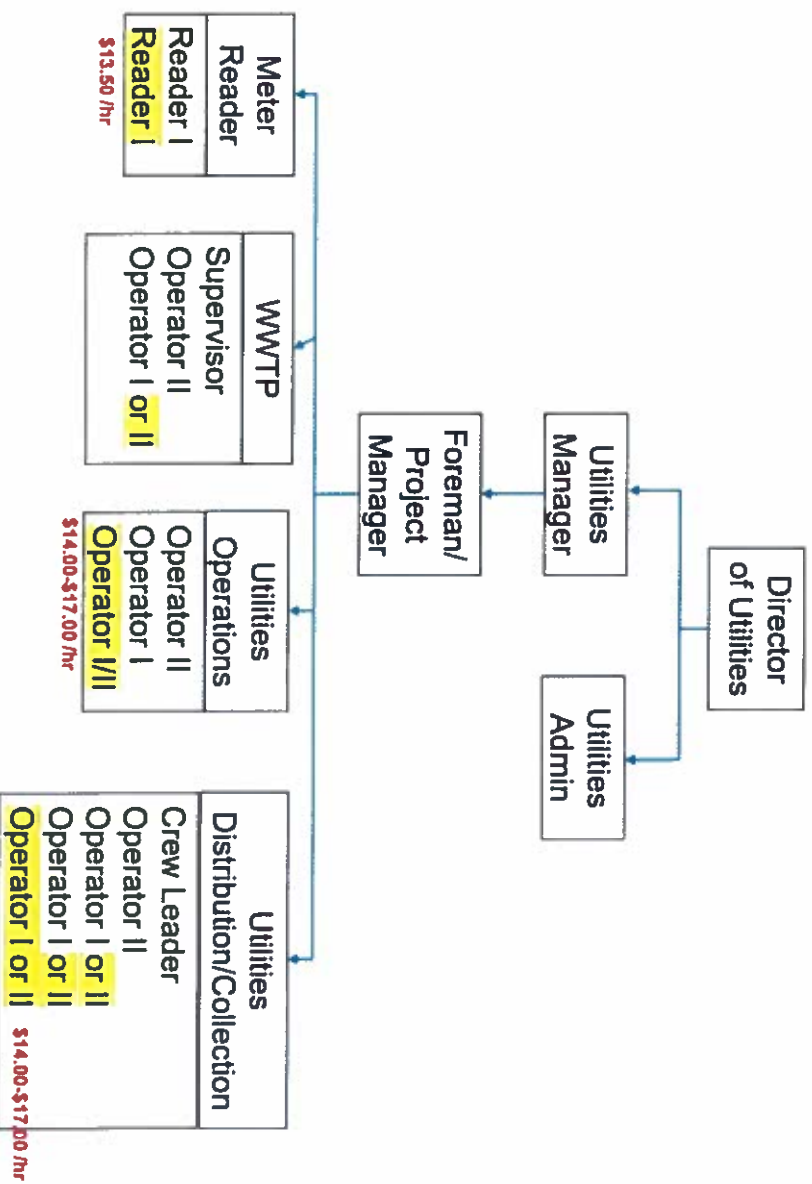
W2: No increases recommended.

W4: I have asked the many different people in the community about increasing water And sewer rates not one said yes. So with that in mind and our COVID-19 crisis I don't support an increase.

W5: Bring the water rates in line with market rates and take action to ensure that a water line replacement plan is put in place much like exists for the gas system. There needs to be a similar plan for the sewer lines.

CM Additional Thoughts – I have asked the Utility Director to build a staffing model to represent what Alpine Water/Wastewater Team should look like to operate efficiently. We are currently in need of 3-5 additional positions over what we fund in this year's budget (chart on following page). An increase would fund two specific activities: 1. Staffing and 2. Capital Improvements (those identified in 5-Year Capital Plan). Gas Department staffing is appropriate and we have been able to purchase our Capital program through the existing revenues and continue to put dollars in reserve for paving.

Water/Wastewater Department



Building Asset Management and Facility Space: Covid-19 has caused us to re-think our distribution of staff (primarily at City Hall). We believe we can get the old SchoolHouse (aka old Sunshine House) cleaned up in a cost-effective way that it can be usable by City Staff for billing and finance. We also need to contemplate the potential addition of two holding cells for our Alpine Police Department. What are your goals when you think of building asset use and management for the City of Alpine?

W2: The old School House facilities is a viable option. I question the cost-effectiveness strategy to make it usable. How much will it cost to clean up, maintain, and operate? Can we afford it?

Two additional holding cells for the APD? Is there a need? At what cost? I am hearing from Ward 2 residents that we may have too many officers on staff as it is?

W4: On this matter I do believe we need to if the city has the space we need to build at least four holding cells.

W5: We need a review of city building assets, an assessment of future needs, and create a building blueprint/game plan.

CM Additional Thoughts – The SchoolHouse could potentially be funded through the TDEM Grant for the Covid Crisis (basing this on the need to create more spacing in the workplace). We do need to create the larger scale blueprint for City workspaces as most of our facilities are aging rapidly. The output will determine the financial plan necessary to accomplish.

HOT Fund: The HOT funding program experience challenges this year with Covid-19. Council took action in the formation of a HOT Committee to provide guidance on future dollar allocations from the HOT fund. Primary distribution from the fund goes to Advertising and Event Funding. Please offer your thoughts on dollar allocations from this fund.

W2: In my opinion, we are allocating a rather excessive level of funding to advertising, especially via 3rd party professional outlets. Social media and other more creative venues should be explored. Local event funding should be a priority with equal funding opportunities available to all interested groups in Alpine.

W4: No comments

W5: I don't believe Alpine can follow a traditional approach to HOT funding that other cities follow. Event are the driver. Will be good to get the HOT committee operational so they can provide recommendations.

CM Additional Thoughts – Very interested in gaining additional feedback from HOT committee once they are staffed. State law still requires us to spend 50% of revenues (at a minimum) on advertising (in any form).

Non-Department Subsidies: We currently fund several entities like the Library, Family Crisis Center, etc... What are your expectations around these funding levels and are there other entities you feel the City should consider?

W2: The City of Alpine Neighbor Hood Center on Gallegos street (Ward 2) could use additional funding for repairs and maintenance. This center probably receives the least amount of non-department subsidy in the city. And they provide essential services to needy Hispanic Families in Alpine. And as we all know, the senior citizens population is increasing yearly. Many are barely making it with SS and other meager retirements stipends. And many are not physically capable when it comes to repairing leaky roofs, unsafe entryways to their homes, window repairs, heating and cooling needs, etc. How can the city help them? They pay property taxes and sales tax on basic necessities purchased at local retail outlets?

W4: If there is monies then I believe we need to fund: west Texas food bank, the sunshine house and family crisis center with monies going directly to thrift store employees and for counseling. I also want to see how the city's monies that have been allocated to these entities were used. Council has not heard any reports on any of the monies that have already been allocated.

W5: Would be great to see all of the entities on the same piece of paper with current funding. We can make decisions knowing the whole picture and understanding available funding. There will never be enough funding to meet all requests.

CM Additional Thoughts – Covid 19 will continue to push the Non-Profit entities as donations from the private sector have decreased.

Fire Department: We discussed the current asset structure and Interlocal Agreement with Brewster County at our June 2, 2020 City Council meeting. What changes, updates would you like to see to our Fire Department servicing Alpine and north Brewster County?

W2: Residents of Alpine should be better educated and/or informed regarding agreements, asset structure, volunteers, and expected outcomes from the Fire Department.

W4: I do feel the city and county need to get together and agree to work together for the better of our community and county.

W5: Would be helpful to get an update on the current agreement and needs of the department.

CM Additional Thoughts – City is actively working with team member to become certified Fire Inspector. This will allow us to help manage fire prevention in the community. We also need to re-engage with the County and EMC on collaborative effort to build volunteer team (people and training) along with addressing possible needs of smaller ancillary response stations (west Alpine and Double Diamond)

Mayor/Council Budget: Would you like to see any allocation changes to the Mayor and City Council annual budget? This amount is minimal and covers a small portion of discretionary and travel expenses. The larger portion of the budget relates to attorney fees. Would you like to see a flat rate proposed for the City Attorney position or continue on with the hourly rate?

W2: Personally, I would prefer that City Council members be allowed a better monthly stipend for their service. They contribute quite a bit of time and effort for their service. They should be paid at least \$300.00/month. This may also serve as an incentive to draw better future City Council candidates. The discretionary and travel funds should remain the same. Keep the bureaucratic requirements at minimum for travel requests and accountability.

The City Attorney should be paid a flat competitive rate. The hourly rate is a bit outrageous at the present time.

W4: On the city attorney I feel the fee is actually minimal. Rod does an excellent job and informs council of new laws that may affect the city or help the city. His ties with the county, tri-county etc... make Rod an asset to the city of Alpine. I want to keep the hourly rate.

W5: OK with current allocation and approach

CM Additional Thoughts – compensation for Council contemplated in Charter. Working up draft budget to keep same methodologies on expense allocations for this year

Action related to Transportation Committee: Council has now taken action to form a Transportation Committee to work through the implications of increasing truck and train traffic to the City. What actions would you like to see take place in this next fiscal year to help support the Transportation Vision Plan and future planning?

W2: I realize the Transportation Committee is a newly formed group. Would be nice to know who is involved, how they were selected to serve on the committee, the scope of work, goals/objects, and expectations. The Vision Plan sounds good but will the public be allowed to participate in its formulation?

W4: No comment

W5: Get them up and running, have their first meeting to review the charter and then have a workshop with Council to discuss goals.

CM Additional Thoughts – will need more active recruitment of interested community members to fill out the Committee. From there, they can meet and form a gameplan to introduce some public forums as well as work with CM and Building Official and strategies for the future.

Employee Wages: This past year we distributed 5% in overall wage increases to our employees. This year we are faced with a different set of challenges with sales tax and potential property tax revenues. We also have been looking specifically at how our wage levels for PD, Utilities and Public Works compares to the region and our neighboring communities. What thoughts do you have relative to increases in our overall salary budgets?

W2: Undoubtedly, this will be a challenge. City of Alpine employees deserve a fair competitive wage rate for work performed and/or to be performed. But if salary cuts are necessary, it should assessed at an equal cut rate for all.

W4: I do feel that if a department employee or supervisor is up to date on licenses they need a raise. The amount is questionable. I want to see who has licenses and where they stand if they are expired or have been renewed. With this being said are we still paying fines to TCEQ? I'm not sure why the gas department isn't on here. When I see Chief Martin, Eddie and Randy out working with their crew, I feel they deserve an incentive to be out there working not just giving directives. It's about teamwork.

W5: Knowing Alpine pay to market would be helpful in considering recommendations/thoughts on wage strategy

CM Additional Thoughts – will develop draft budget with a projected 3% raise...this can be adjusted as necessary.

Staffing Levels: One other key topic we have to consider in the budget around total salary dollars is the quantity of employees we have. Currently, we are assessing the staffing volumes for both our PD and Water/Wastewater. The PD salary budget comes from the General Fund and the Utility salary budget comes from the Enterprise Fund. With that said, we approach changes in staffing levels differently from a budget expectation. What thoughts do you have around these two departments and their staffing? We do want to approach this discussion in the first Budget Workshop as well.

W2: Both departments provide essential services. I hate to see staffing level reductions but as previously mentioned, I have had talks with 1-2 Ward 2 residents about the number of Law Enforcement officers on staff.

W4: No comments until we get together and discuss this at our budget meeting.

W5: Would be helpful to know and understand what the assessment is showing.

CM Additional Thoughts – The Water/Wastewater was covered earlier. Chief is looking at his staffing model and advocating for one additional person. If we approached adding two holding cells, this would require additional staffing. Because PD staffing comes from the General Fund, we have less flexibility.

Property Tax Rate: With Covid-19 and the School Bond, there will be continued vocal concerns from the community relative to the established property tax rate. We have lowered the actual rate over the last several years (though increase revenues in all years except this past year). What are the Council's expectations on the approach with determining what Tax Rate we should set this year?

W2: Tax rates should not be increased.

W4: Keep the same tax rate our community is in a crisis due to businesses shutting down. We don't need to add to the stress of higher taxes.

W5: No change in tax rate.

CM Additional Thoughts – we will look specifically at the Tax Revenues and model whether we can achieve a 3.5% increase or 8% increase in revenues without increasing the actual Tax Rate.

Financial Policy: Thinking more long-term, does Council want to continue to build reserves to cover shortfalls that may possibly arise? With recent events like Covid-19 causing some level of redirection, this will need to be addressed. Do you prefer a specific allocation of funds on a yearly basis? Or a percentage of total Capital Dollars addressed? Or some other type of methodology?

W2: At the time, I consider a percentage of total Capital dollars might be in our best interest. But on the other hand, what other type of methodologies are available for consideration?

W4: They city needs a backup financial plan for emergencies/crises that may arise.

W5: Build a reserve over time. Key will be setting what a reasonable reserve level should be.

CM Additional Thoughts – we will want to set a goal of determining the reasonable reserve levels by the end of this calendar year. From there, we should be able to cover our emergencies and minimize the need to take debt because of an emergency.

Other Considerations: Please use this space to identify additional thoughts/concerns/suggestions not identified previously.

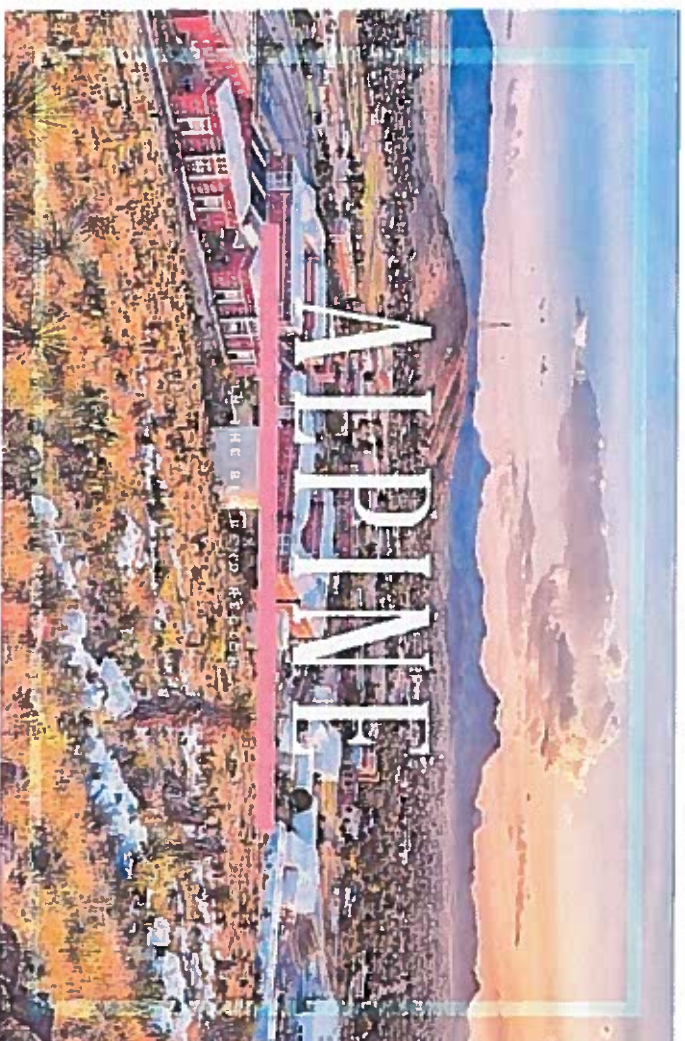
W2: It is going to be a challenging year but, undoubtedly, we will prevail with providing the best possible services for residents of Alpine.

W4: I think that all departments need to be supplied with the cleaning essentials mask, Clorox wipes, hand sanitizer Lysol, bottled water etc..., I also feel that the essentials works that were out in the field working need an incentive. Council needs an up to date list of employees all employees pay, when they got a raise due to yearly evaluations or certifications or any licenses acquired, and who is working from home during this COVID-19 crisis. Are there laptops for clerical staff to work from home if not monies need to allocate for this.

W5: 1 - Would be helpful to understand what issues or shortcoming have been identified as a result of the Covid crisis relative to office space, layouts, hvac systems, employee policies and any potential budget implications

2 - As part of the budget process, understanding the utility cost strategy (rates, long infrastructure) would be very helpful

It's A Great Day To Be In Alpine



5. Reports -

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report -

- Update on case file review in Municipal Court

City Manager Report

- Coronavirus Update
- Vaccine Distribution Update
- Fair Housing Call Update
- Election Packet Distribution Update

City Staff Update

- Environmental Services Program Update by Adelina Beall
- Animal Control Services Update by Jennifer Stewart

City Attorney's Report -

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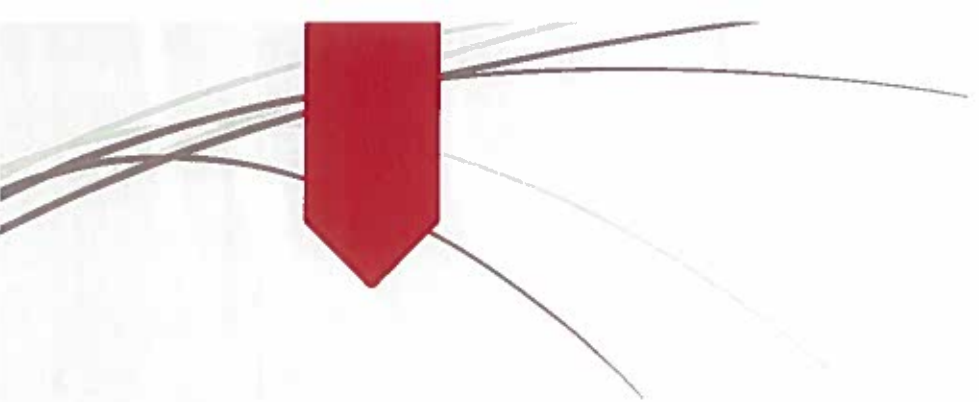
City Staff Update


- Environmental Services Program Update by Adelina Beall
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Environmental Services Update

Adelina Beall



- 
- ❑ Recycling Center Stats
 - ❑ Grants
 - ❑ KAB
 - ❑ Cog
 - ❑ Donations
 - ❑ Rain Gardens
 - ❑ Kokernot Park
 - ❑ City Hall – Proposed Green Space

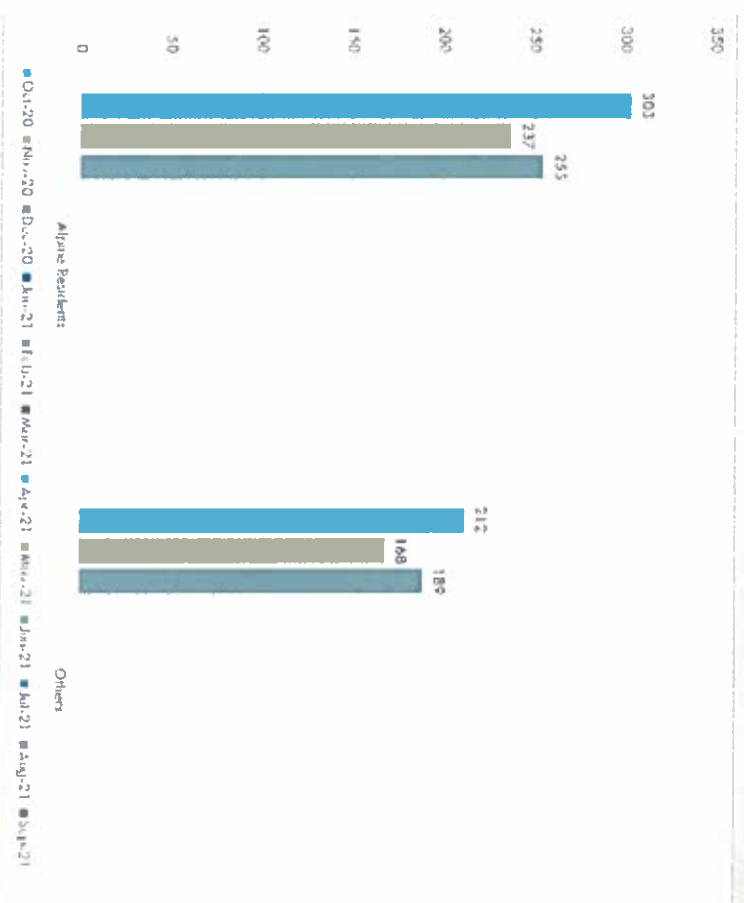
Recycling Center Stats



HAL FLANDERS RECYCLING CENTER



Part 1: Hal Flanders Recycling Center: FY 20-21



FY 20-21 Total

Alpine Residents = 795 (58%) Others = 569 (42%)

FY 19-20 Monthly Average

Alpine Residents = 265 Others = 187

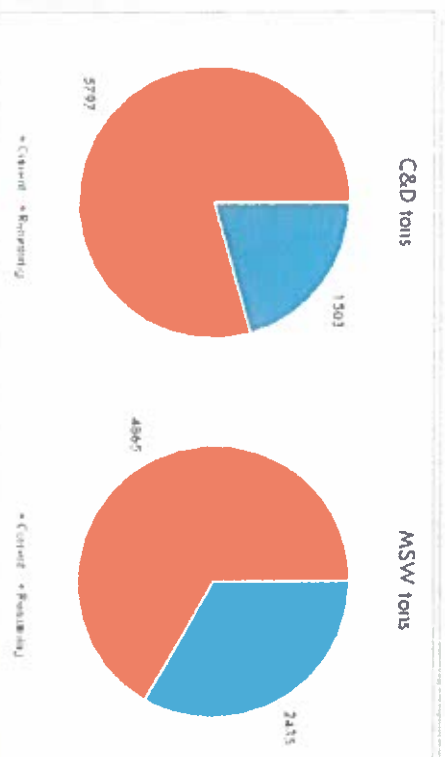
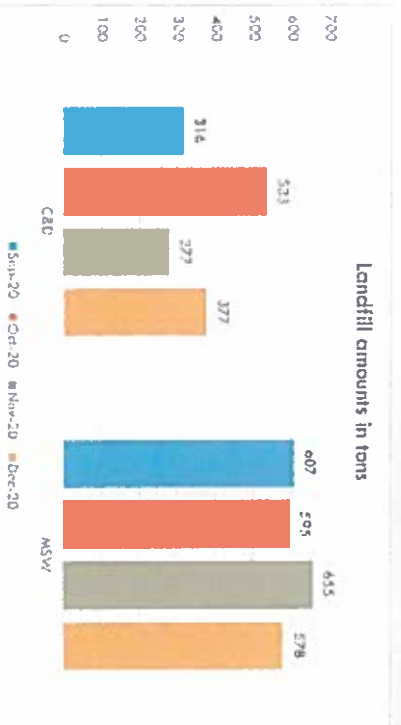


Hal Handers Recycling Center: FY 20-21

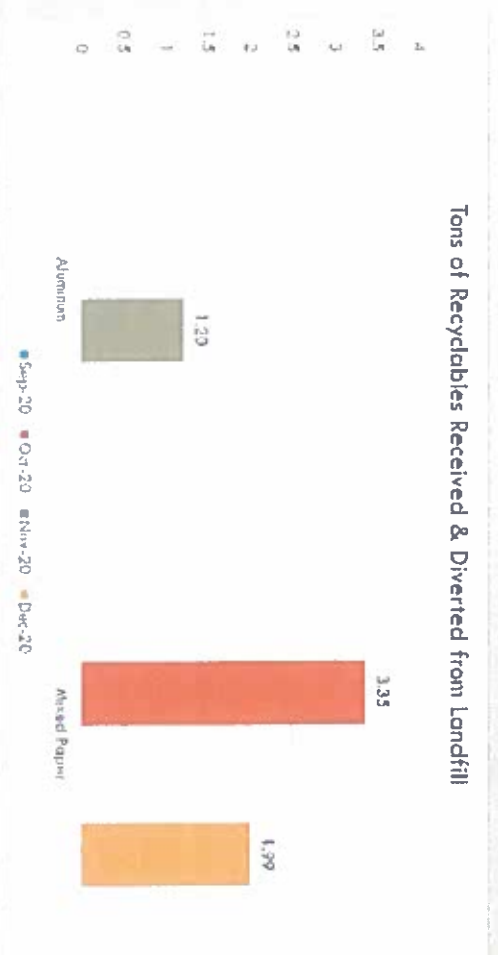
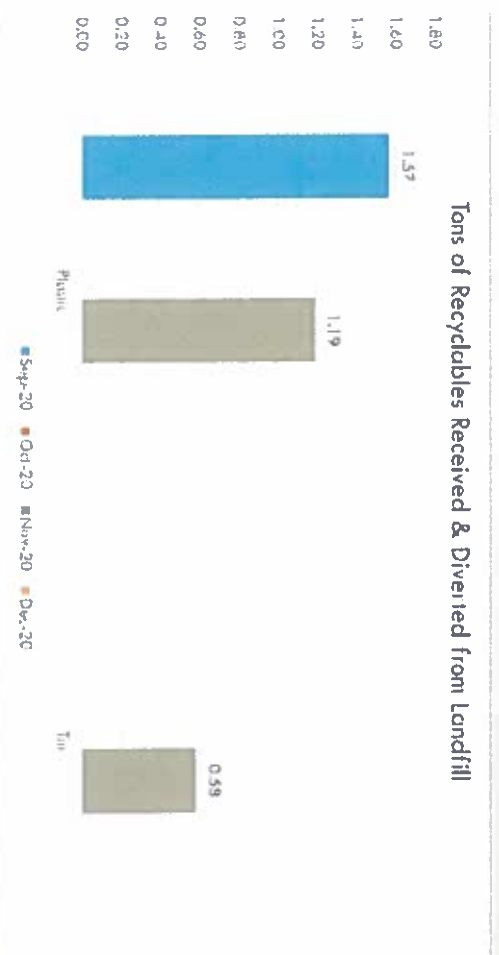
Material	Oct 2020 - Sept 2021 Drop Offs
Mixed paper	979
Newspaper	298
Plastic	1058
Cardboard	888
Aluminum cans	787
Glass	809
Tin	719
Brush	46
Scrap Metal	27
Bulky	17
Used Oil	31

Part 2 City of Alpine Landfill:

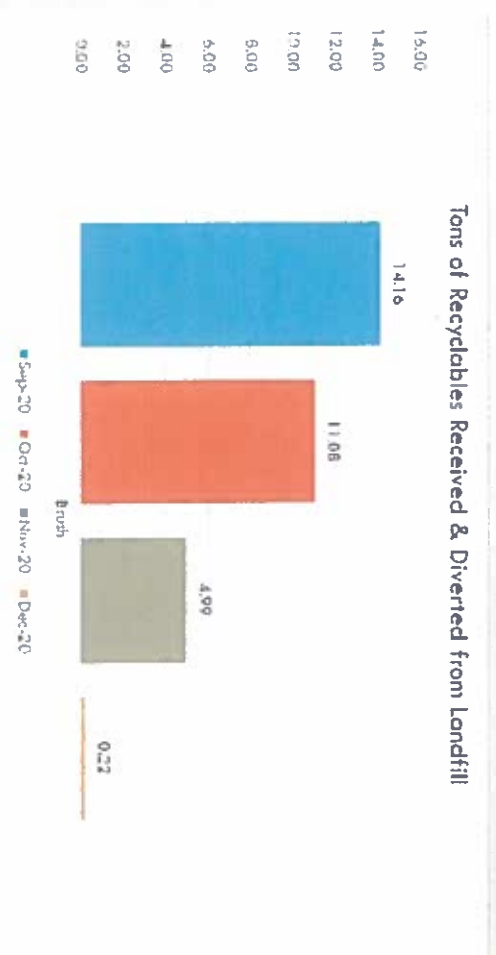
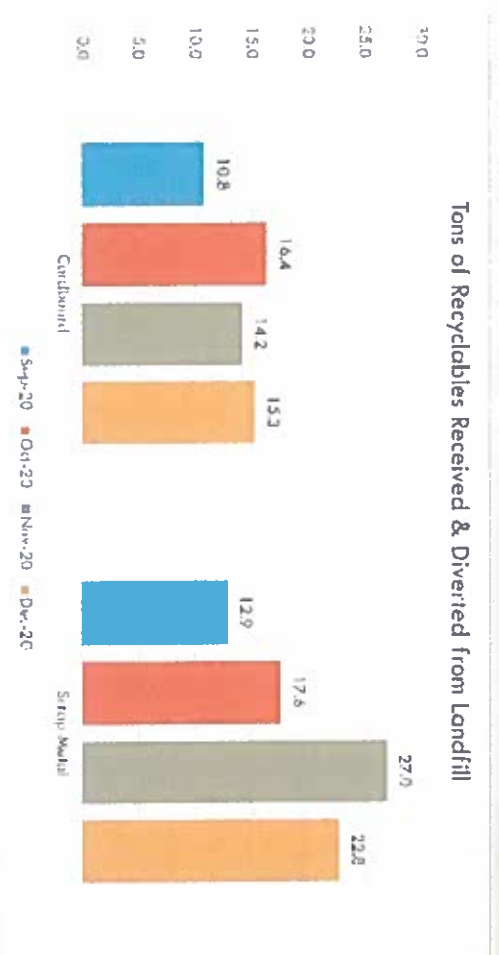
- C&D = construction and demolition
- MSW = municipal solid waste
- Yearly total capacity for each is 7300 tons
- The yearly total begins on September 1 of each year.



Recycling received & diverted from landfill - including Hal Flanders contributions



Recycling received & diverted from landfill - including Hal Flanders contributions



Tons of Recyclables Received & Diverted from Landfill
Sept. 2020 - Aug. 2021 Totals



Total Recycled
177.22 US Tons



Grants

- Keep Alpine Beautiful was awarded a Green Bag Grant for Rainwater Gardens at Kokernot Park in the amount of \$3000. Keep Texas Beautiful was able to offer this grant thanks to the generous support and partnership of H-E-B/Central Market.
- 2021 Regional Solid Waste Grant Program Application from the City of Alpine has been granted. Alpine's Household Hazardous Waste Pilot Program application has been granted \$6,740.



Donations

Sonic donated 60 meal gift cards for the volunteers at the MLK Day of Service clean-up. Event was held on 1/18/2021.



Rain Gardens

Species	Total	Parking Lot Basins	Arroyo	Loop	Civic Center	Trees Used
Chinese Pistache	20	4	2	4		10
Chinkapin Oak	17	4	1	2		7
Cedar Elm	8	4		2		6
MX White Oak	8	4		2		6
Desert Willow	28		7	1		8
TX Mtn Laurel	15		1	4		5
MX Buckeye	5		1	1		2
Orchid Tree	4					0
TX Persimmon	5		1	3		4
Bur Oak	8		3	1		4
Total	118	16	16	20	0	52
		Feb. 2021	12/10/2020	12/17/2020	Feb. 2021	



**ENVIRONMENTAL SERVICES
DEPARTMENT**
CITY OF ALPINE, TEXAS

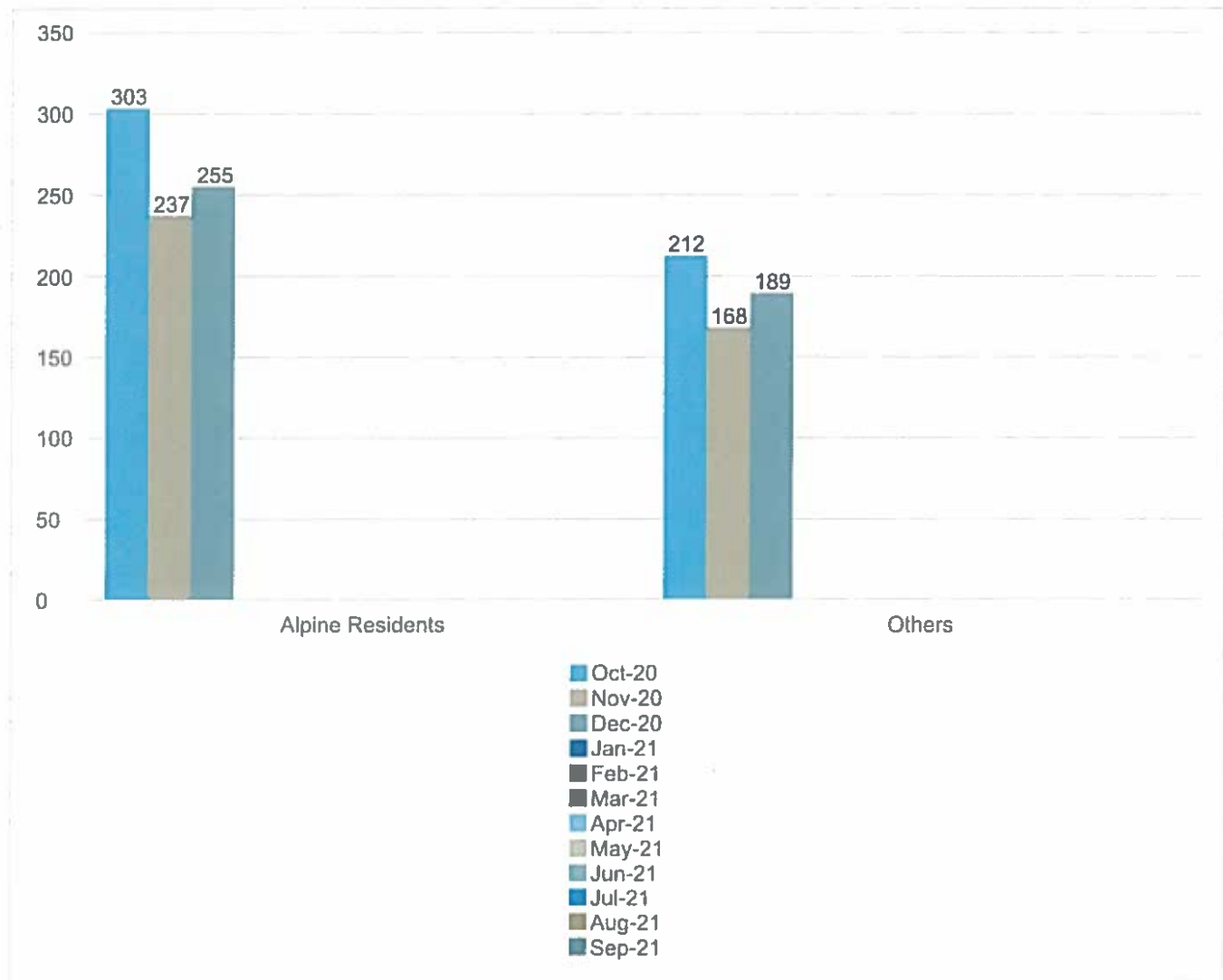
HAL FLANDERS RECYCLING CENTER



02/02/2021

Recycling Report

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Tin	719
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Scrap Metal	27
Bulky	17
Used Oil	31

Staffing: All positions filled (as of 7/26/2020)

Donations: Sonic donated 60 meal gift cards for the volunteers at the MLK Day of Service clean-up. Event was held on 1/18/2021.

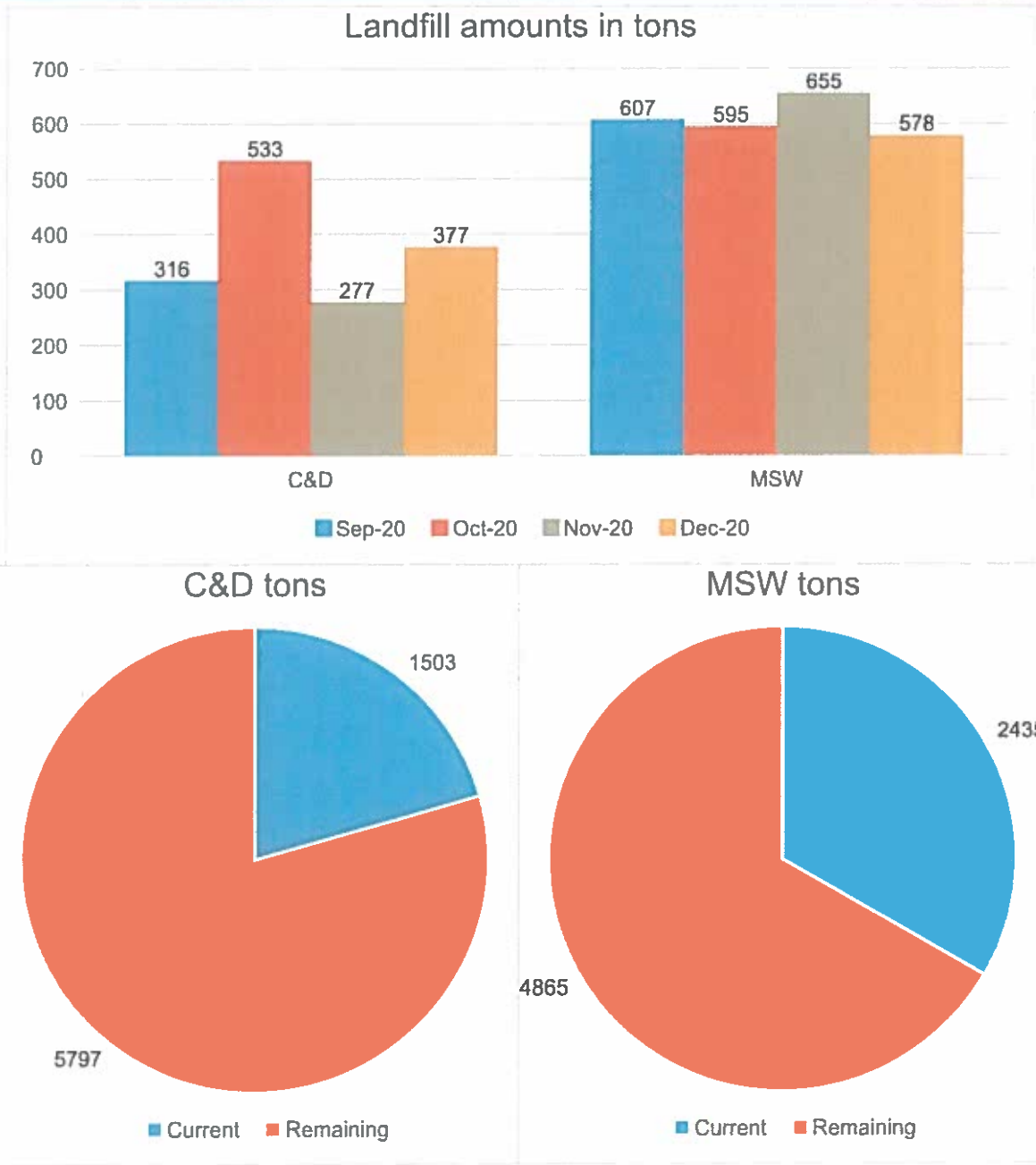
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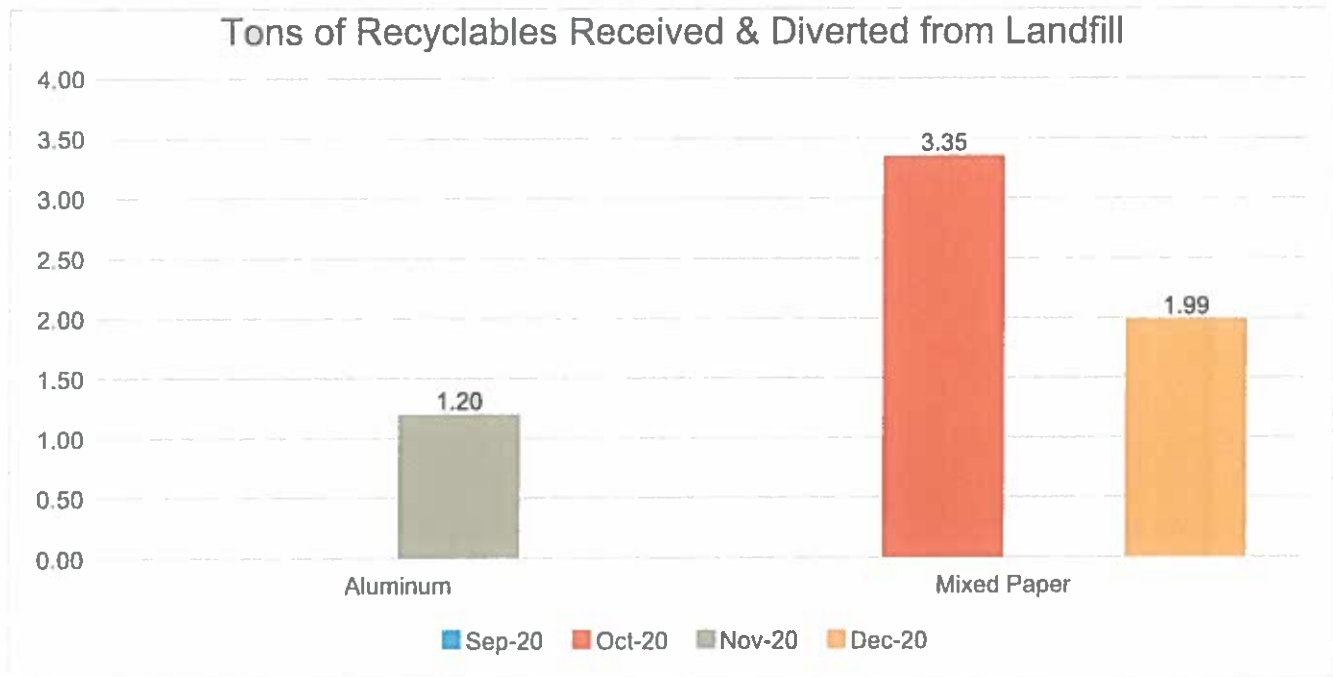
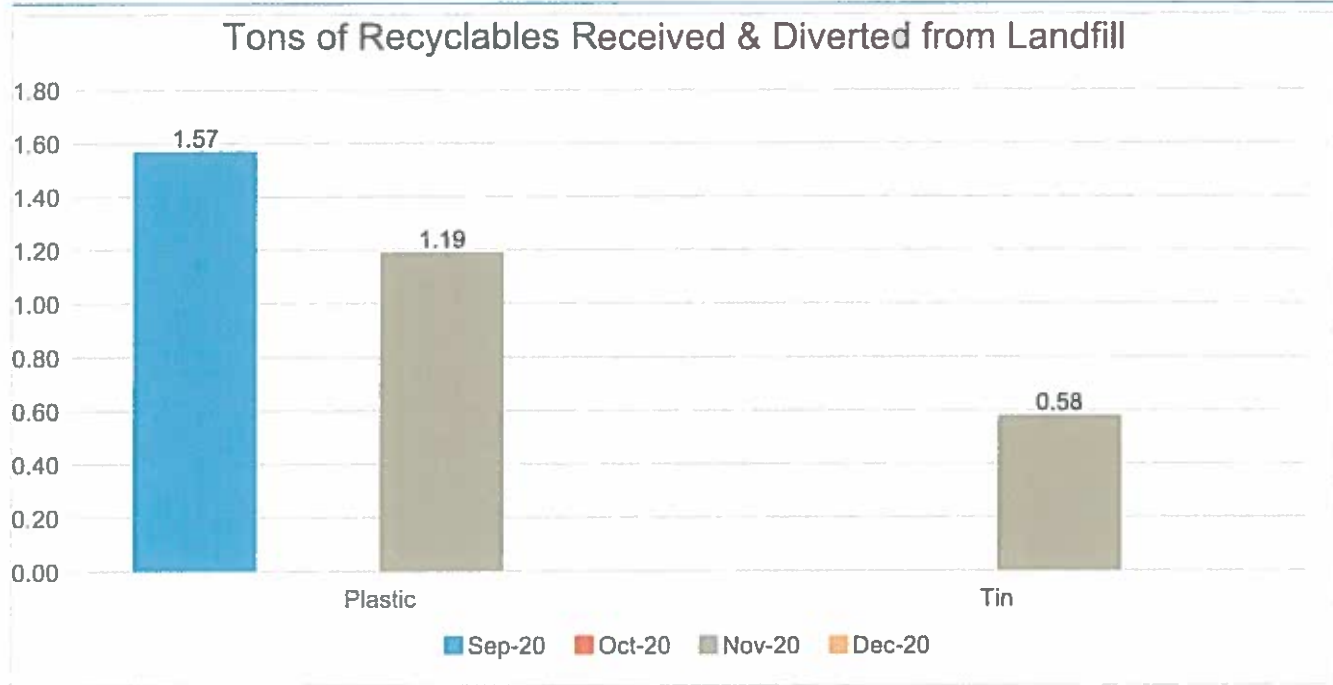
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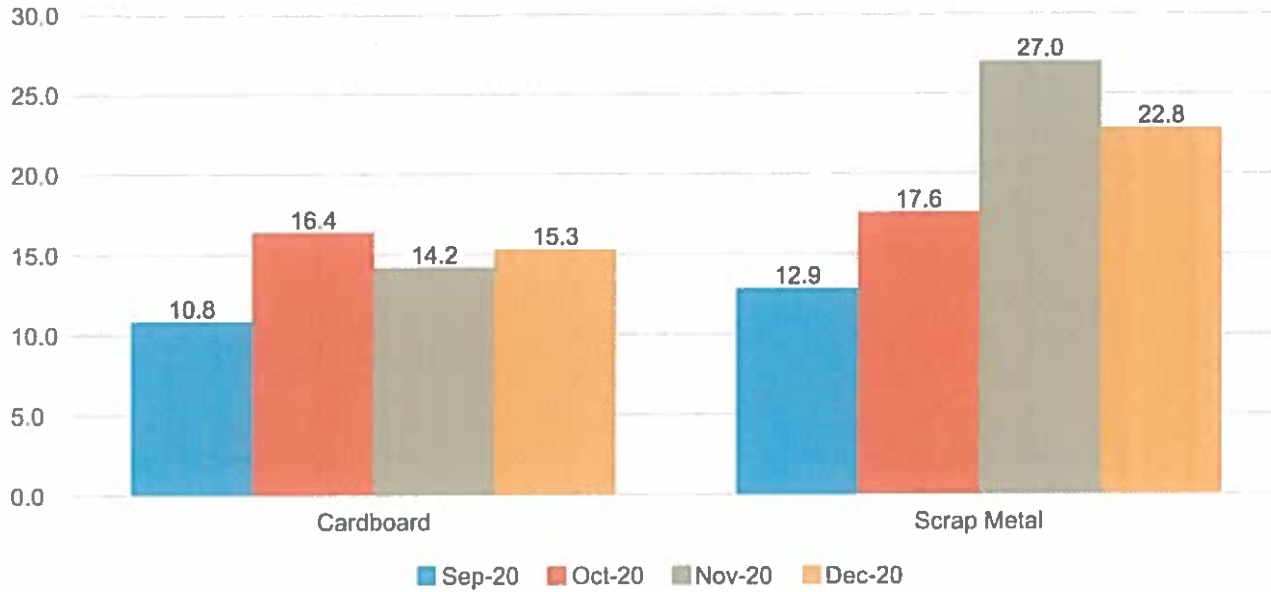


Recycling received & diverted from landfill – including Hal Flanders contributions:

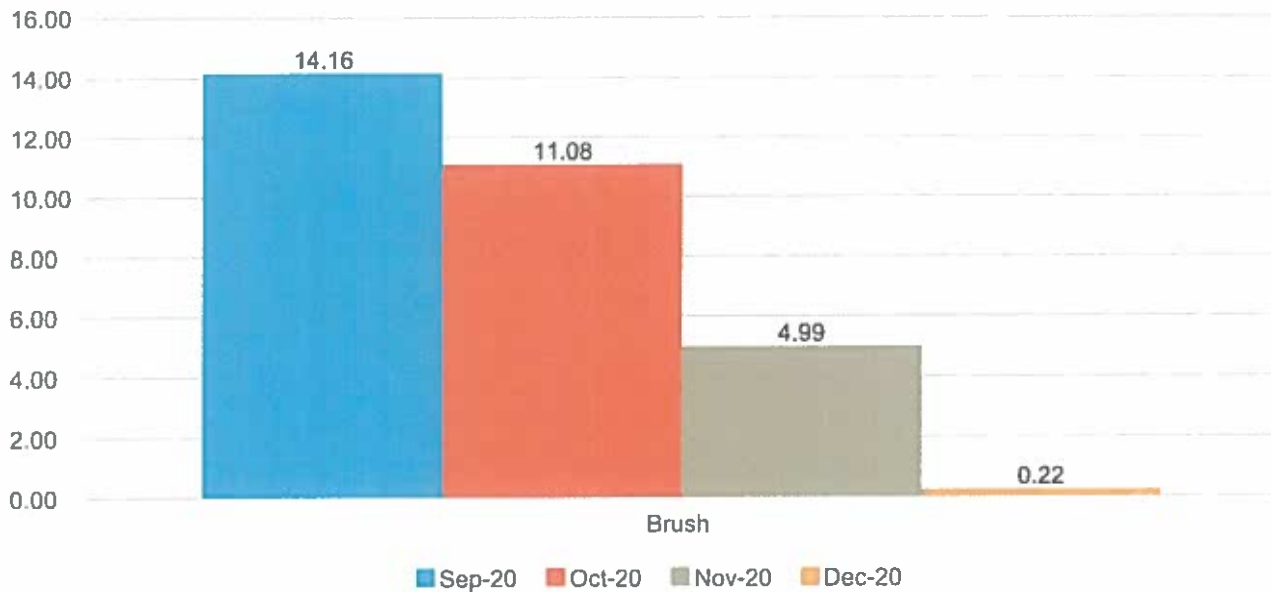


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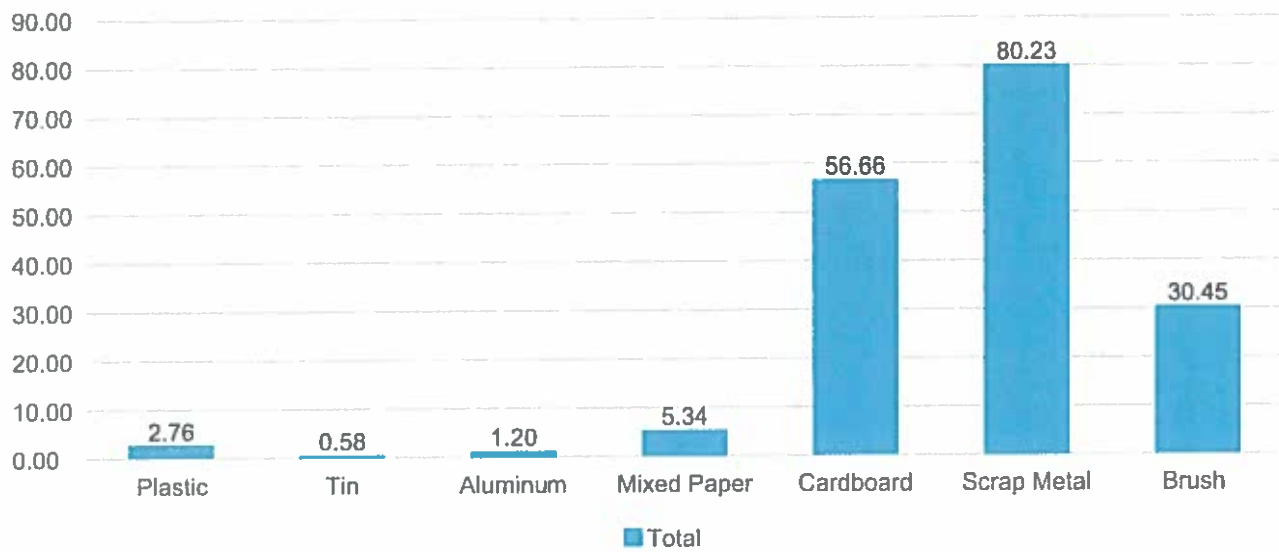
Tons of Recyclables Received & Diverted from Landfill



Tons of Recyclables Received & Diverted from Landfill



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Total Recycled
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- Animal Control Services Update by Jennifer Stewart

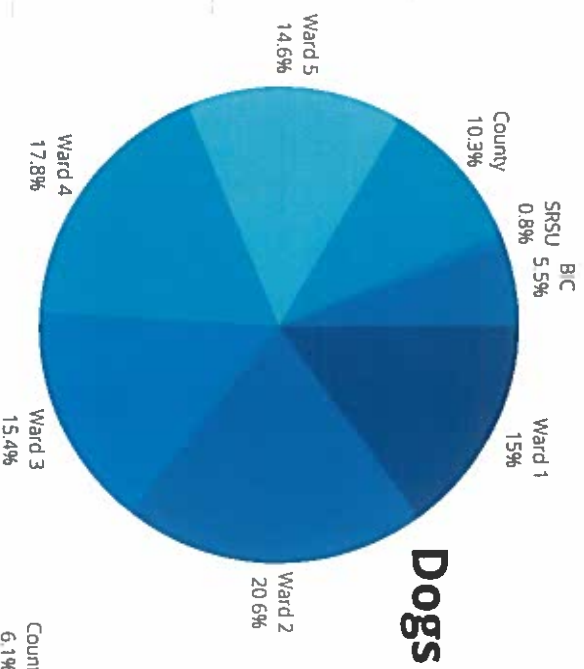
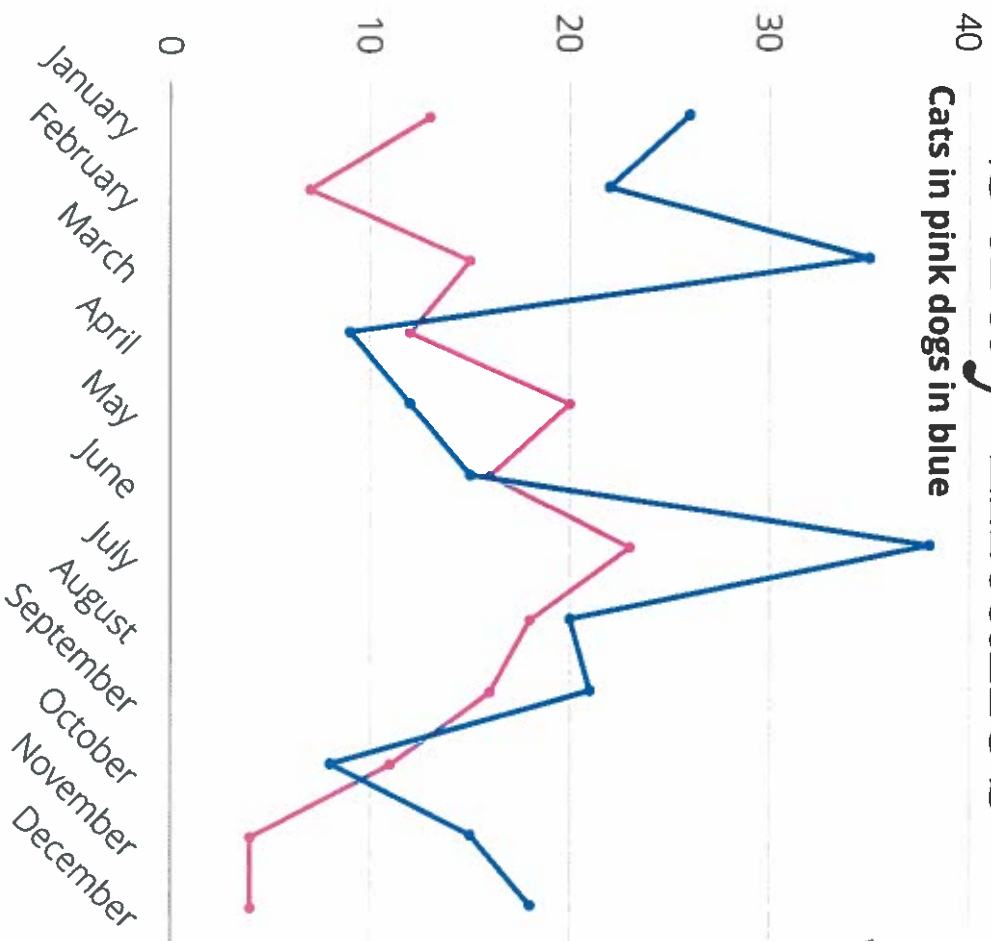
Alpine Animal Services

End of year report
2020

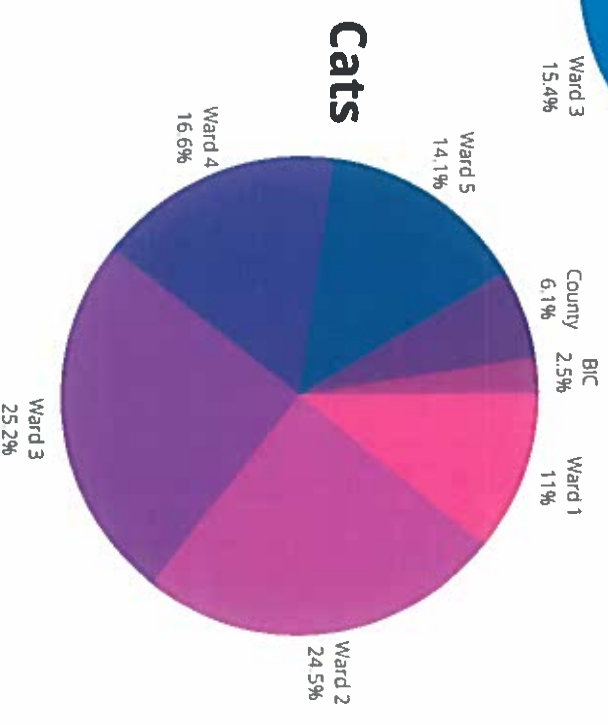


Stray Intakes

Cats in pink dogs in blue

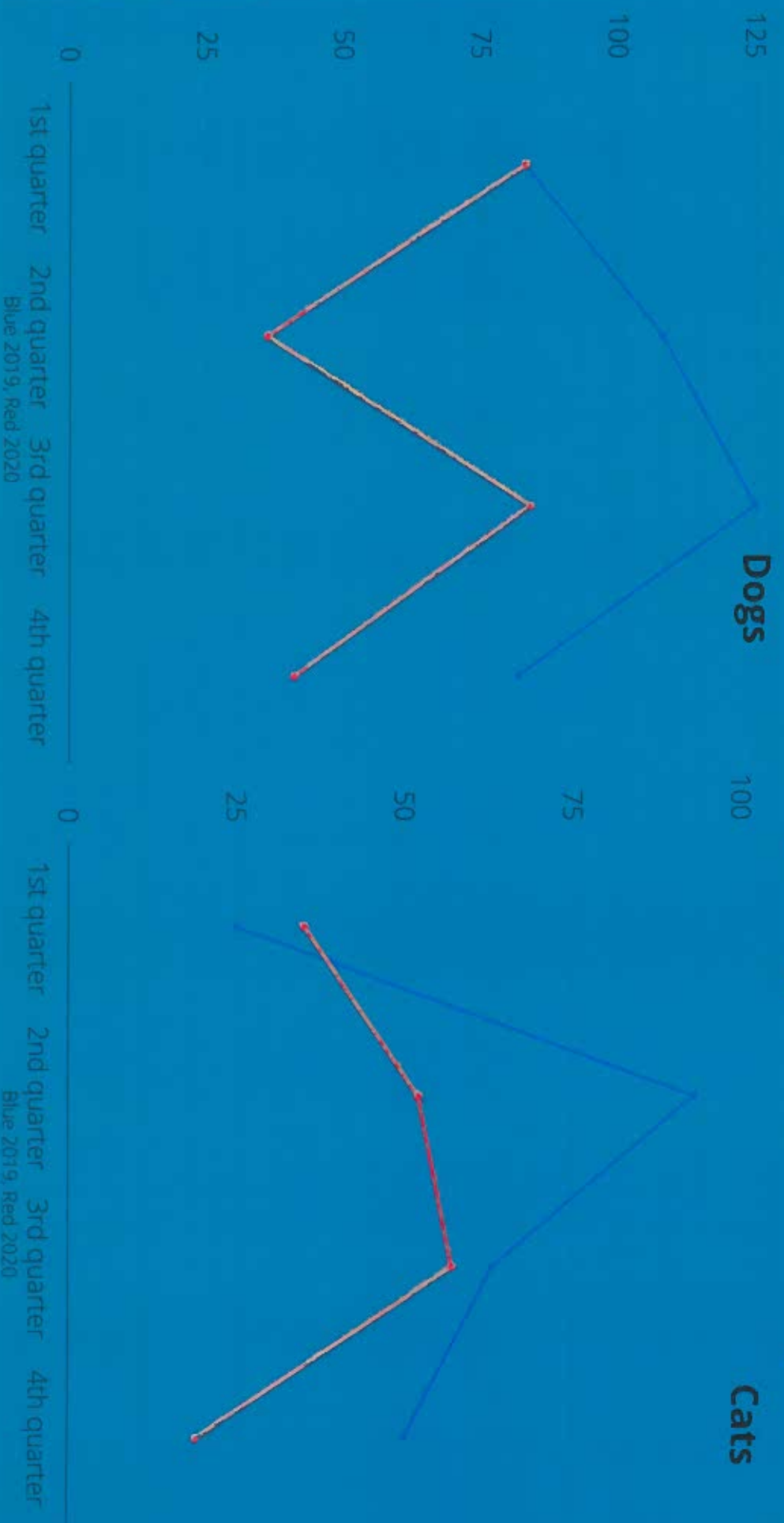


Dogs

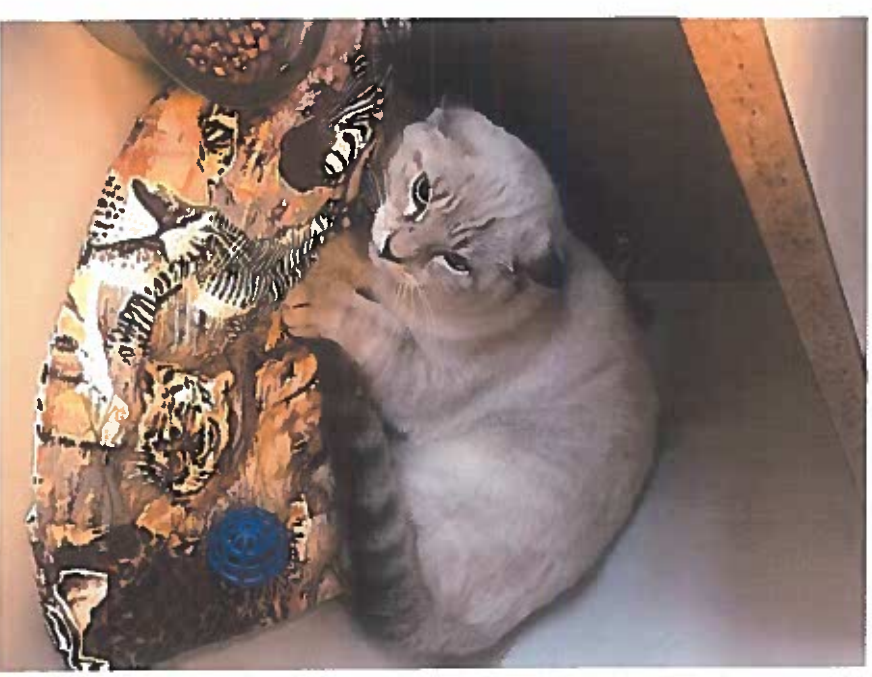
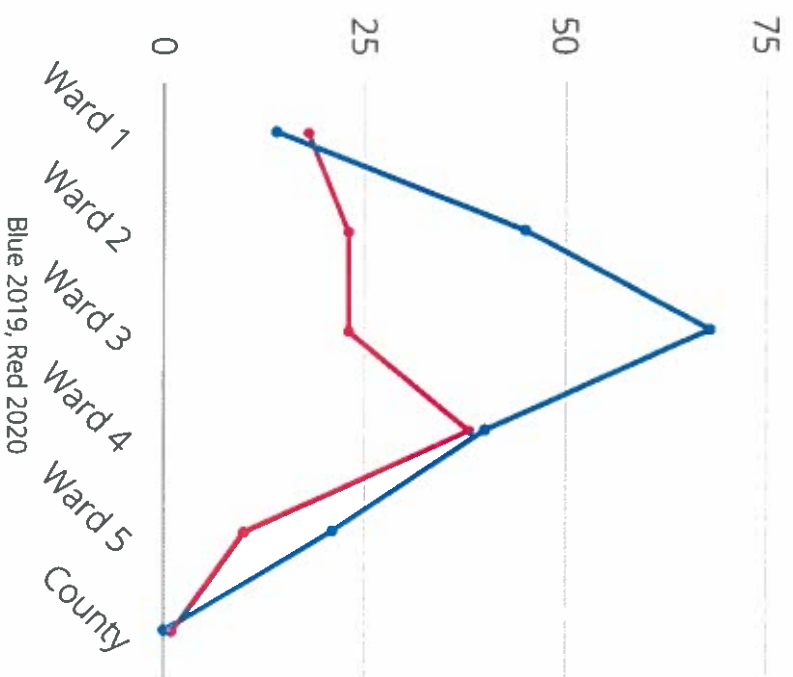


Cats

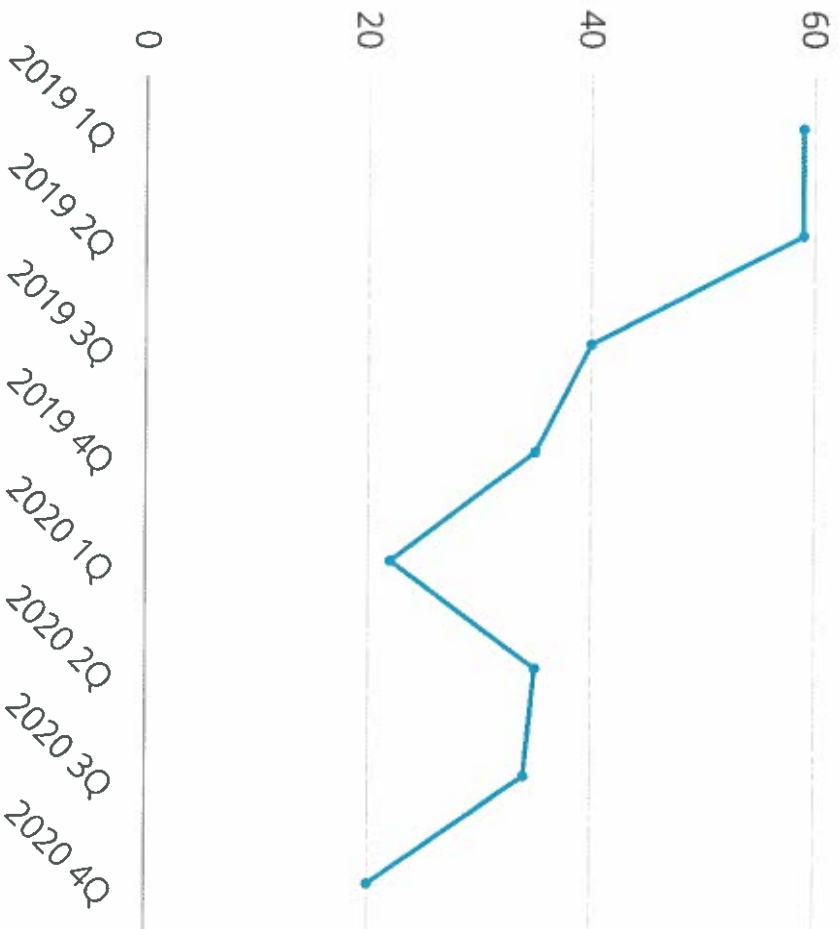
2019 and 2020 quarterly reports compared



Feral Cats



Feral cat intake over 2 years



Feral cat intakes have decreased over the past 2 years. Big Bend Pets, a non profit organization committed to the spay/ neuter and release of feral cats in our community, was established in October of 2019. We believe that the decrease in feral intake could be in part to their efforts in decreasing reproduction of feral cats in our community.

Surrenders

Surrenders were kept to a minimum this year due to the pandemic. We closed surrenders to the public in the second quarter except for emergencies and gradually started accepting more towards the end of the year.

First Quarter: 17

Second Quarter: 2

Third Quarter: 4

Fourth Quarter: 24



Other intakes

Animals Seized: 9 cats, 13 dogs, 4 birds
and 3 rabbits

Animals brought in for quarantine: 7 Dogs, 1 cat

Brought in due to unattended death: 3

Returned to Owner

188 animals were returned back to their owner!

We encourage cat owners to report their cats missing as soon as possible, most cats that enter the shelter are never reclaimed. 272 cats entered the shelter in 2020, including feral cats, and only 13 were reclaimed.



A lot of births at the shelter in 2020



4 kittens and 14 puppies
born at the shelter



Please Spay and Neuter!

Adoptions

We Adopted out 168 Animals

106 Cats

55 Dogs

4 Birds

3 Rabbits

Only 5 animals were returned after adoption



Transports

58 Cats and 62 dogs were transferred to other rescues

Thank you to everyone who
made these transports possible!

Alpine Humane Society
Grand Companions
Jethro Homeward Bound Pets
One Tail At A Time
Texas Cattle Dog Rescue
Mountain Humane
Animal Friends Alliance
The Forgotten Kitty Rescue
TRACS Rescue
Newberg Animal Shelter
The Pixie Project
White Paws German Shepherd Rescue
Cherished Pets Animal Rescue
Unbreakabull
Matty's Heart and Soul
MIT Liebe German Shepherd Rescue
Dog is my Copilot
Countless Volunteers



Microchipping

We placed 76 microchips for the public

26 cats and 50 dogs

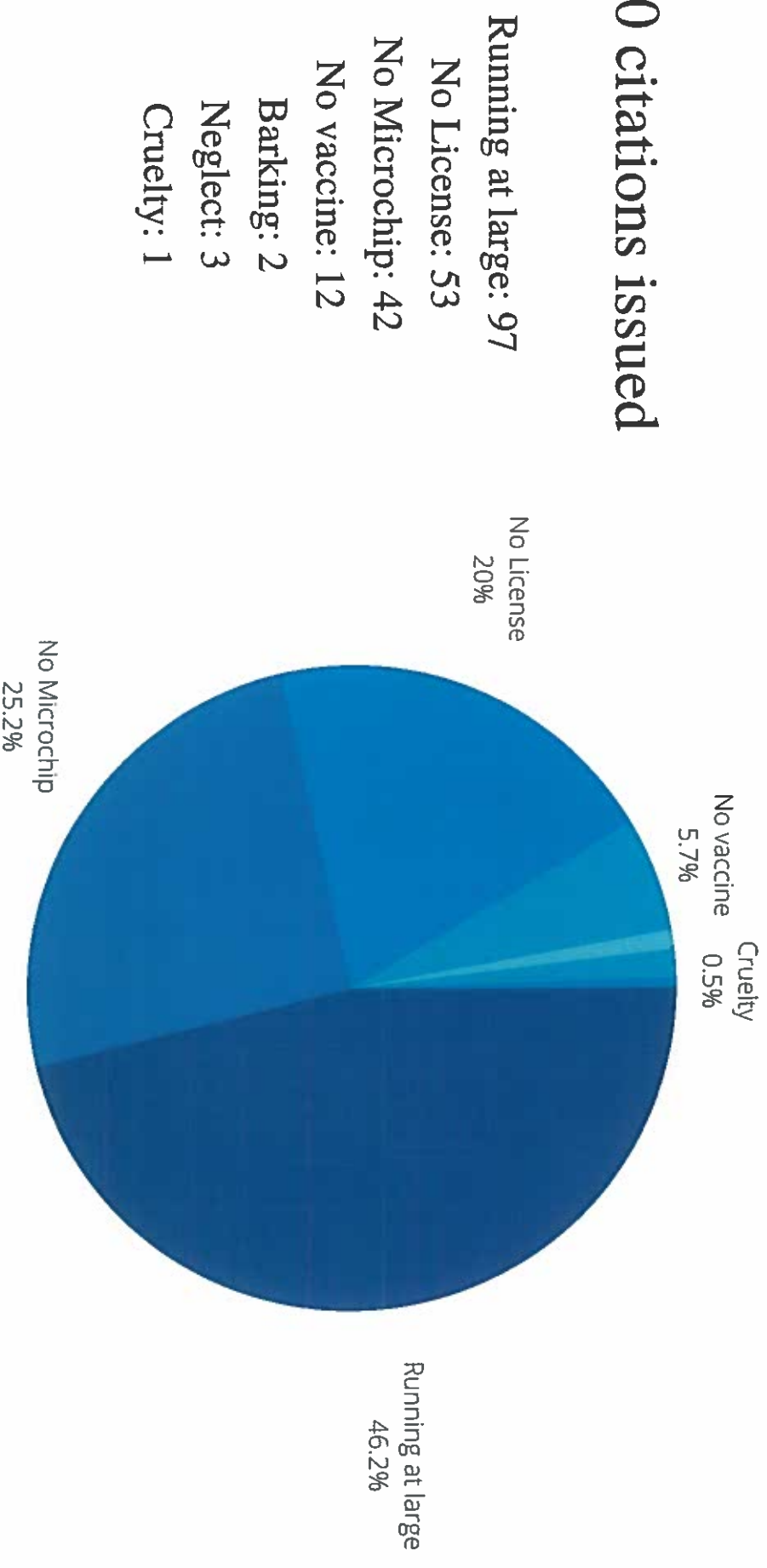
We can place a microchip in your pet for \$15 at the shelter



24PetWatch

Citations issued

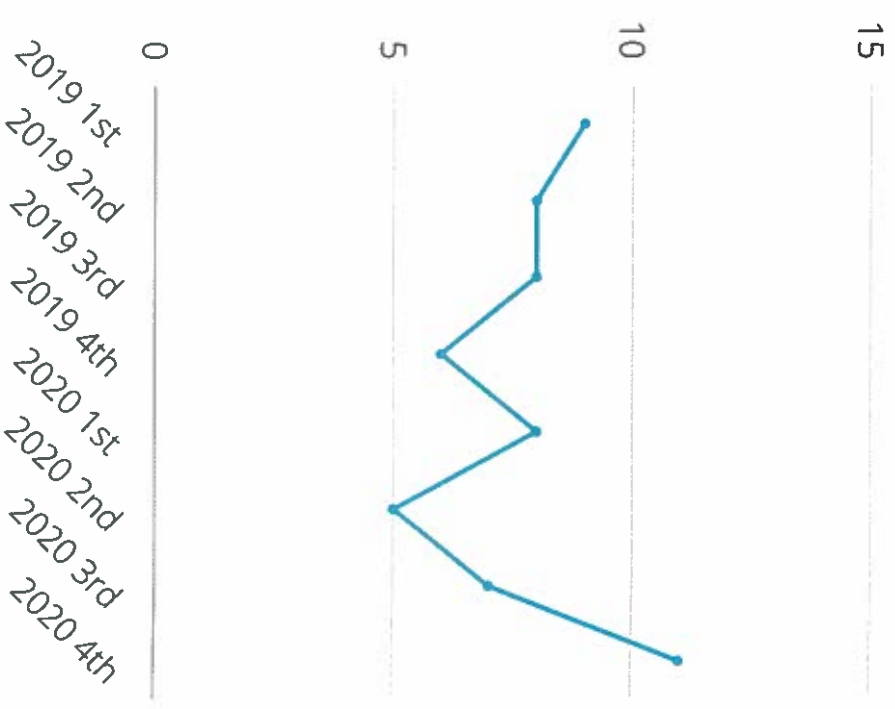
210 citations issued



Animal Bites



Significant increase in the number of bite calls were received at the end of the year. A PSA was written up for prevention and general information and put on social media.



In 2020 there were 31 animal bites reported to Alpine Animal Services, most of which were provoked incidents and could have possibly been prevented. Alpine Animal Services is dedicated to protecting the health and safety of the citizens of Alpine and would like to provide some helpful tools for citizens to stay safe around animals in our community.

What can I do to prevent being bitten by an animal?

What do I do if I have been bitten by an animal?

What do I do if my pet bites someone?

What do I do if my pet is bit by another animal?

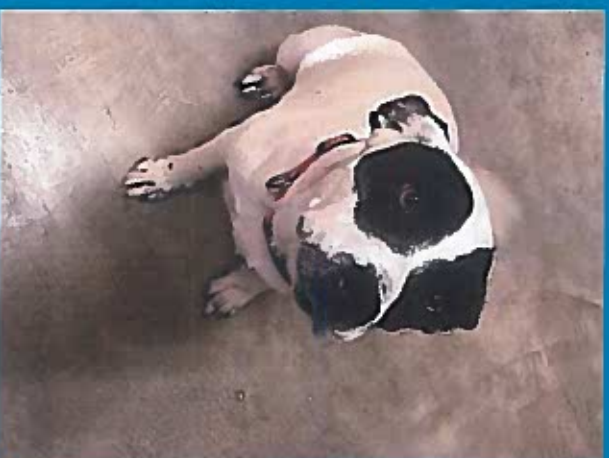
What can I do as a pet owner to prevent my animal from biting?

What does AHS do for the City of Alpine Animal Shelter?

- Pays for all spays, neuters and rabies vaccinations for adoptable pets
- Pays for Science Diet pet food
- Funds transports, including paying for health certificates if needed
- Hired 2 paid part time employees to provide enrichment to shelter animals
- Allows AAS cats and kittens to be housed at their thrift store cattery for adoption
- Has assisted with large medical bills for animals needing expensive treatment or surgeries
- Promotion of adoptable animals on social media platforms

Animal Services Goals for 2021

- No employee turn over
- CE for all ACOS
- Building of 2nd shade structure at the shelter
- Cementing and fencing for both old and new shade structures
- Monthly PSAs
- Replace swamp coolers in kennel area
- Decrease intakes
- Increase live release rates (including feral cats)
- Increased patrol
- Continue working with other local animal welfare organizations to educate about spay and neuter importance.



Questions?

ACO End of Year Report 2020

Total number of animals picked up/ brought in as stray : 399 of those, 16 repeat offenders, 1 chicken from Ward 3

	Cats	Dogs
Ward 1	18	38
Ward 2	40	52
Ward 3	41	39
Ward 4	27	45
Ward 5	23	37
County	10	26
SRSU	0	2

Total number of animals returned to owner: 188 of those, 9 repeat offenders, 1 chicken returned to Ward 2

	Cats	Dogs
Ward 1	2	31
Ward 2	5	30
Ward 3	0	47
Ward 4	5	29
Ward 5	1	18
County	1	18

Total number of surrenders: 47

	Cats	Dogs
Ward 1	1	9
Ward 2	1	5
Ward 3	1	6
Ward 4	0	9
Ward 5	0	3
County	1	11

Total brought in from unattended death 3: 1 dog BCSO, 2 dogs Ward 3

Total brought in for quarantine 7: 3 dogs from Ward 2, 3 dogs from Ward 3, 1 dog from Ward 5

Total born in care: 14 dogs, 4 cats

Total Seized: 9 cats, 13 dogs, 4 birds and 3 rabbits

Total animals who died in care or euthanized due to illness 11: 10 cats, 1 dog

Total abandoned: 2 cats Ward 1

Total number of adoptions 168 : 106 cats, 55 dogs, 4 birds, 3 rabbits

Total number of returned adoptions 5 : 4 cats, 1 dog

Total number of animals transferred to other rescues 120 : 58 cats, 62 dogs

We placed 76 microchips for the public, 26 cats and 50 dogs

Total number of animal bites: 31

Citations issued: 210

Animals at large: 97

No license: 53

No Microchip: 42

No vaccine: 12

Barking: 2

Neglect: 3

Cruelty: 1

Feral Cat intake: 113

Cats

Ward 1	18
Ward 2	23
Ward 3	23
Ward 4	38
Ward 5	10
County	1

ACO goals for 2021:

- No employee turn over
- CE for all ACOs
- Building of 2nd shade structure at the shelter
- Cementing and fencing for both old and new shade structures
- Monthly PSAs
- Replace swamp coolers in kennel area
- Decrease intakes
- Increase live release rates (including feral cats)
- Increased patrol
- Continue working with other local animal welfare organizations to educate about spay and neuter importance.

Dodson Vet Clinic Prices		
Dog Spay		
Weight	Total	Additional Costs (Canine and Feline):
1-15lb	\$130	Pain Injection: \$10-\$20 (Depending on weight)
16-30lb	\$140	Estrus: \$45-\$75 (Depending on stage in cycle)
31-60lb	\$150	Pregnancy: \$50-\$100 (Depending on stage in pregnancy)
61-90lb	\$160	Rabies Vaccine: \$15
91-120lb	\$170	Health Certificate: \$20
>120lb	\$180	
Feline Spay	\$105 (Includes \$10 pain injection fee)	
Dog Neuter		
Weight	Total	Additional Costs (Canine and Feline):
1-15lb	\$120	Pain Injection: \$10-\$20 (Depending on weight)
16-30lb	\$130	Cryptorchid: \$60-\$90 (Depending on location in addition to neuter)
31-60lb	\$140	
61-90lb	\$150	Rabies Vaccine: \$15
91-120lb	\$160	Health Certificate: \$20
>120lb	\$170	
Feline Neuter	\$95 (Includes \$10 pain injection fee)	

6. Public Hearings –

- Public Hearing to obtain citizens views and comments on Ordinance 2021-01-01, a Short-Term Ordinance for the City of Alpine.
- Public Hearing to obtain citizens views and comments on Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine.

- Public Hearing to obtain citizens views and comments on Ordinance 2021-01-01, a Short-Term Ordinance for the City of Alpine.

CITY OF ALPINE
ORDINANCE NO. 2021-01-01

AN ORDINANCE ADDING ARTICLE V TO CHAPTER 90 OF THE ALPINE MUNICIPAL CODE

SECTION 120. A NEW ARTICLE IS ADDED TO CHAPTER 90 OF THE ALPINE MUNICIPAL CODE TO READ AS FOLLOWS:

ARTICLE V

AN ORDINANCE OF THE CITY OF ALPINE, TEXAS; PROVIDING FOR THE REGULATION OF SHORT-TERM RENTALS. ESTABLISHING AUTHORITY TO ENFORCE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

NOW THEREFORE IT BE ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS:

That the “Short-term Rental” Article of the Code of the City of Alpine, Texas is hereby established and shall read as follows:

SEC. 90 – 121 GENERALS

This ordinance as herein established has been written for the purpose to control, manage and limit short term rentals commonly referred to as vacation rentals within allowable districts described in the zoning ordinance. The intent of this chapter is to safeguard the life, health, safety, welfare and property of the occupants of residential dwelling units, the neighbors of said occupants, the general public and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.

DEFINITIONS

SEC. 90 – 122 Definitions

Administrator means the Director of the department designated by the City Manager to enforce and administer this Chapter, including the Director’s designees.

Advertise means the act of drawing the public’s attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Booking Service means any reservation / and or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and /or payment services provided for the short-term rental transaction.

Hosting Platform means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Service through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be-occupant pays rent directly to the Owner or to the Hosting Platform.

Occupant means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Owner means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Premises means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental (STR) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The definition of short-term rental does not include a Bed and Breakfast as defined in the code.

REGULATIONS

SEC.90-123 Unpermitted short-term rentals prohibited

- A. It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted Short-term Rental.
- B. All Hosting Platforms shall provide the following information in a notice to any owner listing a Short-term Rental located within the City of Alpine through the Hosting Platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: THE "SHORT-TERM RENTAL" ARTICLE OF THE ALPINE CITY CODE PROHIBITS THE SHORT-TERM RENTAL OF RESIDENTIAL PREMISES WITHIN THE CITY OF ALPINE WITHOUT AN ACTIVE SHORT-TERM RENTAL PERMIT.
- C. Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or Housing Platform of the obligations imposed by the applicable provisions of state law and the Alpine City Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and the Alpine City Code.

SEC. 90- 124 Short-term rental permit required

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Each rentable unit must be permitted. Upon application to the City, a short-term rental permit shall be approved by the Administrator, or designee, if the application satisfies all the conditions of this Chapter, the "Taxation Chapter", and the zoning ordinance. The administrator may place reasonable conditions on short-term rental permits to ensure compliance with the provisions of this article.

SEC. 90- 125**Permit Limitations**

- A. Short -term rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.
- B. If the subject dwelling is on property that has a Homeowners Association (HOA) at the time of permitting, the owner of the dwelling shall provide the City with an affidavit of proof that the HOA allows for vacation rental of their dwelling, if not allowed, then the application will be denied.
- C. A short -term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this Chapter and zoning ordinance, an application for the renewal of a short-term rental permit shall be approved by the Administrator, or designee.

SEC. 90-126**Requirements of application.**

- A. Except as provided in this Section, every complete application for a short-term rental permit shall include the following information with such detail and in form approved by the Administrator:
 - 1. The name, address, contact information and authenticated signature for the owner of the premises;
 - 2. The name, address and contact information of the operator, agent if any, and designated local responsible party.
 - 3. The City registration number for Hotel Occupancy Tax;
 - 4. A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
 - 5. A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
 - 6. Release of Liability
 - 7. The name and contact information of the property owner's association, if any, of which the premises are covered by dedicatory instruments;
 - 8. A copy of the proposed host rules for the short-term rental.
- B. An application for short-term renewal permit may be filed beginning thirty (30) days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.
- C. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection A of this Section.
- D. If a complete application for a short-term renewal permit is submitted less than thirty (30) days prior to expiration of the current permit, the Administrator in his sole discretion may grant a one-time extension of the current permit not to exceed ten (10) days.

SEC. 90-127**Designation of local responsible party required**

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of the call from the Administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants and shall not act to release the owner of any liability under this chapter.

SEC. 90-128 Release of Liability required

It shall be unlawful for the owner of premises operating as a short-term rental to operate without either proof of insurance or a Release of Liability indemnifying and holding the City harmless from any and all claims that should arise out of the operation of the short-term rental.

SEC. 90 – 129 Building Permits Required

All work done to the property must meet all City of Alpine permitting requirements as spelled out in the City Ordinances.

SEC. 90 – 130 Permit fees

An initial permit fee of \$350 (nonrefundable) will include the preliminary fire inspection fees. Upon completion of all required forms, approval of each dwelling unit by the Administrator or his designee, and payment of the initial permit fee, the Administrator may recommend a special use permit (short term rental permit) to be considered by the City Council. Once approved by the City Council, A special use permit (short term rental permit) shall be issued.

The annual permit renewal fee shall be \$100.00.

An annual fire inspection is required, the fee of which shall be established by City ordinance.

City Short-Term Rental taxes must be paid quarterly for the permit to remain valid, as verified by the City Short-Term Rental Tax form.

SEC. 90 -131 Hotel occupancy tax; Request for occupancy history

It shall be unlawful for any owner of premises used for a short-term rental to fail to pay hotel occupancy taxes under State Law and this Chapter. Upon the request of the Administrator or the Finance Department of the City of Alpine, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

SEC. 90- 132 Short -term rental permit non transferable

A short -term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Only by inheritance is a short-term rental transferable.

SEC. 90- 133 Parking restrictions

Parking is established by the International Building Codes (IBC) and will differ based on the zoning districts.

Guidelines are as follows: One (1) parking space per sleeping unit plus one (1) parking space per 500 square feet of common area. The parking spaces required shall be on the same lot or where use of such is provided on another lot not more than 500 feet radially from the subject lot.

SEC. 90 – 134 Neighbor Notice

The City shall provide a mailing, email or otherwise distribute by hand a flier to neighbors within 200 – foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and city website address where the information is also posted. the neighbors and the city shall be informed whenever there is a change in contact information.

SEC. 90-135 Zones

Vacation rentals are permitted in zones R-1, R-2, R-3, R-4, M-1, C-2a, C-2, C-1, C-1a, C-O by conditional use permit. All permits must meet general zoning regulations as defined in Appendix C, City of Alpines Zoning ordinance.

SEC. 90-136 Penalties

A. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SEC. 90-137 Enforcement

A. The owner of a short-term rental use that was not registered with the City of Alpine for hotel occupancy tax prior to April 1, 2021 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this ordinance, shall discontinue the short-term rental use no later than April 30, 2021.

B. If the permit of a short- term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

C. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Alpine; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

D. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

E. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Alpine in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SEC. 90 -138 -140 Reserved.

**PASSED AND ADOPTED THIS 2nd DAY OF FEBRUARY 2021 BY THE CITY COUNCIL OF THE
CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING

JANUARY 19, 2021

SECOND AND FINAL READING

FEBRUARY 21, 2020

**Andres “Andy” Ramos, Mayor
City of Alpine**

ATTEST

**Cynthia Salas, City Secretary
City of Alpine**

APPROVED AS TO FORM:

**Sandy Wilson, City Attorney
City of Alpine**

- Public Hearing to obtain citizens views and comments on Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine.

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

ORDINANCE 2021-01-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 - UTILITIES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Alpine has cause in its legislative pursuit to modify systems, processes, and fees that enhance the City's mission of providing quality service to the citizens of Alpine; and

WHEREAS, the City of Alpine has determined that citizens and City staff would benefit from a streamlined fee structure that will improve the readability of utilities fees and basic account charges; and

WHEREAS, it is deemed by the City Council of the City of Alpine to be in the public interest to enhance the utilities ordinance to reflect all fees and account charges in a modified utilities appendix.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

**SECTION I
FINDINGS OF FACT**

All of the premises attached in the forms hereto described as Exhibit "A" and "Exhibit B" are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 2nd DAY OF FEBRUARY 2021 BY THE CITY COUNCIL OF
THE CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING

January 19, 2021

SECOND AND FINAL READING

February 2, 2021

ATTEST:

**Andres "Andy" Ramos, Mayor
City of Alpine**

**Cynthia Salas, City Secretary
City of Alpine**

APPROVED AS TO FORM:

**Sandy Wilson, City Attorney
City of Alpine**

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.)

1. Approval of minutes from City Council meeting on January 19, 2021. (E. Zimmer, City Manager)

City of Alpine
Regular City Council Meeting
Tuesday, January 19, 2021
5:30 P.M.
Minutes

1. Call to Order, and Pledge of allegiance to the flags – Mayor Ramos called the meeting to order. The meeting was held at Council Chambers and via Zoom Conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Councilor Rodriguez, , Councilor Sandate, and Councilor Stephens attended at the Council Chambers. Mayor Ramos, Councilor Curry attended via zoom. Councilor Betty Fitzgerald was absent. City Secretary, Cynthia Salas reported that the agenda was posted at 2:00 P.M. on January 14, 2021. City Manager Erik Zimmer and City Secretary Cynthia Salas attended at the Council Chambers.
3. Public Comments (limited to 3 minutes per person) – Robert Howard
4. Presentation, Recognitions, and Proclamations – (A. Ramos, Mayor) - None
5. Reports – Copies of the charts presented during the meeting are posted on the City website at <https://www.cityofalpine.com/Alpine%20City%20Council%20-%20CM%20Report%203-17-2020.pdf>

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report – None

City Manager Report –

- Coronavirus Update
- Old City Hall Complex
- First Flight

City Staff Updates –

- Finance/Utility Billing by Megan Antrim
- Tourism by Chris Ruggia and Heather Yadon

6. Public Hearing - None

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.)

1. Approval of minutes from City Council meeting on January 5, 2021. (E. Zimmer, City Manager) –

Motion was made by Councilor Stephens, by Resolution 2021-01-12 to approve the consent agenda as written. Motion was seconded by Councilor Sandate. Motion unanimously carried 4 to 0.

Council minutes: 01-19-2021

Approved: 02-02-2021

8. Information or Discussion items –

1. Trap/Neuter/Return Program by Patsy Culver. (E. Zimmer, City Manager)
2. EMS and Fire Department Quarterly Report by Mike Scudder. (E. Zimmer, City Manager)

9. 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.) after being called upon by Mayor or Mayor Pro Term. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action on the appointment of City Attorney for the City of Alpine. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-01-16 on the appointment of City Attorney for the City of Alpine. Motion was seconded by Councilor Curry. Motion was made by Councilor Stephens to amend the motion to hire Sandy Wilson. Motion was seconded by Councilor Rodriguez. Motion unanimously carried 4 to 0.
2. Discuss, consider, and take appropriate action appointing Jodi Cole as special counsel for the City of Alpine to handle the UPPR legal item for the City of Alpine. (E. Zimmer, City Manager) – No motion
3. Discuss, consider, and take appropriate action on approving Resolution 2021-01-13 on the recommendations from Parks Advisory Board for the TPWD-Trails grant. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-01-13 on the recommendations from Parks Advisory Board for the TPWD-Trails grant. Motion was seconded by Councilor Sandate. Motion unanimously carried 4 to 0.
4. Discuss, consider, and take appropriate action on approving Resolution 2021-01-14 approving grant application for Criminal Justice Grant Program, Edward Byrne Memorial Justice Assistance Grant Program. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-01-14, approving Resolution 2021-01-14 approving grant application for Criminal Justice Grant Program, Edward Byrne Memorial Justice Assistance Grant Program. Motion was made by Councilor Curry. Motion unanimously carried 4 to 0.
5. Discuss, consider, and take appropriate action on approving Resolution 2021-01-15 approving grant application for State Homeland Security Program-Regular Projects (SHSP-R). (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-01-15 to take appropriate action on approving Resolution 2021-01-15 approving grant application for State Homeland Security Program-Regular Projects (SHSP-R). Motion was seconded by Councilor Curry. Motion unanimously carried 4 to 0.
6. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine.(E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-01-16 on the first reading of Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine. Motion was seconded by Councilor Curry. Motion unanimously carried 4 to 0.
7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-01-01 for Short-Term Rental Ordinance for the City of Alpine. (C. Rodriguez, City Council) – Motion was made by Councilor Rodriguez, by Resolution 2021-01-17 on the first reading of Ordinance 2021-01-01 for Short-Term Rental Ordinance for the City of Alpine. Motion was seconded by Councilor Curry. Motion unanimously carried 4 to 0.

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

1. Discuss letter from Texas RioGrande Legal Aid. (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Pursuant to Texas Government Code 551.071 (consultation with an 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) –

12. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, on letter from Texas RioGrande Legal Aid. (E. Zimmer, City Manager)-

I certify that this notice was posted at 2:00 P.M. on January 14, 2021, 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.

Andres "Andy" Ramos, Mayor

Attest:

Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 2:00 P.M. on January 14, 2021, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Cynthia Salas, City Secretary

8. Information or Discussion items –

1. Coin Operated Businesses. (A. Ramos, Mayor)



Cynthia Salas <city.secretary@ci.alpine.tx.us>

Fwd: Gaming Rooms

1 message

Erik Zimmer <erik.zimmer@ci.alpine.tx.us>
To: Cynthia Salas <city.secretary@ci.alpine.tx.us>

Wed, Jan 27, 2021 at 3:04 PM

Cynthia,
Can you print this for the back-up for the Mayor's information and discussion item.
Thank you,
Erik

----- Forwarded message -----

From: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>
Date: Wed, Jan 27, 2021 at 3:00 PM
Subject: Re: Gaming Rooms
To: Andy Ramos <mayor.amos@ci.alpine.tx.us>

Mayor,
Thanks for the note.
I have the topic queued up under your name on the Information and Discussion section for Tuesday.

Law enforcement has been working specifically with several of these groups over the last two weeks. David Hale and Sandy Wilson are also engaged.

As you recall, we started looking to revisit this Ordinance last December as the proliferation of new COB applications is very high. There are also several Conditional Use Permits that have been initiated to add machines to existing locations. P&Z tabled the items this week at their monthly meeting.

Let me know if you have any additional questions,

Erik

On Wed, Jan 27, 2021 at 12:05 PM Andy Ramos <mayor.amos@ci.alpine.tx.us> wrote:

This is for a Discussion Item. I have receive a number of complaints concerning these new gaming rooms.. The complaints are folks are smoking in them,where is the monies going to are these gaming rooms preying on our citizens who have little or no income and are desperate to try to win some money? There should be a limit as to how many gaming rooms should be given permits.

—
Erik M. Zimmer
City Manager
Alpine, TX 79830
432.294.2118

Attention Elected Officials - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.

—
Erik M. Zimmer
City Manager
Alpine, TX 79830
432.294.2118

Attention Elected Officials - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.

2. Jail and needs of the City and Alpine Police Department. (R. Stephens, City Council)

9. 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.) after being called upon by the Mayor or Mayor Pro Tem. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action on the second and final reading on Ordinance 2021-01-01, for Short-Term Rental Ordinance for the City of Alpine. (C. Rodriguez, City Council)



CITY COUNCIL

AGENDA REQUEST

**AGENDA FOR
COUNCIL
MEETING:
INITIATED BY:**

FEBRUARY 2, 2021

CHRIS RODRIGUEZ

PRESENTED BY:

CHRIS RODRIGUEZ

**AGENDA
REQUEST NO:**

ACTION

**RESPONSIBLE
DEPARTMENT:**

CITY COUNCIL

**FINANCE
DIRECTOR:**

MEGAN ANTRIM

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON THE SECOND AND FINAL READING ON ORDINANCE 2021-01-01, FOR SHORT-TERM RENTAL ORDINANCE FOR THE CITY OF ALPINE.

EXHIBITS:

ORDINANCE 2021-01-01

CLEARANCES

APPROVAL

LEGAL: CITY ATTORNEY

SANDY WILSON:

FINANCE: FINANCE DIRECTOR

MEGAN ANTRIM:

APPROVAL: CITY MANAGER

ERIK ZIMMER:

BUDGET

EXPENDITURE REQUIRED: \$ 0

SAVINGS ANTICIPATION: \$

CURRENT BUDGET FY2020-2021: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

CITY OF ALPINE
ORDINANCE NO. 2021-01-01

AN ORDINANCE ADDING ARTICLE V TO CHAPTER 90 OF THE ALPINE MUNICIPAL CODE

SECTION 120. A NEW ARTICLE IS ADDED TO CHAPTER 90 OF THE ALPINE MUNICIPAL CODE TO READ AS FOLLOWS:

ARTICLE V

AN ORDINANCE OF THE CITY OF ALPINE, TEXAS; PROVIDING FOR THE REGULATION OF SHORT-TERM RENTALS. ESTABLISHING AUTHORITY TO ENFORCE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

NOW THEREFORE IT BE ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS:

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DEFINITIONS

SEC. 90 – 122 Definitions

Administrator means the Director of the department designated by the City Manager to enforce and administer this Chapter, including the Director’s designees.

Advertise means the act of drawing the public’s attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Booking Service means any reservation / and or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and /or payment services provided for the short-term rental transaction.

Hosting Platform means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Service through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be-occupant pays rent directly to the Owner or to the Hosting Platform.

Occupant means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Owner means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Premises means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental (STR) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The definition of short-term rental does not include a Bed and Breakfast as defined in the code.

REGULATIONS

SEC.90-123 Unpermitted short-term rentals prohibited

- A. It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted Short-term Rental.
- B. All Hosting Platforms shall provide the following information in a notice to any owner listing a Short-term Rental located within the City of Alpine through the Hosting Platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: THE "SHORT-TERM RENTAL" ARTICLE OF THE ALPINE CITY CODE PROHIBITS THE SHORT-TERM RENTAL OF RESIDENTIAL PREMISES WITHIN THE CITY OF ALPINE WITHOUT AN ACTIVE SHORT-TERM RENTAL PERMIT.
- C. Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or Housing Platform of the obligations imposed by the applicable provisions of state law and the Alpine City Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and the Alpine City Code.

SEC. 90- 124 Short-term rental permit required

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Each rentable unit must be permitted. Upon application to the City, a short-term rental permit shall be approved by the Administrator, or designee, if the application satisfies all the conditions of this Chapter, the "Taxation Chapter", and the zoning ordinance. The administrator may place reasonable conditions on short-term rental permits to ensure compliance with the provisions of this article.

SEC. 90- 125**Permit Limitations**

- A. Short -term rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.
- B. If the subject dwelling is on property that has a Homeowners Association (HOA) at the time of permitting, the owner of the dwelling shall provide the City with an affidavit of proof that the HOA allows for vacation rental of their dwelling, if not allowed, then the application will be denied.
- C. A short -term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this Chapter and zoning ordinance, an application for the renewal of a short-term rental permit shall be approved by the Administrator, or designee.

SEC. 90-126**Requirements of application.**

- A. Except as provided in this Section, every complete application for a short-term rental permit shall include the following information with such detail and in form approved by the Administrator:
 - 1. The name, address, contact information and authenticated signature for the owner of the premises;
 - 2. The name, address and contact information of the operator, agent if any, and designated local responsible party.
 - 3. The City registration number for Hotel Occupancy Tax;
 - 4. A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
 - 5. A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
 - 6. Release of Liability
 - 7. The name and contact information of the property owner's association, if any, of which the premises are covered by dedicatory instruments;
 - 8. A copy of the proposed host rules for the short-term rental.
- B. An application for short-term renewal permit may be filed beginning thirty (30) days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.
- C. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection A of this Section.
- D. If a complete application for a short-term renewal permit is submitted less than thirty (30) days prior to expiration of the current permit, the Administrator in his sole discretion may grant a one-time extension of the current permit not to exceed ten (10) days.

SEC. 90-127**Designation of local responsible party required**

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of the call from the Administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants and shall not act to release the owner of any liability under this chapter.

SEC. 90-128 Release of Liability required

It shall be unlawful for the owner of premises operating as a short-term rental to operate without either proof of insurance or a Release of Liability indemnifying and holding the City harmless from any and all claims that should arise out of the operation of the short-term rental.

SEC. 90 – 129 Building Permits Required

All work done to the property must meet all City of Alpine permitting requirements as spelled out in the City Ordinances.

SEC. 90 – 130 Permit fees

An initial permit fee of \$350 (nonrefundable) will include the preliminary fire inspection fees. Upon completion of all required forms, approval of each dwelling unit by the Administrator or his designee, and payment of the initial permit fee, the Administrator may recommend a special use permit (short term rental permit) to be considered by the City Council. Once approved by the City Council, A special use permit (short term rental permit) shall be issued.

The annual permit renewal fee shall be \$100.00.

An annual fire inspection is required, the fee of which shall be established by City ordinance.

City Short-Term Rental taxes must be paid quarterly for the permit to remain valid, as verified by the City Short-Term Rental Tax form.

SEC. 90 -131 Hotel occupancy tax; Request for occupancy history

It shall be unlawful for any owner of premises used for a short-term rental to fail to pay hotel occupancy taxes under State Law and this Chapter. Upon the request of the Administrator or the Finance Department of the City of Alpine, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

SEC. 90- 132 Short -term rental permit non transferable

A short -term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Only by inheritance is a short-term rental transferable.

SEC. 90- 133 Parking restrictions

Parking is established by the International Building Codes (IBC) and will differ based on the zoning districts.

Guidelines are as follows: One (1) parking space per sleeping unit plus one (1) parking space per 500 square feet of common area. The parking spaces required shall be on the same lot or where use of such is provided on another lot not more than 500 feet radially from the subject lot.

SEC. 90 – 134 Neighbor Notice

The City shall provide a mailing, email or otherwise distribute by hand a flier to neighbors within 200 – foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and city website address where the information is also posted. the neighbors and the city shall be informed whenever there is a change in contact information.

SEC. 90-135 Zones

Vacation rentals are permitted in zones R-1, R-2, R-3, R-4, M-1, C-2a, C-2, C-1, C-1a, C-O by conditional use permit. All permits must meet general zoning regulations as defined in Appendix C, City of Alpines Zoning ordinance.

SEC. 90-136 Penalties

A. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SEC. 90-137 Enforcement

A. The owner of a short-term rental use that was not registered with the City of Alpine for hotel occupancy tax prior to April 1, 2021 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this ordinance, shall discontinue the short-term rental use no later than April 30, 2021.

B. If the permit of a short- term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

C. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Alpine; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

D. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

E. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Alpine in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SEC. 90 -138 -140 Reserved.

PASSED AND ADOPTED THIS 2nd DAY OF FEBRUARY 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

JANUARY 19, 2021

SECOND AND FINAL READING

FEBRUARY 21, 2020

**Andres “Andy” Ramos, Mayor
City of Alpine**

ATTEST

**Cynthia Salas, City Secretary
City of Alpine**

APPROVED AS TO FORM:

**Sandy Wilson, City Attorney
City of Alpine**

2. Discuss, consider, and take appropriate action on the second and final reading on Ordinance 2021-01-02, a Utility Billing Ordinance for the City of Alpine. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING:	FEBRUARY 2, 2021	AGENDA REQUEST NO:	ACTION
INITIATED BY:	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	

SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON THE SECOND AND FINAL READING ON ORDINANCE 2021-01-02, A UTILITY BILLING ORDINANCE FOR THE CITY OF ALPINE.
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EXHIBITS:	ORDINANCE 2021-01-02
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CLEARANCES APPROVAL

LEGAL:	CITY ATTORNEY	SANDY WILSON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

EXPENDITURE REQUIRED:	\$ 0
SAVINGS ANTICIPATION:	\$
CURRENT BUDGET FY2020-2021:	\$ 0
ADDITIONAL FUNDING:	\$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

ORDINANCE 2021-01-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 - UTILITIES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Alpine has cause in its legislative pursuit to modify systems, processes, and fees that enhance the City's mission of providing quality service to the citizens of Alpine; and

WHEREAS, the City of Alpine has determined that citizens and City staff would benefit from a streamlined fee structure that will improve the readability of utilities fees and basic account charges; and

WHEREAS, it is deemed by the City Council of the City of Alpine to be in the public interest to enhance the utilities ordinance to reflect all fees and account charges in a modified utilities appendix.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

**SECTION I
FINDINGS OF FACT**

All of the premises attached in the forms hereto described as Exhibit "A" and "Exhibit B" are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 2nd DAY OF FEBRUARY 2021 BY THE CITY COUNCIL OF
THE CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING

January 19, 2021

SECOND AND FINAL READING

February 2, 2021

ATTEST:

**Andres "Andy" Ramos, Mayor
City of Alpine**

**Cynthia Salas, City Secretary
City of Alpine**

APPROVED AS TO FORM:

**Sandy Wilson, City Attorney
City of Alpine**

3. Discuss, consider, and take appropriate action approving the City Attorney contract. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

**AGENDA FOR
COUNCIL
MEETING:
INITIATED BY:**

FEBRUARY 2, 2021

ERIK ZIMMER

PRESENTED BY:

ERIK ZIMMER

**AGENDA
REQUEST NO:**

ACTION

**RESPONSIBLE
DEPARTMENT:**

ADMINISTRATION

**FINANCE
DIRECTOR:**

MEGAN ANTRIM

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT/
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION APPROVING THE CITY ATTORNEY CONTRACT.

EXHIBITS:

CITY ATTORNEY CONTRACT

CLEARANCES

APPROVAL

LEGAL:

CITY ATTORNEY

SANDY WILSON:

FINANCE:

FINANCE DIRECTOR

MEGAN ANTRIM:

APPROVAL:

CITY MANAGER

ERIK ZIMMER:

BUDGET

EXPENDITURE REQUIRED: \$ 0

SAVINGS ANTICIPATION: \$

CURRENT BUDGET FY2020-2021: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

THE STATE OF TEXAS
COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2021-02-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS
AUTHORIZING THE CONTRACT OF CITY ATTORNEY SANDY WILSON**

WHEREAS, the City Council of the City of Alpine is responsible for appointing an attorney, licensed to practice law in the State of Texas as City Attorney; and

WHEREAS, the City Attorney shall serve at the will of and be entitled to compensation as established by the Council; and

WHEREAS, the City Council has appointed Sandy Wilson to the position of Alpine City Attorney and directs the City Manager to execute the contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

The City Council hereby approves the City Attorney contract heretofore attached as Exhibit "A" and directs the City Manager to execute the contract on behalf of the City.

PASSED BY A MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ON FEBRUARY 02, 2021.

Andres "Andy" Ramos, Mayor
City of Alpine, Texas

ATTEST:

Cynthia Salas, City Secretary
City of Alpine, Texas

ENGAGEMENT AGREEMENT FOR CITY ATTORNEY SERVICES FOR THE CITY OF ALPINE

THIS ENGAGEMENT AGREEMENT (THE "Agreement") is dated this 19th day of January 2021.

ATTORNEY CONTRACTOR

Sandy Wilson
Wilson Law Office
P.O. Box 63
Marathon, Texas 79842

CLIENT

City of Alpine
100 N. 13th Street
Alpine, Texas 79830

BACKGROUND

- A. The Client is of the opinion that the Attorney Contractor has the necessary qualifications, experience, and abilities to provide services to the Client.
- B. The Attorney Contractor is agreeable to providing such services to the Client on the terms and conditions set out in this Agreement.

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the Client and the Attorney Contractor (individually the "Party" and collectively the "Parties" to this Agreement) agree as follows:

SERVICES PROVIDED

- 1. The Client hereby agrees to engage the Attorney Contractor to provide the Client with the following services (the "Services"):
 - a. Provide legal services to the City of Alpine
 - b. Act as Prosecutor for the Alpine Municipal Court
- 2. The Services will also include any other tasks which the Parties may agree on. The Attorney Contractor hereby agrees to provide such Services to the Client as provided above as well as in Section 4.04 of the Alpine City Charter which defines the level requirements for the city attorney.

TERM OF AGREEMENT

- 3. The term of this Agreement (the "Term") will begin on the date of this Agreement and will remain in full force and effect indefinitely until terminated as provided in this Agreement.

4. In the event that either Party wishes to terminate this Agreement, that Party will be required to provide 15 day's written notice to the other Party.
5. IN the event that either Party breaches a material provision under this Agreement, the non-defaulting Party may terminate this Agreement immediately and require the defaulting Party to indemnify the non-defaulting Party against reasonable damages.
6. This Agreement may be terminated at any time by mutual agreement of the Parties.
7. Except as otherwise provided in this Agreement, the obligations of the Attorney Contractor will end upon the termination of this Agreement.

PERFORMANCE

8. The Parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

CURRENCY

9. Except as otherwise provided in this Agreement, all monetary amounts referred to in this Agreement are in USD (US Dollars).

COMPENSATION

10. The Attorney Contractor will charge the Client for the Services at the rate of \$200.00 per hour (the "Compensation").
11. The Client will be invoiced at the end of every month.
12. Invoices submitted by the Attorney Contractor are due within 30 days of receipt.

REIMBURSEMENT OF EXPENSES

13. The Attorney Contractor will be reimbursed for reasonable and necessary expenses incurred by the Attorney Contractor in connection with this representation. The agreement shall constitute authorization for Attorney Contractor to incur such expenses as are reasonable and customary in a matter of this type. All such charges shall be itemized in the billing statements at the end of every month.
14. Attorney Contractor reserves the right to require the Client to pay certain expenses directly for out-of-pocket expenditures more than \$1000.00 per month.

PRIVACY POLICY

15. Under the Gramm Leach Bliley Act of 1999, attorneys are being required to inform the Client of policies regarding the privacy of Client information. Attorney Contractor is bound by both an ethical duty of confidentiality, and in certain instances by contractual agreements that prevent or limit Attorney Contractor in the use of or dissemination of

certain personal information and the enactment of the above-mentioned Act does not lessen or comprise those duties.

CONFIDENTIALITY

16. Confidential information (the Confidential Information”) refers to any data or information relating to the Client, whether business or personal, which would reasonably be considered to be private or proprietary to the Client and that is not generally known and where the release of the Confidential Information could reasonably be expected to cause harm to the client.
17. The Attorney Contractor agrees that she will not disclose, divulge, reveal, report or use, for any purpose, any Confidential Information which the Contractor has obtained, except as authorized by the Client or as required by law. The obligations of confidentiality will apply during the Term and will survive indefinitely upon termination of the Agreement.
18. Attorney Contractor agrees to maintain physical, electronic, and procedural safeguards that comply with maintaining the confidentiality of Client Information.

RETURN OF PROPERTY

19. Upon the termination of this Agreement, the Attorney Contractor shall return to the Client any property, documentation, records, or Confidential Information which is in the possession of the Attorney Contractor. All forms created by Attorney Contractor for the benefit of the Client shall belong to the Client without restrictions at the termination of this Agreement.

CAPACITY/INDEPENDENT CONTRACTOR

20. In providing the Services under this Agreement it is expressly agreed that the Attorney Contractor is acting as an independent contractor and not as an employee. The Attorney Contractor and the Client acknowledge that this Agreement does not create a partnership or joint venture between them and is exclusively a contract of service. The Client is not required to pay, or make any contributions to, any social security, local, state or federal tax, unemployment compensation, worker’s compensation, insurance premium, profit-sharing, pension or any other employee benefit for the Attorney Contractor during the Term. The Attorney Contractor is responsible for paying, and complying with reporting requirements for all local, state and federal taxes related to payments made to the Attorney Contractor under this Agreement.

AUTONOMY

21. Except as otherwise provided in this Agreement, the Attorney Contractor will have full control over working time, methods, and decision making in relation to provision of the Services in accordance with the Agreement. The Attorney Contractor will work

autonomously and not at the direction of the Client. However, the Attorney Contractor will be responsive to the reasonable needs and concerns of the Client.

EQUIPMENT

22. Except as otherwise provided in this Agreement, the Attorney Contractor will provide at the Attorney Contractor's own expense, any and all office equipment in the law office of Attorney Contractor. Attorney Contractor agrees to utilize any equipment provided by the Client for the sole purpose of representing the Client and shall return said equipment, along with any passwords or other relevant information, to the Client upon termination of this Agreement.

NOTICE

23. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the Parties at the following addresses:

- a. City of Alpine
100 N 13th, Alpine, Texas 79830
- b. Wilson Law Office
P.O. Box 63, Marathon, Texas 79842

or to such other address as either Party may from time to time notify the other and will be deemed to be properly delivered (a) immediately upon being served personally, (b) two days after being deposited with the postal service if served by registered mail, or (c) the following day after being deposited with an overnight courier.

INDEMINIFICATION

24. Except to the extent paid in settlement from any applicable insurance policies, and to the extent permitted by applicable law, each Party agrees to indemnify and hold harmless the other Party, and its respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, and reasonable legal fees and costs of any kind or amount whatsoever, which result from or arise out of any act or omission of the indemnifying party, its respective affiliates, officers, agents, employees, and permitted successors and assigns that occurs in connection with this Agreement. This indemnification will survive the termination of this Agreement.

TIME OF THE ESSENCE

25. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

26.

ASSIGNMENT

27. The Attorney Contractor will not voluntarily, or by operation of law, assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Client.

ENTIRE AGREEMENT

28. It is agreed that there is no representation, warranty, collateral agreement, or condition affecting this Agreement except as expressly provided in this Agreement.

TITLES/HEADINGS

29. Headings are inserted for the convenience of the Parties only and not to be considered with interpreting this Agreement.
30. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

GOVERNING LAW

31. This Agreement will be governed by and construed in accordance with the laws of the State of Texas.

SEVERABILITY

32. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of the Agreement.


WAIVER

33. The waiver by either Party of a breach, default, delay, or omission of any of the provisions of this Agreement by the other Party will not be construed as a waiver of any subsequent breach of the same or other provisions.

Date Signed: January 28, 2021

City of Alpine

By: _____


Sandy Wilson