

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 approving the APD Annual Racial Profiling Profiling Report. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action to approve Resolution 2021-02-11 providing an additional payment option for certain short term rental operators who have been remitting Hotel Occupancy Taxes regularly and that are current and in good standing with the City. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action to approve Resolution 2021-02-12 regarding a donation of unused playground equipment to Sul Ross State University. (E.Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-02-01, an ordinance amending Chapter 10 - Animals, Article VI - Animal Advisory Board, Section 10-223 to the Alpine Code of Ordinances. (M. Curry, City Council)
5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-02-02, an ordinance amending Chapter 10 - Animals, Article II - Keeping Animals, Sections 10-41 and 10-59 to the Alpine Code of Ordinances. (M. Curry, City Council)
6. Discuss and take appropriate action relative to the City's position regarding the County encroachment on City property adjacent to the County Jail and Old City Hall offices. (R. Stephens, City Council)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	FEBRUARY 16, 2021	AGENDA REQUEST NO:	ACTION ITEM
	E. ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	E. ZIMMER	FINANCE DIRECTOR:	
		ADDITIONAL DIRECTOR (S):	

SUBJECT / PROCEEDING:	
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EXHIBITS:	
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CLEARANCES	APPROVAL
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LEGAL:	CITY ATTORNEY	SANDY WILSON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

EXPENDITURE REQUIRED: \$	0
SAVINGS ANTICIPATION: \$	
CURRENT BUDGET FY2018-2019: \$	0
ADDITIONAL FUNDING: \$	

RECOMMENDED ACTION

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EXECUTIVE SUMMARY

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309 West Sul Ross Avenue
Alpine, Texas 79830

Chief Robert Martin
Telephone (432) 837-3486

rmartin.police@ci.alpine.tx.us
Fax (432) 837-2616

February 1, 2021

To: Eric Zimmer
City Manager

From: Robert Martin
Chief of Police

Subject: Annual Racial Profiling Report for 2020

Please find the attached 2020 Racial Profiling Report to the City Counsel and Texas Commission on Law Enforcement (TCOLE) as required by Texas Code of Criminal Procedure, Art. 2.132. This report is an information item only.

If additional information is needed, please let me know.

Sincerely,

Robert Martin
Chief of Police
Alpine, Texas



309 West Sul Ross Avenue
Alpine, Texas 79830

Chief Robert Martin
Telephone (432) 837-3486

rmartin.police@ci.alpine.tx.us
Fax (432) 837-2616

Since January 1, 2020, the City of Alpine Police Department, in accordance with the Texas Racial Profiling Law (Texas Code of Criminal Procedure, Art. 2.132), has been collecting police contact data for the purpose of identifying and responding, if necessary, to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the City of Alpine Police Department continues striving towards the goal of maintaining strong relations with the community.

The components of this report provide statistical data relevant to the public contacts related to traffic stops made during the period of 1/1/2020 thru 12/31/2020. The information in this report compiled from data received or generated by dispatchers and officers of the department and is accurate to the best of my knowledge. The data collected will be submitted to Texas Commission on Law Enforcement (TCOLE) as the Racial Profiling Report and a copy of this report is attached for review.

It is my sincere hope that the channels of communication between community leaders and the City of Alpine Police Department continue to strengthen as we move forward to meet the challenges of the future.

Sincerely,

Robert Martin
Chief of Police
Alpine, Texas

Racial Profiling Report | Full Report

Agency Name: ALPINE POLICE DEPARTMENT

Reporting Date: 1/14/2021

TCOLE Agency Number: 043201

Chief Administrator: Chief Robert Martin

Agency Contact Information:

Phone: 432-837-3486

Email: chief.police@ci.alpine.tx.us

Mailing Address: 309 W. Sul Ross Avenue, Alpine, TX 79830

This Agency filed a full report

ALPINE POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the City of Alpine Police Department from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the City of Alpine Police Department if the individual believes that a peace officer employed by the City of Alpine Police Department has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the City of Alpine Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the City of Alpine Police Department policy;
- 6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

Racial Profiling Report | Full Report

- d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
- a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The City of Alpine Police Department has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: Robert Martin

Chief Administrator

Chief Robert Martin

Date: 1/14/2021

ALPINE POLICE DEPARTMENT

1/1/2020 - 12/31/2020

Total stops: 707

Street address or approximate location of the stop

City street: 577
 US highway: 90
 State highway: 36
 County road: 1
 Private property or other: 3

Was race or ethnicity known prior to stop?

Yes: 11
 No: 696

Race or ethnicity

Alaska Native/American Indian: 2
 Asian/Pacific Islander: 15
 Black: 17
 White: 295
 Hispanic/Latino: 378

Gender

Female:

Total	<u>249</u>		
Alaska Native/American Indian	<u>1</u>	Asian/Pacific Islander	<u>3</u>
White	<u>110</u>	Black	<u>3</u>
	Hispanic/Latino	<u>132</u>	

Male:

Total	<u>458</u>		
Alaska Native/American Indian	<u>1</u>	Asian/Pacific Islander	<u>12</u>
White	<u>185</u>	Black	<u>14</u>
	Hispanic/Latino	<u>246</u>	

ALPINE POLICE DEPARTMENT

1/1/2020 - 12/31/2020

Reason for stop?

Violation of law:

Total 23

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>1</u>	Black	<u>3</u>
White	<u>8</u>	Hispanic/Latino	<u>11</u>		

Preexisting knowledge:

Total 0

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>3</u>	Hispanic/Latino	<u>6</u>		

Moving traffic violation:

Total 631

Alaska Native/American Indian	<u>2</u>	Asian/Pacific Islander	<u>14</u>	Black	<u>12</u>
White	<u>268</u>	Hispanic/Latino	<u>335</u>		

Vehicle traffic violation:

Total 44

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>2</u>
White	<u>16</u>	Hispanic/Latino	<u>26</u>		

Was a search conducted?

Yes:

Total 17

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>2</u>
White	<u>3</u>	Hispanic/Latino	<u>12</u>		

No:

Total 690

Alaska Native/American Indian	<u>2</u>	Asian/Pacific Islander	<u>15</u>	Black	<u>15</u>
White	<u>292</u>	Hispanic/Latino	<u>366</u>		

Reason for Search?

Consent:

Total 7

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>7</u>		

Contraband:

Total 0

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>0</u>		

ALPINE POLICE DEPARTMENT

1/1/2020 - 12/31/2020

Probable cause:

Total	8			
Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black
White	1	Hispanic/Latino	5	

Inventory:

Total	1			
Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black
White	1	Hispanic/Latino	0	

Incident to arrest:

Total	1			
Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black
White	1	Hispanic/Latino	0	

Was Contraband discovered?

Yes:

Total	9			
Alaska Native/American Indian	0	Yes	0	No
Asian/Pacific Islander	0	Yes	0	No
Black	2	Yes	0	No
White	1	Yes	0	No
Hispanic/Latino	6	Yes	0	No

Did the finding result in arrest (total should equal previous column)?

No:

Total	698			
Alaska Native/American Indian	2	Asian/Pacific Islander	15	Black
White	294	Hispanic/Latino	372	

Description of contraband

Drugs:

Total	7			
Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black
White	1	Hispanic/Latino	4	

Currency:

Total	0
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ALPINE POLICE DEPARTMENT

1/1/2020 - 12/31/2020

	Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black	0
	White	0	Hispanic/Latino	0		
Weapons:						
Total	0					
	Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black	0
	White	0	Hispanic/Latino	0		
Alcohol:						
Total	1					
	Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black	0
	White	0	Hispanic/Latino	1		
Stolen property:						
Total	0					
	Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black	0
	White	0	Hispanic/Latino	0		
Other:						
Total	1					
	Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black	0
	White	0	Hispanic/Latino	1		

Result of the stop

Verbal warning:						
Total	157					
	Alaska Native/American Indian	0	Asian/Pacific Islander	3	Black	1
	White	78	Hispanic/Latino	75		
Written warning:						
Total	344					
	Alaska Native/American Indian	2	Asian/Pacific Islander	6	Black	11
	White	158	Hispanic/Latino	167		
Citation:						
Total	206					
	Alaska Native/American Indian	0	Asian/Pacific Islander	6	Black	5
	White	59	Hispanic/Latino	136		

Racial Profiling Report | Full Report
ALPINE POLICE DEPARTMENT
1/1/2020 - 12/31/2020

Page 5

Written warning and arrest:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Citation and arrest:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Arrest:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Arrest based on

Violation of Penal Code:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Violation of Traffic Law:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Violation of City Ordinance:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Outstanding Warrant:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

ALPINE POLICE DEPARTMENT

1/1/2020 - 12/31/2020

Was physical force resulting in bodily injury used during stop?

Yes:

Total	0	Alaska Native/American Indian	0	Asian/Pacific Islander	0	Black	0
		White	0	Hispanic/Latino	0		

No:

Total	707	Alaska Native/American Indian	2	Asian/Pacific Islander	15	Black	17
		White	295	Hispanic/Latino	378		

Number of complaints of racial profiling?

Total 0

Resulted in disciplinary action 0

Did not result in disciplinary action 0

Submitted electronically to the



The Texas Commission on Law Enforcement

 11/29/2020 - 12/02/2020

Crime Category	Occurrences
Criminal Homicide	0
A. Murder/Non-Negligent Manslaughter	0
B. Negligent Manslaughter	0
Sex Offense	0
Robbery	0
Burglary	0
Motor Vehicle Theft	0
Arson	0
Liquor Law Violations	0
Drug-Related Violations	0
Weapons Possession	0
Aggravated Assault	0
Hate Crimes	0
Total	0

 11/29/2019 - 12/02/2019

Crime Category	Occurrences
Criminal Homicide	0
A. Murder/Non-Negligent Manslaughter	0
B. Negligent Manslaughter	0
Sex Offense	0
Robbery	0
Burglary	0
Motor Vehicle Theft	0
Arson	0
Liquor Law Violations	0
Drug-Related Violations	0
Weapons Possession	0
Aggravated Assault	0
Hate Crimes	0
Total	0

 11/29/2018 - 12/02/2018

Crime Category	Occurrences
Criminal Homicide	0
A. Murder/Non-Negligent Manslaughter	0
B. Negligent Manslaughter	0
Sex Offense	0
Robbery	0
Burglary	0
Motor Vehicle Theft	0
Arson	0
Liquor Law Violations	0
Drug-Related Violations	0
Weapons Possession	0
Aggravated Assault	0
Hate Crimes	0
Total	0

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.) –

2. Discuss, consider, and take appropriate action to approve Resolution 2021-02-11 providing an additional payment option for certain short term rental operators who have been remitting Hotel Occupancy Taxes regularly and that are current and in good standing with the City. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

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

FEBRUARY 16, 2021

E. ZIMMER

PRESENTED BY:

E. ZIMMER

**AGENDA
REQUEST NO:**

ACTION ITEM

**RESPONSIBLE
DEPARTMENT:**

ADMINISTRATION

**FINANCE
DIRECTOR:**

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

EXHIBITS:

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 FY2018-2019: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2021-02-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS PROVIDING AN ADDITIONAL PAYMENT OPTION FOR CERTAIN SHORT TERM RENTAL OPERATORS WHO HAVE BEEN REMITTING HOTEL OCCUPANCY TAXES REGULARLY AND THAT ARE CURRENT AND IN GOOD STANDING WITH THE CITY.

WHEREAS, the City Council of the City of Alpine have determined changes to the short term rental process benefits the city and its citizens; and

WHEREAS, the guidelines, regulations, and enforcement regarding short term rentals have been established by City Council Ordinance 2021-01-01; and

WHEREAS, the City Council of the City of Alpine has deemed it to be in the public interest to provide an additional payment option for short term rental operators who are current and in good standing with the City.

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

1. The City resolves to allow short term rental operators who are current and in good standing with the city to have their future Hotel Occupancy Tax payments cover the cost of the Short Term Rental Special Use Permit established in City Ordinance 2021-01-01.
2. To be eligible for this special payment option, operators must be current with their Hotel Occupancy Tax payments, must have remitted regular Hotel Occupancy Tax payments, and be considered to be in good standing with the City of Alpine as of January 31, 2021.
3. This one time special payment option is only available for the initial Short Term Rental Special Use Permit fee of three-hundred and fifty dollars (\$350).

PASSED AND APPROVED THIS THE 16th DAY OF FEBRUARY 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

ATTEST:

Andres "Andy" Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine

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.) –

3. Discuss, consider, and take appropriate action to approve Resolution 2021-02-12 regarding a donation of unused playground equipment to Sul Ross State University. (E.Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	FEBRUARY 16, 2021	AGENDA REQUEST NO:	ACTION ITEM
	E. ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	E. ZIMMER	FINANCE DIRECTOR:	
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:			
EXHIBITS:			
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 FY2018-2019: \$		0	
ADDITIONAL FUNDING: \$			
RECOMMENDED ACTION			
EXECUTIVE SUMMARY			

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2021-02-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS
DONATING PLAYGROUND EQUIPMENT TO SUL ROSS STATE UNIVERSITY.**

WHEREAS, the City of Alpine has made improvements and upgrades to the playground equipment at Baines Park; and

WHEREAS, the playground equipment previously used at Baines Park is not being utilized by the City and Sul Ross State University has expressed interest in utilizing the equipment; and

WHEREAS, the City Council of the City of Alpine have determined that a donation of unused park equipment to Sul Ross State University is in the best interest of the citizens of Alpine.

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

1. The City resolves to donate the unused playground equipment previously used at Baines Park to Sul Ross State University. An itemized list and photographs is heretofore attached as "Exhibit A. "

PASSED AND APPROVED THIS THE 16th DAY OF FEBRUARY 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

ATTEST:

Andres "Andy" Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine

EXHIBIT "A"

Baines Park Unused Playground Equipment	
Item	Description
1	Slide (plastic)
2	Slide(plastic) and High box (wood)
3	1/2 boat and high box (wood)
4	1/2 boat (wood) & climbing triangle (metal)
5	Kiosk (metal)
6	Ladder & walkway (metal)
7	Tunnel & Walkway (metal)
8	Tunnel & Kiosk (metal)

Item 1



Item 2



Item 3



Item 4



Item 5



Item 6



Item 7



Item 8



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.) –

4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-02-01, an ordinance amending Chapter 10 - Animals, Article VI - Animal Advisory Board, Section 10-223 to the Alpine Code of Ordinances. (M. Curry, City Council)



CITY COUNCIL

AGENDA REQUEST

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

FEBRUARY 16, 2021

M. CURRY

PRESENTED BY:

M. CURRY

**AGENDA
REQUEST NO:**

ACTION ITEM

**RESPONSIBLE
DEPARTMENT:**

CITY COUNCIL

**FINANCE
DIRECTOR:**

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

EXHIBITS:

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 FY2018-2019: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

ORDINANCE 2021-02-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 10 – ANIMALS, ARTICLE VI – ANIMAL ADVISORY BOARD, SECTION 10-223 TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning animals; and

WHEREAS, the Animal Advisory Board has recommended changes to Chapter 10 – Animals to the Alpine Code of Ordinances; and

WHEREAS, it is deemed to be in the best interest of the City to amend Section 10-223 in Article VI – Animal Advisory Board, Chapter 10 – Animals to the Alpine Code of Ordinances.

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 form hereto described as Exhibit “A” 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. It is the intent of the City Council to replace Section 10-223 in Article VI – Animal Advisory Board, Chapter 10 – Animals to the Alpine Code of Ordinances with Exhibit “A.”

**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 MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

FEBRUARY 16, 2021

SECOND AND FINAL READING

MARCH 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**

EXHIBIT "A"

Sec. 10-223. - Members.

The city council shall appoint eight members to the board. One member shall be an elected council member, one member shall be a licensed veterinarian, one member shall be a member of the Humane Society, and five members ~~are shall be residents of council wards 1 through 5, not limited to specific wards and are not limited to residing within the city limits of Alpine. Members shall be residents and/or own property as taxpayers of the city and be qualified voters--must live within 10 miles of the Alpine city limits and be passionate about the duties of the Alpine Advisory Board of the City of Alpine.~~ The animal control officer shall sit on the board as the ex-officio member. A member's term is two years and shall align and coincide with that of the appointing city official. The city council shall appoint a chairperson for the board, and the board shall select a vice-chairman and recording secretary. The board will meet at least quarterly. Members missing three consecutive meetings may be dismissed.

(Ord. No. 2008-11-01, § 1, 1-6-09; Ord. No. 2010-02-01, 3-16-10; Ord. No. 2016-10-02, 11-1-16)

Sec. 10-223. - Members.

The city council shall appoint eight members to the board. One member shall be an elected council member, one member shall be a licensed veterinarian, one member shall be a member of the Humane Society, and five members shall be residents of council wards 1 through 5. Members shall be residents and/or own property as taxpayers of the city and be qualified voters. The animal control officer shall sit on the board as the ex-officio member. A member's term is two years and shall align and coincide with that of the appointing city official. The city council shall appoint a chairperson for the board, and the board shall select a vice-chairman and recording secretary. The board will meet at least quarterly. Members missing three consecutive meetings may be dismissed.

11.12.19

Motion was made by Kathy Bork that appointments to the Alpine Advisory Board need not be limited to specific wards or to persons living within the city limits of Alpine. In addition, board members must live within 10 miles of the Alpine city limits and be passionate about the duties of the Alpine Advisory Board regarding the City of Alpine. Seconded, discussed further and clarified, and unanimously carried.

Suggested:

Sec. 10-223. - Members.

The city council shall appoint eight members to the board. One member shall be an elected council member, one member shall be a licensed veterinarian, one member shall be a member of the Humane Society, and five members ~~are shall be residents of council wards 1 through 5~~ not limited to specific wards or persons living within the city limit. Members ~~shall be residents and/or own property as taxpayers of the city and be qualified voters.~~ must live within 10 miles of the Alpine city limits and be passionate about the duties of the Alpine Advisory Board regarding the City of Alpine. The animal control officer shall sit on the board as the ex-officio member. A member's term is two years and shall align and coincide with that of the appointing city official. The city council shall appoint a chairperson for the board, and the board shall select a vice-chairman and recording secretary. The board will meet at least quarterly. Members missing three consecutive meetings may be dismissed.

Since we had a vote to change the membership requirements on 11.12. 2019 is it ready to present to council?

We did have a vote on 11.12.19 to update the membership requirements for the AAB to remove the ward and city residence requirements, although we never did get it into the ordinance.

Our reasoning was for me to continue with the AAB, as I was no longer the Humane Society representative, but also to lessen the

ward restrictions to attract more interested people and not always be challenged by meeting quorum.

Since November 2019, we have not needed to postpone a meeting due to lack of quorum. Although, Covid-19 did impact the schedule. (Meetings - 03.10.20; 09.03.20; 10.27.20; 11.2.20)

At that time, we discussed that the Humane Society position was not filled. Jennifer has recently had a discussion with the Humane Society and I believe they want to put forth a representative for AAB membership.

Attached are the minutes where we made that decision and a suggested ordinance update for those items.

FYI - February 9, 2021 is the next opportunity to schedule an AAB. We still have the wildlife feeding ordinance to consider.

City of Alpine Animal Advisory Board Meeting
Tuesday, November 12, 2019
6:00 P.M.
Minutes

1. Call to Order: Maria Curry, Chair, called the meeting to order at 6:00 P.M. The meeting was held in the City Council Chambers at 803 W. Holland in the City of Alpine, Texas.
2. Determination of Quorum and Proof of Notice of Meeting: Chair Maria Curry, Vice-Chair Patsy Culver, Lauren Spear, Kathy Bork, Dr. Mary Dodson present and constituting a quorum. Meeting notice was posted at 4:00 P.M. on November 6, 2019. Also present, Jennifer Stewart – Alpine Animal Services (AAS) Department Head, and guests – City Manager Erik Zimmer and Pat McCall.
3. Approval of Minutes from Animal Advisory Board (AAB) Meeting of October 8, 2019: Motion was made by Kathy Bork, seconded, and unanimously carried.

4. Information and Discussion:

1. Update on Legal Review progress on Chapter 10, Sec 10-186
 - Maria reported that she had NO REPORT on proposed ordinance changes of Article IV- Dangerous Animals. Sec 10-186 is still under legal review by City Attorney.
2. Update on City Council Advisory Board Membership options.
 - Maria reported that City Council had not considered our options.
3. Proposed additions to the City Ordinances, Chapter 10, Sec 10-118, Impoundment and destruction, and 10-60 Tethering of animals, unlawful restraints of dogs.

Jennifer Stewart, AAS Department Head, reviewed proposed procedural additions to the ordinances.

 - 10-118 Impoundment– Need clarification for arrest or medical emergency of owner and seizure of pet. Group discussed notice and time limit for reclamation and felt these should follow veterinarians' guidelines for abandoned dogs. Notice of owner's whereabouts by arresting officers was also discussed.
 - 10-60 Tethering – Need clarification of seizure of an animal on a tether when extreme weather conditions are present. Kathy Bork and Lauren Spear were concerned that 10-116 could contradict 10-60 and that other items in this ordinance are not clear. Group will discuss at future meetings.

5. Action:

1. Discuss, consider, and take appropriate action on proposed additions to City Ordinances Chapter 10, Sec 10-118 and 10-60
 - a. Motion was made by Patsy Culver to recommend to City Council updates to 10-118 Impoundment and Destruction as amended by Texas Veterinarian Medical Association or similar governing code. Seconded, discussed further and clarified, and unanimously carried.
 - b. Motion was made by Patsy Culver to recommend to City Council updates to 10-60 as presented. Seconded and unanimously carried.

2. Discuss, consider, and take appropriate action on Alpine Advisory Board Membership option.
 - a. Motion was made by Kathy Bork that appointments to the Alpine Advisory Board need not be limited to specific wards or to persons living within the city limits of Alpine. In addition, board members must live within 10 miles of the Alpine city limits and be passionate about the duties of the Alpine Advisory Board regarding the City of Alpine. Seconded, discussed further and clarified, and unanimously carried.
6. Adjournment: Motion to adjourn was made by Patsy Culver and seconded. Meeting adjourned at 6:50 P.M.

Patsy Culver, Vice-Chair

Next Meeting - January 14, 2020

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.) –

5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-02-02, an ordinance amending Chapter 10 - Animals, Article II - Keeping Animals, Sections 10-41 and 10-59 to the Alpine Code of Ordinances. (M. Curry, City Council)



CITY COUNCIL

AGENDA REQUEST

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

FEBRUARY 16, 2021

M. CURRY

PRESENTED BY:

M. CURRY

**AGENDA
REQUEST NO:**

ACTION ITEM

**RESPONSIBLE
DEPARTMENT:**

CITY COUNCIL

**FINANCE
DIRECTOR:**

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

EXHIBITS:

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 FY2018-2019: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

ORDINANCE 2021-02-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 10 – ANIMALS, SECTIONS 10-41 AND 10-59 TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning animals; and

WHEREAS, the Animal Advisory Board has recommended changes to Chapter 10 – Animals to the Alpine Code of Ordinances; and

WHEREAS, it is deemed to be in the best interest of the City to remove item (b) from Section 10-41, and add the same to Section 10-59 of Chapter 10 – Animals to the Alpine Code of Ordinances.

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 form hereto described as Exhibit “A” 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 MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

FEBRUARY 16, 2021

SECOND AND FINAL READING

MARCH 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**

EXHIBIT "A"

Chapter 10 - ANIMALS¹¹

ARTICLE II. - KEEPING ANIMALS

DIVISION 1. - GENERALLY

Sec. 10-41. - Standards.

- (a) Requirements for outside dogs—Confinement requirements for dogs kept outdoors. An owner of a dog commits an offense if the fenced yard, or other pen or structure, used as the primary living area for the dog to regularly eat, sleep, drink and eliminate is not:
- (1) At least 150 square feet for each dog six months of age or older;
 - (2) Designed, constructed, and composed of material sufficient to prevent the dog's escape; and
 - (3) Designed in a manner that provides the dog access to the inside of a dog house, building, or shelter that meets all requirements of subsection (a)(4) of this section.
 - (4) A dog house or other building or shelter for a dog must:
 - a. Have a weatherproof top, bottom and sides;
 - b. Have an opening on no more than one side that allows the dog to remain dry and provides adequate shade during daylight hours to prevent overheating and discomfort to the dog;
 - c. Have a floor that is level and dry;
 - d. Be free from cracks, depressions, and rough areas that might be conducive to insects, parasites, and other pests;
 - e. Be of adequate size to allow the dog to stand erect with the dog's head up, to turn around easily, and to sit and lie down in a comfortable and normal position;
 - f. Have sufficient clean and dry bedding material or other means of protection from the weather that will allow the dog to retain body heat when the weather is colder than what a dog of that breed and condition can tolerate;
 - g. Provide suitable means for the prompt elimination of excess liquids;
 - h. Be structurally sound, maintained in good repair, and constructed with material that protects the dog from injury; and
 - i. Allows the dog in and out.
- (b) ~~No person having charge or custody of an animal shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle or trailer under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water, or other such circumstances as may be reasonably expected to cause suffering, disability or death of such animal.~~
- (c) Owners of animals shall keep such animals restrained at all times within the city. An animal shall be deemed restrained when it is confined on the premises of the owner within a secure fence or enclosure; confined by means of a collar or harness attached to a chain or similar device anchored securely to the owner's property so as to keep the animal on the premises, out of reach of the public right-of-way (sidewalks, alleys and streets), within a vehicle being driven or parked, or under the direct physical control of a competent person by means of a secure leash not over six feet in length or similar secure device.

- (d) The owner shall keep the pen or enclosure in such a manner as not to give off odors offensive to persons residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects, or in any manner to endanger the public health or safety, or create a public nuisance.
- (e) The owner of any large or small livestock animal shall keep all pens, enclosures and shelter structures wherein such animals or fowl are kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any large or small livestock animal or fowl shall not allow offal, manure and waste material of such animal to accumulate or remain in the pens, enclosures and shelter areas, excluding pasture acreage, in any manner which is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner which endangers the public health or safety, or which creates an unhealthy environment. The maintenance or permitting of the conditions in this section on any such lot or parcel of ground is hereby declared to be a public nuisance. The owner of any large or small livestock animal or fowl shall in a sanitary manner remove or dispose of all offal, manure and waste material accumulating from such animal or fowl as needed to ensure sanitary conditions and no less frequently than every 72 hours.
- (f) Feed troughs shall be provided for the feeding of vegetables, meat, scraps or garbage, and such feeding shall be done only in containers or on an impervious platform.
- (g) Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects.
- (h) No putrescible material shall be allowed to accumulate on the premises, and all such material used as feed which is unconsumed shall be removed daily and disposed of by burial or other means approved by the animal control officer.

Sec. 10-59. - Animals in vehicles.

~~A person commits an offense if he intentionally, knowingly, recklessly or with criminal negligence transports an animal in a motor vehicle, trailer or other conveyance in a cruel, inhumane or unsafe manner or fails to effectively and humanely restrain the animal so as to prevent the animal from jumping from or being thrown from the vehicle, trailer or other conveyance during its normal operation.~~

(a) A person commits an offense if he intentionally, knowingly, recklessly or with criminal negligence transports an animal in a motor vehicle, trailer or other conveyance in a cruel, inhumane or unsafe manner or fails to effectively and humanely restrain the animal so as to prevent the animal from jumping from or being thrown from the vehicle, trailer or other conveyance during its normal operation.

(b) No person having charge or custody of an animal shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle or trailer under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water, or other such circumstances as may be reasonably expected to cause suffering, disability or death of such animal

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.) –

6. Discuss and take appropriate action relative to the City's position regarding the County encroachment on City property adjacent to the County Jail and Old City Hall offices. (R. Stephens, City Council)



CITY COUNCIL

AGENDA REQUEST

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

FEBRUARY 16, 2021

R. STEPHENS

PRESENTED BY:

R. STEPHENS

**AGENDA
REQUEST NO:**

ACTION ITEM

**RESPONSIBLE
DEPARTMENT:**

CITY COUNCIL

**FINANCE
DIRECTOR:**

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

EXHIBITS:

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 FY2018-2019: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

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 the Union Pacific Ordinance Update. (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 Union Pacific Ordinance Update. (E. Zimmer, City Manager)

13. Adjourn