

**City of Alpine**  
**Regular City Council Meeting**  
**Tuesday, March 2, 2021**

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, March 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](http://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](mailto: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.

## 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 discussion with County Attorney relative to footprint of County Jail and underlying verbal agreements relative to the sale of the property
- Case file update post initial Docket
- Update on Parkhill-Smith & Cooper

### City Manager Report

- Coronavirus Update
- Property Sales Process and Property Inventory update
- Costs associated with retrofitting old Municipal Court location to short term jail space

### City Staff Update

6. Public Hearings –
  1. Public Hearing regarding the second and final 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)
  2. Public Hearing regarding the second and final 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)

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 February 23, 2021 (E. Zimmer, City Manager)
2. Approval of application for the Parks & Recreation Advisory Board for the Alpine Friends of the Park board appointment by applicant Leticia Carrillo, President of Big Bend Parks and Recreation for Kids (E. Zimmer, City Manager)

8. Information or Discussion items –

1. Utility Billing and Property Owner as primary on Utility Bills (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 to approve Resolution 2021-03-02, a Declaration of Local Disaster from the Power Outage (E. Zimmer, City Manager)

2. Discuss, consider, and take appropriate action to approve Resolution 2021-03-03 from Rio Grande Council of Governments for the City of Alpine's annual dues in the Far West Texas Regional Water Planning Group (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action to approve the Certification of Unopposed Candidates for the Ward 3, 2021 election (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action to approve the Order of Cancellation for the Ward 3, 2021 election (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action on the recommendation from the Planning & Zoning Commission to approve a Conditional Use Permit application for the establishment of a blacksmith shop. Property is located at 501 West Gallego Avenue. Legal description is Lot one (1), in Block sixty-two (62), of the Original Town of Alpine, Brewster County, Texas (R12163). Owner of record is Alexander Kamelhair (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action to approve the replat for a building located at 1306 East Holland Avenue establishing Lot 1-A and 2-A, in Block 24, containing 2.374 acres in Hancock Addition to the City of Alpine, Brewster County, Texas. (Erik Zimmer, City Manager)
7. Discuss, consider, and take appropriate action to approve the second and final 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)
8. Discuss, consider, and take appropriate action to approve the second and final 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)
9. Discuss, consider, and take appropriate action to approve the first reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections (E. Zimmer, City Manager)
10. Discuss, consider, and take appropriate action to approve the first reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals, concerning Wildlife Feeding and Hunting (M. Curry, City Council)
10. City Councilmember Comments and Answers – No discussion or action may take place.
11. Executive Session – None

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 – None

13. Adjourn

I certify that this notice was posted at 2:00 P. M. on February 26, 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](mailto:city.secretary@ci.alpine.tx.us) for further information.

DocuSigned by:

*Cynthia Salas*

307083502001491

Cynthia Salas, City Secretary  
City of Alpine

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 discussion with County Attorney relative to footprint of County Jail and underlying verbal agreements relative to the sale of the property
- Case file update post initial Docket
- Update on Parkhill-Smith & Cooper

City Manager Report

- Coronavirus Update
- Property Sales Process and Property Inventory update
- Costs associated with retrofitting old Municipal Court location to short term jail space

City Staff Update – None

6. Public Hearings –

1. Public Hearing regarding the second and final 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)
2. Public Hearing regarding the second and final 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)



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 February 23, 2021 (E. Zimmer, City Manager)
2. Approval of application for the Parks & Recreation Advisory Board for the Alpine Friends of the Park board appointment by applicant Leticia Carrillo, President of Big Bend Parks and Recreation for Kids (E. Zimmer, City Manager)

City of Alpine  
Regular City Council Meeting  
Tuesday, February 23, 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 the Civic Center 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 and Councilor Betty Fitzgerald attended via zoom. City Manager, Erik Zimmer reported that the agenda was posted at 2:00 P.M. on February 19, 2021. City Manager Erik Zimmer attended via zoom.
3. Public Comments (limited to 3 minutes per person) –
4. Presentation, Recognitions, and Proclamations – (A. Ramos, Mayor)
5. Reports – Copies of the charts presented during the meeting are posted on the City website at [www.cityofalpine.com/cmreports](http://www.cityofalpine.com/cmreports)

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

City Attorney's Report – None

City Manager Report –

- Coronavirus Update
- SRSU Update -President Pete Gallego
- Poets Grove/Kokernot Lodge/Kokernot Park Project Update
- Election Candidate Update
- AVFD Interlocal Agreement

City Staff Updates –

- Finance/Utility Billing by Megan Antrim

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 February 2, 2021. (E. Zimmer, City Manager)

Council minutes: 02-23-2021

Approved: 03-02-2021

2. Approval of Ben Struthers application for the Parks Board for Ward 3. (B. Fitzgerald, City Council)
3. Approval of James Etchison application for the Animal Advisory Board for Ward 4. (M. Sandate, City Council)

Motion was made by Councilor Stephens, by Resolution 2021-02-09 to move item 3 to action items and approve items 1 and 2 as presented. Motion was seconded by Councilor Curry. Motion unanimously carried.

#### 8. Information or Discussion items –

1. Border Security Update – with Chief Robert Martin. (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. Approval of James Etchison application for the Animal Advisory Board for Ward 4. (M. Sandate, City Council) - Motion was made by Councilor Curry, by Resolution 2021-02-10, to remove Mr. Etchison for consideration and invite Mr. Etchison to attend the next Animal Advisory Board meeting on March 9, 2021. Motion was seconded by Councilor Stephens. Motion unanimously carried.

1. Discuss, consider, and take appropriate action approving the APD Annual Racial Profiling Report. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-13, to approve the APD Annual Racial Profiling Report. Motion was seconded by Councilor Curry. Motion unanimously carried.

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) – Motion was made by Councilor Stephens, by Resolution 2021-02-11 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. Motion was seconded by Councilor Curry. Motion unanimously carried.

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) – Motion was made by Councilor Stephens, by Resolution 2021-02-12 regarding a donation of unused playground equipment to Sul Ross State University. Motion was seconded by Councilor Curry. Motion unanimously carried.

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) – Motion was made by Councilor Curry, by Resolution 2021-02-14, to approve 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. Motion was made by Councilor Rodriguez. Motion unanimously carried

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, Section 10-41 and 10-59 to the Alpine Code of Ordinances. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2021-02-15 to approve the first reading of Ordinance 2021-02-02, an ordinance

amending Chapter 10 – Animals, Article II – keeping Animals, Section 10-41 and 10-59 to the Alpine Code of Ordinances. Motion was seconded by Councilor Stephens. Motion unanimously carried.

6. Discuss, consider, and take appropriate action relative to the City position regarding the County encroachment of City property adjacent to the County Jail and Old City Hall offices. (R. Stephens, City Council) – Motion was made by Councilor Stephens, by Resolution 2021-02-16 to direct the City Attorney to investigate the County encroachment of City property adjacent to the County Jail and Old City Hall offices. Motion was seconded by Councilor Curry. Motion unanimously carried.

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. –

**Motion was made by Councilor Stephens, by Resolution 2021-02-17, to move into Executive Session. Motion was seconded by Councilor Curry. (7:06pm)**

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 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)

**Motion was made by Councilor Stephens, by Resolution 2021-02-18, to come out of Executive Session. Motion was seconded by Councilor Rodriguez (7:27pm)**

**Motion was made by Councilor Stephens, by Resolution 2021-02-19 to move into open session. Motion was seconded by Councilor Rodriguez (7:28pm)**

12. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, on the Union Pacific Ordinance Update. (E. Zimmer, City Manager)

**Motion was made by Councilor Stephens, by Resolution 2021-02-20 that City Council add the Union Pacific Ordinance update at the next City Council meeting. Motion was seconded by Councilor Rodriguez. Motion unanimously carried.**

I certify that this notice was posted at 2:00 P.M. on February 19, 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.

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Andres "Andy" Ramos, Mayor

Attest:

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Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 5:00 P.M. on February 19, 2021, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Cynthia Salas, City Secretary



**CITY OF ALPINE  
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE**

\* First Name

Leticia

\* Last Name

Carrillo

\* Street Address

109 Haystack Mountain Dr.

\* City

Alpine

\* State

TX

\* Zip

79830

\* Email Address

lettycarr816@gmail.com

\* Phone

(432)244-9678

\* Occupation

Investigator

\* How long have you been a resident of or involved with Alpine?

18 years

\* Are you a qualified voter of the City of Alpine?

☒ Yes

☐ No

\* Board or Commission you have interest in serving on:

City Parks Advisory Board

\* Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this board/commission:

I have lived in Alpine for the past 18 years and have served as a peace officer for that time as well. I am currently a Master peace officer and am the Investigator for the 83rd District Attorney's Office. I am married with 4 children, the oldest being 26 and the youngest 4. I am now the President of Big Bend Parks and Recreation for Kids. I was Vice-President and moved into the President position upon Dr. Ekta Escovar stepping down as her family is relocating.

Please state why you wish to service the City of Alpine as a member of a board or commission:

\* Do you receive any compensation from the City of Alpine or are there any potential conflicts of interest if you serve the City of Alpine?

☐ Yes

☒ No

\* Do you currently, or have you in the past served the City of Alpine?

☒ Yes

☐ No

If yes, in what capacity?

Patrol Sergeant with Alpine Police Department

How long?

14 years

I, the applicant for this *Boards & Commissions Application*, certify that the information contained in this application is true, correct, and complete. I understand that, if selected, false statements reported on this applications may be considered sufficient cause for dismissal.

**\* Electronic Signature**

**\* Date**

Leticia Carrillo

02/11/2021

Format: MM/DD/YYYY

**\* I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.**

☒ **Option 1**

8. Information or Discussion items –

1. Utility Billing and Property Owner as primary on Utility Bills (R. Stephens, City Council)



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1. Discuss, consider, and take appropriate action to approve Resolution 2021-03-02, a Declaration of Local Disaster from the Power Outage (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action to approve Resolution 2021-03-03 from Rio Grande Council of Governments for the City of Alpine's annual dues in the Far West Texas Regional Water Planning Group (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action to approve the Certification of Unopposed Candidates for the Ward 3, 2021 election (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action to approve the Order of Cancellation for the Ward 3, 2021 election (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action on the recommendation from the Planning & Zoning Commission to approve a Conditional Use Permit application for the establishment of a blacksmith shop. Property is located at 501 West Gallego Avenue. Legal description is Lot one (1), in Block sixty-two (62), of the Original Town of Alpine, Brewster County, Texas (R12163). Owner of record is Alexander Kamelhair (E. Zimmer, City Manager)
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7. Discuss, consider, and take appropriate action to approve the second and final 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)
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1. Discuss, consider, and take appropriate action to approve Resolution 2021-03-02, a Declaration of Local Disaster from the Power Outage (E. Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

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

ERIK ZIMMER

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

**ADMINISTRATION**

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**PRESENTED BY:**

ERIK ZIMMER

**SUBJECT /  
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE RESOLUTION 2021-03-02, A DECLARATION OF LOCAL DISASTER FROM THE POWER OUTAGE

**EXHIBITS:**

RESOLUTION 2021-03-02

### 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

City Manager  
Erik Zimmer

City Secretary  
Cynthia Salas



Mayor  
Andres "Andy" Ramos

City Attorney  
Sandy Wilson

100 North 13th Street Phone 432-837-3301 Fax 432-837-2044

*"To provide quality service to the citizens of Alpine"*

## RESOLUTION 2021-03-02

**WHEREAS**, The City of Alpine on the 13<sup>th</sup> day of February, 2021, has suffered widespread or severe damage, injury, or loss of life or property (or there is imminent threat of same) resulting from

### **FEBRUARY WINTER WEATHER 2021**

**WHEREAS**, The City Council of the City of Alpine has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property.

### **NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF ALPINE:**

That a local state of disaster is hereby declared for City of Alpine pursuant to §418.108(a) of the Texas Government Code.

Pursuant of §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the City Council of the City of Alpine:

Pursuant of §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with City Secretary.

Pursuant of §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency management plan.

That this proclamation shall take effect immediately from and after its issuance.

**ORDERED** this 2nd day of March, 2021.

**ATTEST:**

\_\_\_\_\_  
Andres Ramos, Mayor  
City of Alpine

\_\_\_\_\_  
Cynthia Salas, City Secretary  
City of Alpine

COUNCILWOMAN WARD 1  
MARIA CURRY

COUNCILWOMAN WARD 2  
CHRIS RODRIGUEZ

COUNCILWOMAN WARD 3  
BETTY FITZGERALD

COUNCILMAN WARD 4  
MARTIN SANDATE

COUNCILMAN WARD 5  
RICK STEPHENS



**GOVERNOR GREG ABBOTT**

**For Immediate Distribution** | February 19, 2021 | [\(512\) 463-1826](tel:5124631826)

**Governor Abbott, TDEM Urge Texans To Submit Self Reporting Damage Survey**

AUSTIN - Governor Greg Abbott and the Texas Division of Emergency Management (TDEM) are encouraging Texans to complete the [Self Reporting Damage Survey](#) to help the state identify damages across Texas and help emergency management officials gain an understanding of damages that occurred during the recent winter weather. This data is also needed to provide information to FEMA and highlight the need for federal disaster assistance for individuals.

The voluntary survey, available in both English and Spanish, can be accessed by visiting: [www.TDEM.texas.gov/warm](http://www.TDEM.texas.gov/warm). Reporting damage to the Texas Division of Emergency Management is a voluntary activity, is not a substitute for reporting damage to an insurance agency, and does not guarantee disaster relief assistance.

"I urge Texans to fill out the Self Reporting Damage Survey and provide crucial information on the winter weather impacts to their home or property," said Governor Abbott. "The information gleaned from this survey will help our state identify the full impact of this winter weather and help emergency management better serve Texans."



**TDEM**  
THE TEXAS A&M UNIVERSITY SYSTEM



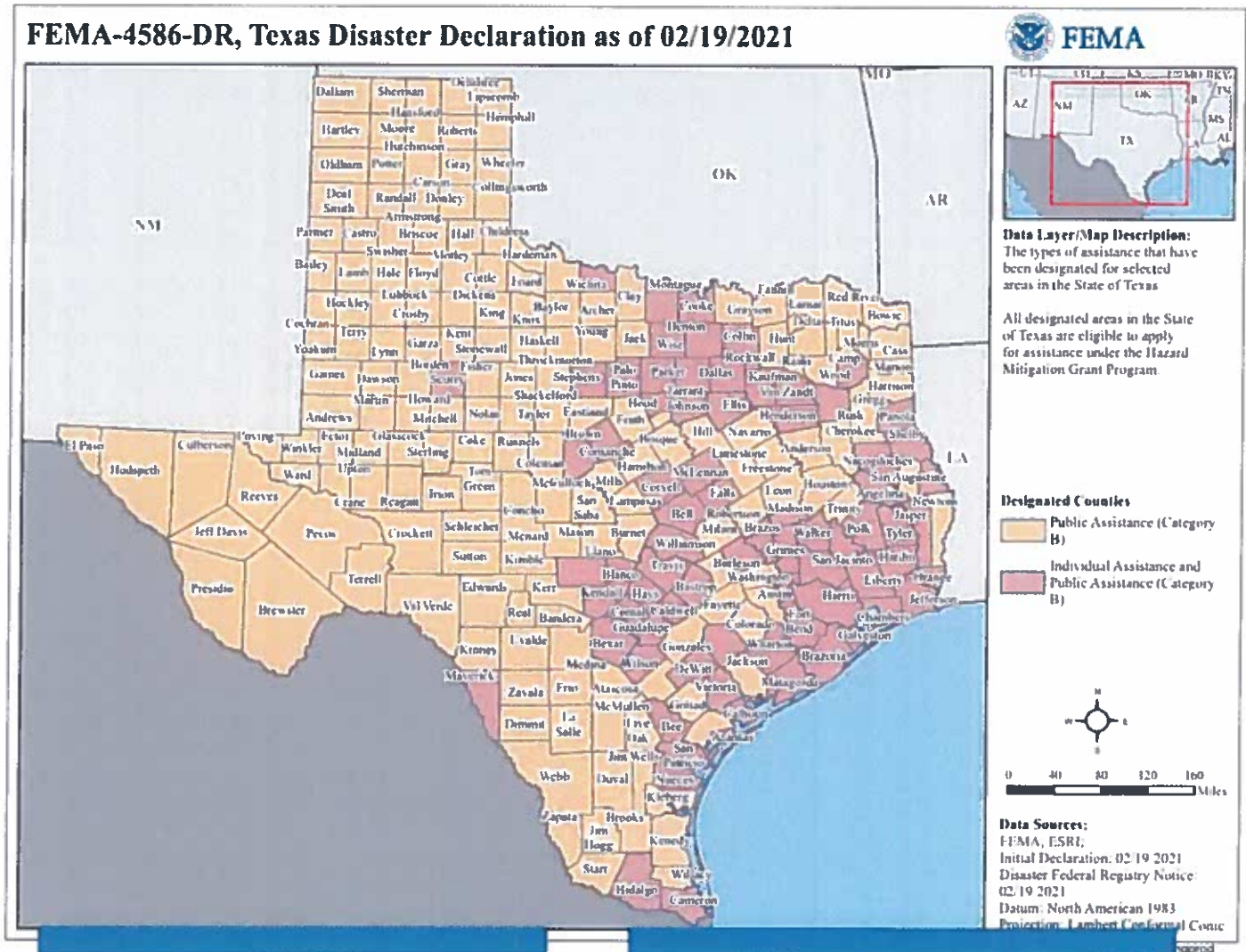
**REPORT DISASTER DAMAGES**

[tdem.texas.gov/warm](http://tdem.texas.gov/warm)

Incident Period: February 11, 2021 and continuing.

Declaration Date: February 19, 2021

**FEMA-4586-DR, Texas Disaster Declaration as of 02/19/2021**



2. Discuss, consider, and take appropriate action to approve Resolution 2021-03-03 from Rio Grande Council of Governments for the City of Alpine's annual dues in the Far West Texas Regional Water Planning Group (E. Zimmer, City Manager)





# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA FOR COUNCIL MEETING: INITIATED BY:</b>	<b>ERIK ZIMMER</b>	<b>AGENDA REQUEST NO:</b>	<b>ACTION</b>
<b>PRESENTED BY:</b>	<b>ERIK ZIMMER</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>ADMINISTRATION</b>
		<b>FINANCE DIRECTOR:</b>	
		<b>ADDITIONAL DIRECTOR (S):</b>	

<b>SUBJECT / PROCEEDING:</b>	<b>DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE RESOLUTION 2021-03-03 FROM RIO GRANDE COUNCIL OF GOVERNMENTS FOR THE CITY OF ALPINE'S ANNUAL DUES IN THE FAR WEST TEXAS REGIONAL WATER PLANNING GROUP</b>
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<b>EXHIBITS:</b>	<b>RESOLUTION 2021-03-03, LETTER FROM RIO GRANDE COG, STATEMENT</b>
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<b>CLEARANCES</b>	<b>APPROVAL</b>
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<b>LEGAL:</b>	<b>CITY ATTORNEY</b>	<b>SANDY WILSON:</b>	_____
<b>FINANCE:</b>	<b>FINANCE DIRECTOR</b>	<b>MEGAN ANTRIM:</b>	_____
<b>APPROVAL:</b>	<b>CITY MANAGER</b>	<b>ERIK ZIMMER:</b>	_____

<b>BUDGET</b>
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<b>EXPENDITURE REQUIRED: \$</b>	<b>0</b>
<b>SAVINGS ANTICIPATION: \$</b>	
<b>CURRENT BUDGET FY2018-2019: \$</b>	<b>0</b>
<b>ADDITIONAL FUNDING: \$</b>	

<b>RECOMMENDED ACTION</b>
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<b>EXECUTIVE SUMMARY</b>
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STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

**RESOLUTION 2021-03-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS MEMORIALIZING THE CITY OF ALPINE'S COMMITMENT TO THE FAR WEST TEXAS WATER PLANNING GROUP AND AUTHORIZING RENEWAL OF THE ANNUAL MEMBERSHIP.**

**WHEREAS**, the City Council of the City of Alpine have cause in their legislative pursuit to take action in regional planning for water in the Far West Texas region; and

**WHEREAS**, the City Council of the City of Alpine is pleased to be an active member of the Far West Texas Planning Group and believes that the Group mission is a critical component of planning for the future of our regional water resources; and

**WHEREAS**, water resources are a vital part of our commitment to the citizens of Alpine and the City Council wishes to continue its efforts as a member of the Far West Texas Water Planning Group.

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

1. The City resolves to continue its membership of the Far West Texas Planning Group
2. The annual membership dues of \$1,981.52 and the accompanying cost agreement are hereby approved.

**PASSED AND APPROVED THIS THE 2<sup>ND</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**ATTEST:**

---

Andres "Andy" Ramos, Mayor  
City of Alpine

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Cynthia Salas, City Secretary  
City of Alpine



Annette Gutierrez – Executive Director  
8037 Lockheed, Ste. 100  
El Paso, Texas 79925

Phone: (915) 533-0998  
Fax (915) 532-9385  
[www.riocog.org](http://www.riocog.org)

Thursday, February 11, 2021

The Honorable Andres "Andy" Ramos  
Mayor of Alpine  
City of Alpine  
100 N. 13th Street  
Alpine, TX 79830

RE: FY 21 Administrative Cost Share for Regional Water Planning

Dear Mayor Ramos:

Thank you for your past support of regional water planning. Your willingness to shoulder a portion of the administrative costs associated with the planning effort enables the members of the Far West Texas Water Planning Group to continue to work on everyone's behalf to carry out the state's mandate to plan for the future of the region's water resources. I apologize for the delay in sending out the agreement and invoice. The group was determining the most appropriate cost share to utilize for FY 21.

The proposed FY 21 Administrative Cost Share agreement for the water planning group members and the Rio Grande Council of Governments for the provision of administrative services to the Far West Texas Water Planning Group is attached for your review. I have also included the invoice and cost share schedule that shows the pro rata share of administrative costs assigned to each city, county, and water supplier in the planning region. Your entity's proposed pro rata share per year for FY21 is \$1,981.52.

These pro rata share amounts were determined utilizing the final Texas Water Development Board Water User Group (WUG) population data. The 85/15 proposed cost share plan uses the same urban/rural proportional share approved by the Far West Texas Water Planning Group during the initial planning cycle.

If you have any questions about the water planning process or the proposed cost-sharing agreements, please contact me [annetteg@riocog.org](mailto:annetteg@riocog.org) or at 915-533-0998, ext. 114.

Best Regards,

Annette Gutierrez  
Executive Director

cc: Erik Zimmer, City Manager



## **FY 2021 - FY 2022 ADMINISTRATIVE COST AGREEMENT FOR THE FAR WEST TEXAS WATER PLAN**

This Agreement ("the Agreement") is entered into on the date specified below between the **RIO GRANDE COUNCIL OF GOVERNMENTS** ("the COG"), acting as agent for the **FAR WEST TEXAS WATER PLANNING GROUP** ("the Planning Group"), and City of Alpine, (City of Alpine), all entities created by the laws of the State of Texas ("the parties").

### **RECITALS:**

- A.** The 75th Legislature of the State of Texas mandated regional water planning under the direction of the Texas Water Development Board ("the TWDB") in an Act known as Senate Bill 1 and required that the regional plans be updated every five years.
- B.** The Planning Group is charged with providing a comprehensive regional water plan ("the water plan") for Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, and Terrell counties, Texas, which was designated by the TWDB as Planning Area E ("the Planning Area").
- C.** The rules of the TWDB currently require that 100% of the administrative costs of developing the water plan ("the administrative costs") will be met with voluntary contributions from entities and individuals in the Planning Area.
- D.** The Planning Group, the COG, and City of Alpine have agreed to cooperate in funding a portion of the administrative costs for fiscal year 2021 ("FY 2021", October 1, 2020 through September 30, 2021) and fiscal year 2022 ("FY 2022", October 1, 2021 through September 30, 2022).

### **AGREEMENT:**

Now, therefore, in connection with and as a result of the foregoing, and for and in consideration of the mutual covenants and agreements contained in the Agreement, the parties contract and evidence their agreement as follows:

- 1. Administrative Contribution.** City of Alpine will contribute the amount of One Thousand and Nine Hundred and Eighty-One Dollars and Fifty-Two Cents (\$1,981.52) in FY 2021 and FY 2022 toward the administrative costs of the water plan ("the payment"). The payment shall be made from the current revenues of City of Alpine and does not constitute a commitment of future revenues.
- 2. Administrative Agent.** City of Alpine agrees that the COG will act as the administrative agent for the Planning Group to accept, hold, and distribute the payment. Payment should be made payable to Rio Grande Council of Governments.
- 3. Independent Contractors.** The parties agree that all of the consultants of the Planning Group and all of their employees are independent contractors and not employees of any party to the Agreement.

4. **Change in Cost or Funding of the Administrative Costs.** The COG and the Planning Group presently estimate that the administrative costs for FY 2021 and FY 2022 will be \$62,000. In the event that the administrative costs are less than these amounts, a pro rata portion of the payment by City of Alpine will be refunded to City of Alpine promptly. In the event that the legislature of the State of Texas (or the TWDB) decides to fund any portion of the administrative costs, City of Alpine's pro rata portion of the excess will be refunded City of Alpine promptly. In the event that the administrative costs exceed \$62,000 in FY 2021 or FY 2022, City of Alpine will owe no portion of the deficiency unless the parties may subsequently agree.
5. **Entire Agreement and Subsequent Agreements.** The Agreement contains the entire agreement between the parties and supersedes any prior understandings or agreements. No amendment, modification, alteration, or extension of the terms of the Agreement shall be binding unless the change or amendment is in writing, dated subsequent to the date the Agreement was executed, and duly executed by the parties.
6. **Illegality or Unenforceability.** In case anyone or more of the provisions contained in the Agreement shall, for any reason, be held to be invalid in any respect, then and in that event all remaining provisions of the Agreement shall continue in full force and effect the same as if such invalidity had never been contained in the Agreement.
7. **Notices.** Any and all notices required by the Agreement or desired to be given by any party shall be given personally or by certified, registered, or express mail, or by commercial courier service, sent to the party entitled to the notice at the address set forth below that party's signature to the Agreement unless the party shall have notified the other in a similar manner of a change of address.
8. **Term.** This Agreement shall take effect on January 1, 2021 (regardless of the date executed) and terminate on September 20, 2021. This Agreement shall automatically renew on October 1, 2021, unless either of the Parties gives thirty (30) days' written notice of its intent not to renew. The renewal term, if any, will terminate on September 30, 2022.

**IN WITNESS WHEREOF**, the parties execute this Agreement as follows.

**RIO GRANDE COUNCIL OF GOVERNMENTS**

\_\_\_\_\_  
By: Annette Gutierrez, Executive Director  
8037 Lockheed Drive, Suite 100  
El Paso, Texas 79925  
Date:

**City of Alpine**

\_\_\_\_\_  
By: The Andy Ramos  
Mayor, City of Alpine

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

Date:

**APPROVED AS TO FORM ONLY**



Date: Thursday, February 11, 2021

## INVOICE

8037 Lockheed, Suite 100  
El Paso, Texas 79925  
Phone 915-533-0998 Fax 915-532-9385

Invoice # 100  
For: Far West Texas Water Planning Group  
FY2021 Administrative Cost Share

**Bill To:**

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

DESCRIPTION	AMOUNT
FY2021 Administrative Cost Share for the Far West Texas Water Planning Group	\$1,981.52
<b>TOTAL</b>	<b>\$1,981.52</b>

Make all checks payable to **Rio Grande Council of Governments** and note "FY2021 Administrative Cost Share" on check.

Please provide check within 30 days.

**THANK YOU!**

# URBAN

	County	Entity	Share	Population	% Track Population	
1	El Paso County	Anthony	\$ 239.48	4,206	0.45%	
2	El Paso County	PSB/EP Water	\$ 43,378.19	761,897	82.39%	Total Population includes CCNs
3	El Paso County	EPC Tornillo WID	\$ 182.32	3,202	0.35%	
4	El Paso County	El Paso WCID #4	\$ 504.36	8,858	0.96%	
5	El Paso County	El Paso County	\$ 2,357.24	12,031	1.30%	
6	El Paso County	Horizon City	\$ 3,017.33	52,993	5.73%	
7	El Paso County	Lower Valley WD	\$ 3,021.08	53,059	5.74%	
TOTAL			\$ 52,700.00	896,246		

# RURAL

	County	Entity	Share	Population	% Track Population	
8	Brewster County	Alpine	\$ 1,981.52	6,066	0.66%	
9	Brewster County	Brewster County	\$ 1,195.90	3,661	0.40%	
10	Culberson County	Van Horn	\$ 757.52	2,319	0.25%	
11	Culberson County	Culberson County	\$ 122.82	376	0.04%	
12	Hudspeth County	Hudspeth County WCID #1	\$ 310.98	952	0.10%	
13	Hudspeth County	Esperanza Water Service	\$ 295.63	905	0.10%	
14	Hudspeth County	Hudspeth County	\$ 180.64	553	0.06%	
15	Hudspeth County	Dell City	\$ 138.50	424	0.05%	
16	Hudspeth County	Fort Hancock WCID	\$ 352.47	1,079	0.12%	
17	Jeff Davis County	Fort Davis WSC	\$ 444.58	1,364	0.15%	
18	Jeff Davis County	Jeff Davis County	\$ 274.07	839	0.09%	
19	Jeff Davis County	City of Valentine	\$ 64.68	198	0.02%	
20	Presidio County	Marfa	\$ 843.76	2,583	0.28%	
21	Presidio County	Presidio	\$ 1,782.91	5,458	0.59%	
22	Presidio County	Presidio County	\$ 212.66	651	0.07%	
23	Terrell County	Terrell County WCID #1	\$ 284.19	870	0.09%	
24	Terrell County	Terrell County	\$ 57.17	175	0.02%	
			\$ 9,300.00	28,473		

TOTAL FWTWPG DUES \$ 62,000.00

TOTAL POPULATION 924,719

1 Entities are paying fees proportional to the amount of water users they serve, which is linked to revenue income

URBAN 85%  
RURAL 15%

County (Urban)	Entity	Population
El Paso	El Paso Water (City of El Paso only)	734,031
El Paso	East Biggs Water System	11,870
El Paso	East Montana Water System	6,599.00
El Paso	Paseo Del Este MUD #1	8,116.00
El Paso	County-Other (Vinton Hills Estates)	370
El Paso	County-Other (Vinton Hills Subdivision)	861
Totals		761,847

3. Discuss, consider, and take appropriate action to approve the Certification of Unopposed Candidates for the Ward 3, 2021 election (E. Zimmer, City Manager)





# CITY COUNCIL

## AGENDA REQUEST

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

ERIK ZIMMER

**PRESENTED BY:**

ERIK ZIMMER

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

ADMINISTRATION

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**SUBJECT /  
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE WARD 3, 2021 ELECTION

**EXHIBITS:**

CERTIFICATION OF UNOPPOSED CANDIDATES

### 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

City Manager  
Erik Zimmer

City Secretary  
Cynthia Salas



Mayor  
Andres "Andy" Ramos

City Attorney  
Sandy Wilson

100 North 13th Street Phone 432-837-3301 Fax 432-837-2044

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*"To provide quality service to the citizens of Alpine"*

## **CERTIFICATION OF UNOPPOSED CANDIDATES AND ORDER OF CANCELLATION FOR THE WARD 3, 2021 ELECTION**

The Certification of Unopposed Candidates must be approved before the City Council can approve the Order of Cancellation for the unopposed Ward 3 election.

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR  
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)  
*CERTIFICACIÓN DE CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)***

**To: Presiding Officer of Governing Body**

***Al: Presidente de la entidad gobernante***

**As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 1, 2021**

***Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 1 de Mayo 2021***

**List offices and names of candidates:**

***Lista de cargos y nombres de los candidatos:***

**Office(s) *Cargo(s)***  
City Council Ward 3

**Candidate(s) *Candidato(s)***  
Sara Tandy

**Signature (*Firma*)**

Cynthia Salas

**Printed name (*Nombre en letra de molde*)**

City Secretary (*Secretario*)

**Title (*Puesto*)**

March 2, 2021 (*2 de Marzo 2021*)

**Date of signing (*Fecha de firma*)**

**(Seal) (*sello*)**

4. Discuss, consider, and take appropriate action to approve the Order of Cancellation for the Ward 3, 2021 election (E. Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

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

ERIK ZIMMER

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

**ADMINISTRATION**

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**PRESENTED BY:**

ERIK ZIMMER

**SUBJECT /  
PROCEEDING:**

**DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE ORDER OF  
CANCELLATION FOR THE WARD 3, 2021 ELECTION**

**EXHIBITS:**

**ORDER OF CANCELLATION**

### 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

**ORDER OF CANCELLATION**  
**ORDEN DE CANCELACIÓN**

The City Council of the City of Alpine hereby cancels the election scheduled to be held on  
(official name of governing body)  
May 1, 2021 in accordance with Section 2.053(a) of the Texas  
(date on which election was scheduled to be held)  
Election Code. The following candidates have been certified as unopposed and are hereby  
elected as follows:

*El Consejo Municipal de Ciudad de Alpine por la presente cancela la elección que, de lo contrario,  
(nombre oficial de la entidad gobernante)  
se hubiera celebrado el 1 de Mayo 2021 de conformidad, con  
(fecha en que se hubiera celebrado la elección)  
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido  
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado  
a continuación:*

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Sara Tandy	City Council Ward 3

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*

\_\_\_\_\_  
Mayor (Mayor)

\_\_\_\_\_  
City Secretary (Secretario)

(seal) (sello)

March 2, 2021 / 2 de Marzo 2021  
Date of adoption (Fecha de adopción)

5. Discuss, consider, and take appropriate action on the recommendation from the Planning & Zoning Commission to approve a Conditional Use Permit application for the establishment of a blacksmith shop. Property is located at 501 West Gallego Avenue. Legal description is Lot one (1), in Block sixty-two (62), of the Original Town of Alpine, Brewster County, Texas (R12163). Owner of record is Alexander Kamelhair (E. Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

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

ERIK ZIMMER

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

**ADMINISTRATION**

**PRESENTED BY:**

ERIK ZIMMER

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**SUBJECT /  
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT APPLICATION FOR THE ESTABLISHMENT OF A BLACKSMITH SHOP. PROPERTY IS LOCATED AT 501 WEST GALLEGU AVENUE. LEGAL DESCRIPTION IS LOT ONE (1), IN BLOCK SIXTY-TWO (62), OF THE ORIGINAL TOWN OF ALPINE, BREWSTER COUNTY, TEXAS. OWNER OF RECORD IS ALEXANDER KAMELHAIR

**EXHIBITS:**

CONDITIONAL USE PERMIT APPLICATION AND DOCUMENTS

### 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



CUP 21-\_\_\_\_\_

Mr. Alexander Kamelhair is the applicant for a Conditional Use Permit (CUP).

Address of Property: 501 W. Gallego

Legal Description of Property: OT Lot 1 Block 62

Size of property: 0.1658 acres (7222.80 square feet )

Present Zoning Classification: C-2

Proposed Conditional Use Occupancy Classification: C-2 ,( Mixed Use Occupancy)

Property is not platted and does require a replat at this time.

Mr. Camelhair is requesting a conditional use permit to allow a blacksmith shop

Mr. Kamelhair understands that Spot-Zoning is illegal and the City of Alpine will not issue a Zoning Variance Use permit.

Where all other ordinance requirements have been satisfied, Mr. Kamelhair accepts any condition(s) to use imposed by Planning and Zoning and City Council.

Section 20.09. - Review and evaluation criteria.

The planning and zoning commission and city council shall review and evaluate conditional use permit applications using the following criteria:

- 1.Conformance with applicable regulations and standards established by the zoning regulations.
- 2.Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
- 3.Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.
- 4.Modifications to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, and general welfare.
- 5.Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.
- 6.Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

7.Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

8.Adequacy and convenience of off-street parking and loading facilities.

9.Determination that the proposed use is in accordance with the objectives of these zoning regulations and the purposes of the zone in which the site is located.

10.Determination that the proposed use will comply with each of the applicable provisions of these zoning regulations.

11.Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

12.Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

13.Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

(Ord. No. 2016-08-02, 9-20-16, Ord. No. 2016-10-03, 11-1-16)

#### Section. 20.11. - Conditions.

The planning and zoning commission, in considering and determining its recommendation, and the city council, on any request for a conditional use permit, may require from the applicant plans, information, operation data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The city council may, in the interest of the public welfare and to ensure compliance with these regulations, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized or may allow a variance from property development standards. In authorizing the location of any of these uses listed as conditional use permits, the city council may impose such development standards and safeguards as the conditions and location indicate important to welfare and protection of adjacent property from excessive noise, vibration, dust, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. The city council, in approving or conditionally approving a conditional use permit, may set forth in its decision reasonable conditions which will ensure the intent and purposes of the zoning regulations and avoid the creation or detrimental effect upon abutting properties which may include, but not limited to the following:

1.Duration of use;

2.Fences, hedges and walls

3.Regulation of noise, vibration, odors, etc. Regulation of time for certain activities;

4.Regulation of use or uses

5. Requiring street, service road or alley dedications and improvements or appropriate bonds;
  6. Time period in which the proposed use shall be developed or constructed;
  7. Surfacing of parking areas;
  8. Special yards, spaces and buffers
  9. Regulation of locations of vehicular ingress and egress; and
  10. Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.
- (Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

Alexander Kamelhair  
(512) 777-9685  
501 W. Gallego Ave.  
Alpine TX 79830

January 5, 2021

To Whom It May Concern:

The purpose of this letter is to articulate my intentions for the property I recently purchased at Sheriff's auction, located at 501 W. GALLEGO AVE, and commonly known as THE ATU HALL, or THE EL APACHE.

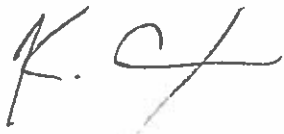
It is my ambition to remodel and restore this building for use as my personal art and design live/work studio. Specifically, I specialize in metal sculpture and design and will use this studio primarily for these purposes. I prefer to maintain a small and solitary practice, limited to manageable projects such as sculpture, furniture, household items, and small architectural elements. I do not anticipate much client and/or employee traffic, if any at all.

I understand that a reasonable neighbor may be concerned that such use could prove a nuisance (though I have only so far been met with enthusiasm and encouragement!), and am anticipating with due diligence any potential disruption to the neighborhood so that I can pre-emptively mitigate and/or eliminate any potential offense. I will respectfully maintain normal business hours during the week, and reserve evenings and weekends for quieter tasks such as research, drawing and accounting if overtime is necessary. All of my decisions will be made with the genuine intention of being a good and upstanding neighbor, and I have encouraged everyone I have met so far to bring any concerns that may arise directly to me so that we can come to immediate and amicable consensus.

Towards these ends, I am truly inspired by the building itself. As I move forward with this project, I am resolved to lovingly rejuvenate this historically significant building. For me, it is more than just a workshop, it is a muse, and I am profoundly motivated to be a good steward of it, and a valuable asset to the community for as long as it is in my care.

Thank you so much for your time and consideration. If you have any questions or concerns, or would just like to learn more about myself and/or this project, please don't hesitate to reach out. At this point, there's nothing I love talking about more.

Sincerely,  
Alexander Kamelhair

A handwritten signature in black ink, appearing to be 'K. C.' followed by a stylized flourish.

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

### TAX DEED

STATE OF TEXAS                   §

§

COUNTY OF BREWSTER       §

WHEREAS, by a Warrant issued out of the 394th Judicial District Court of Brewster County, Texas; in Cause No. TXB19228 styled City of Alpine, et al. vs. Owners of Various Properties locate within the city limits of Alpine, TX, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 6th day of January, 2020, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 6th day of January, 2020 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **TWENTY THOUSAND FIVE HUNDRED ONE DOLLARS AND 00/100 (\$20,501.00)**, said amount being the highest and best offer received from **Alexander Kamelhair, 1007 E. Ave. B, Apt. B, Alpine, TX 79830**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, all the right, title and interest as was acquired by the taxing entities through foreclosure the certain tract of land described as follows:

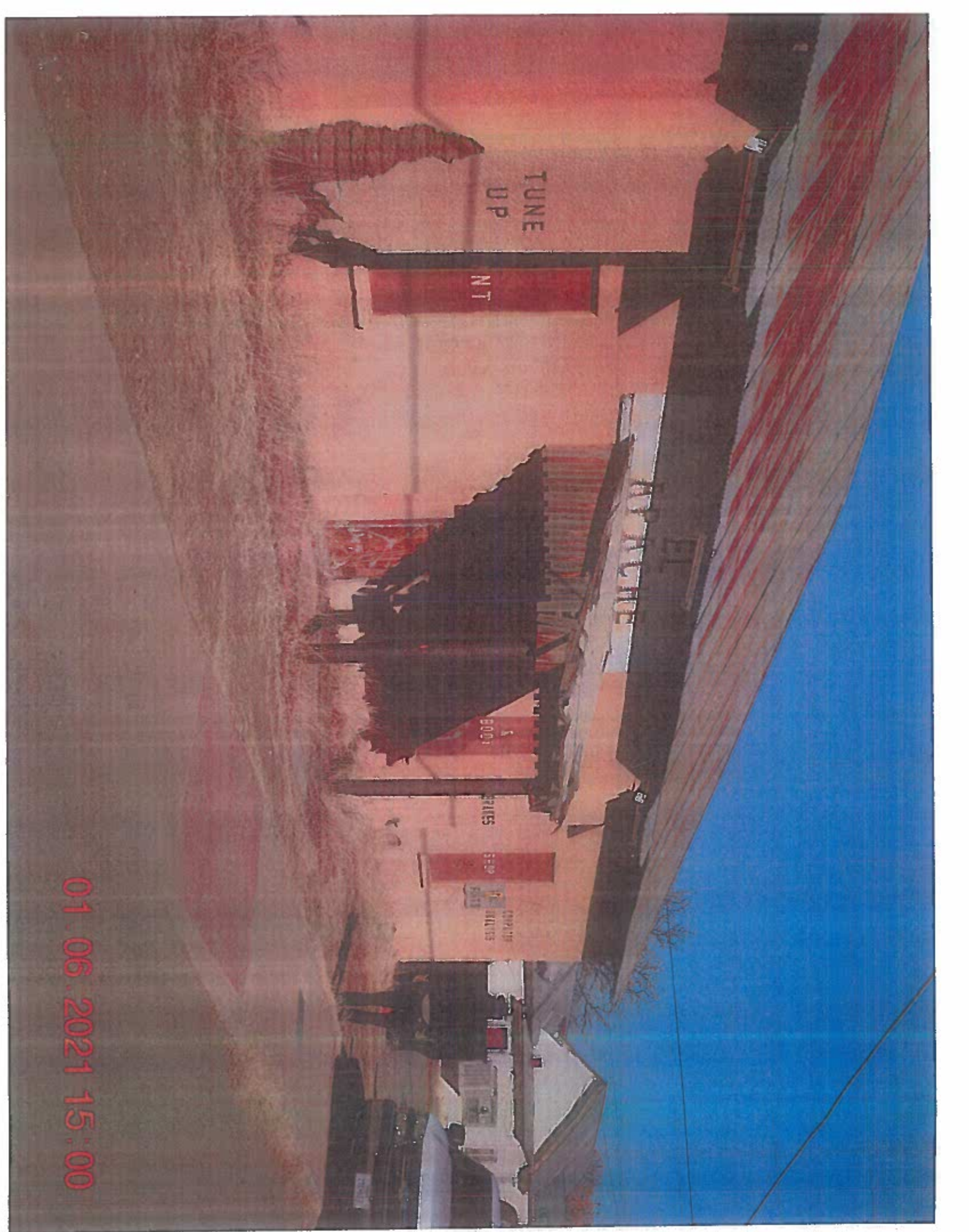
**Lot One (1), in Block Sixty-two (62), of the Original Town of Alpine, Brewster County, Texas, (R12163)**

CITY OF ALPINE CONDITIONAL USE PERMIT Form A	
PART 1. APPLICANT INFORMATION	
Name of applicant/agent/company/contact Alexander Kamelhair	
Street address of applicant/agent 501 W. Gallego Ave.	
City/State/Zip Code of applicant / agent Alpine TX 79830	
Telephone number of applicant/agents (512) 777-9685	Fax number of applicant/agents
Email address of applicant/agent K.alexander-021@gmail	Mobil phone of applicant/agent
PART 2. PROPERTY INFORMATION	
Street address of public property 501 W. Gallego Ave	
Legal description of subject property (metes and bounds must be described on 8 1/2 x 11 sheet Lot 1 Block 62 Addition OT	
Size of subject property Square footage 2590 Acres 1658	
Present zoning classification R4	Proposed use of the property Metal Design Studio
Zoning ordinance provision requiring a conditional use	
PART 3. PROPERTY OWNER INFORMATION	
Name of current property owner Alexander Kamelhair	
Street address of property owner 501 W. Gallego Ave	
City/State/Zip code of property owner Alpine TX 79830	
Telephone number of property owner (512) 777-9685	Fax number of property owner



PAID





01.06.2021 15:00



OIL  
CHANGE

A.T.U.  
AUTO

TUNE  
UP

NT

01.06.2021 15:00



---

**Notice of P&Z Zoning Change**

3 messages

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**Clyde Dooley** <ClydeDooley75@msn.com>  
To: "g.calderon@ci.alpine.tx.us" <g.calderon@ci.alpine.tx.us>

Sat, Feb 13, 2021 at 2:58 PM

My wife and I reside a W Gallego are **in favor** of Mr. Kamelhair's blacksmith shop. My only question: is the zoning going to be changed for this part of town, or is a conditional use for that specific property going to be allowed?

Again, I'm in favor of either, just curious about the procedure.

Thank you and I'm looking forward to hearing from you.

Clyde Dooley

---

**Geo Calderon** <g.calderon@ci.alpine.tx.us>  
To: Clyde Dooley <ClydeDooley75@msn.com>

Tue, Feb 16, 2021 at 9:30 AM

Mr Dooley,

Thank you for your email.

The zoning will not be changed for the part of town that is currently in question, however, there was a typo on the letter that we sent out. I apologize for any miscommunication.

The conditional use permit will allow Mr. Kamelhair to operate his blacksmith shop if approved (without a zoning change).

Let me know if you have any other questions or concerns!

Kind regards,

Geo



**Geo Calderon**  
Executive Coordinator, City of Alpine  
Tel: 432-837-3301 x 1 | Fax: 432-837-2044  
100 N. 13th St, Alpine, TX 79830  
[www.cityofalpine.com](http://www.cityofalpine.com)

[Quoted text hidden]

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**Clyde Dooley** <clydedooley75@msn.com>  
To: Geo Calderon <g.calderon@ci.alpine.tx.us>

Thu, Feb 18, 2021 at 9:16 AM

Thank you for the clarification. We got power back last night and smiling. I'm an old land use guy from a small town in Colorado and the notice just caught my eye.

Thank you again for the clarification and hope you have a good day.

Clyde

6. Discuss, consider, and take appropriate action to approve the replat for a building located at 1306 East Holland Avenue establishing Lot 1-A and 2-A, in Block 24, containing 2.374 acres in Hancock Addition to the City of Alpine, Brewster County, Texas. (Erik Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

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

**ERIK ZIMMER**

**PRESENTED BY:**

**ERIK ZIMMER**

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

**ADMINISTRATION**

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**SUBJECT /  
PROCEEDING:**

**DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE REPLAT FOR A BUILDING LOCATED AT 1306 EAST HOLLAND AVENUE ESTABLISHING LOT 1-A AND 2-A, IN BLOCK 24, CONTAINING 2.374 ACRES IN HANCOCK ADDITION TO THE CITY OF ALPINE, BREWSTER COUNTY, TEXAS.**

**EXHIBITS:**

**REPLAT OF BLOCK 24, HANCOCK ADDITION**

### 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



7. Discuss, consider, and take appropriate action to approve the second and final 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:**

MARIA CURRY

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

**CITY COUNCIL**

**PRESENTED BY:**

MARIA CURRY

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**SUBJECT /  
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE SECOND AND FINAL 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.

**EXHIBITS:**

ORDINANCE 2021-02-01

### 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 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 2<sup>nd</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**FEBRUARY 23, 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.

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Patsy Culver, Vice-Chair

Next Meeting - January 14, 2020

8. Discuss, consider, and take appropriate action to approve the second and final 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

<b>AGENDA FOR COUNCIL MEETING: INITIATED BY:</b>	MARIA CURRY	<b>AGENDA REQUEST NO:</b>	<b>ACTION</b>
<b>PRESENTED BY:</b>	MARIA CURRY	<b>RESPONSIBLE DEPARTMENT:</b>	CITY COUNCIL
		<b>FINANCE DIRECTOR:</b>	
		<b>ADDITIONAL DIRECTOR (S):</b>	

<b>SUBJECT / PROCEEDING:</b>	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE SECOND AND FINAL 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
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<b>EXHIBITS:</b>	ORDINANCE 2021-02-02
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CLEARANCES		APPROVAL	
<b>LEGAL:</b>	CITY ATTORNEY	<b>SANDY WILSON:</b>	_____
<b>FINANCE:</b>	FINANCE DIRECTOR	<b>MEGAN ANTRIM:</b>	_____
<b>APPROVAL:</b>	CITY MANAGER	<b>ERIK ZIMMER:</b>	_____

BUDGET	
<b>EXPENDITURE REQUIRED: \$</b>	0
<b>SAVINGS ANTICIPATION: \$</b>	
<b>CURRENT BUDGET FY2018-2019: \$</b>	0
<b>ADDITIONAL FUNDING: \$</b>	

### RECOMMENDED ACTION

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### EXECUTIVE SUMMARY

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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 2<sup>nd</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**FEBRUARY 23, 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 - ANIMALS<sup>111</sup>

#### 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. Discuss, consider, and take appropriate action to approve the first reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections (E. Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA FOR COUNCIL MEETING: INITIATED BY:</b>	<b>ERIK ZIMMER</b>	<b>AGENDA REQUEST NO:</b>	<b>ACTION</b>
<b>PRESENTED BY:</b>	<b>ERIK ZIMMER</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>ADMINISTRATION</b>
		<b>FINANCE DIRECTOR:</b>	
		<b>ADDITIONAL DIRECTOR (S):</b>	

<b>SUBJECT / PROCEEDING:</b>	<b>DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE FIRST READING OF ORDINANCE 2021-03-01, AN ORDINANCE RESCINDING AND REPEALING THE ADOPTION OF ORDINANCE 2020-02-01 WHICH PROHIBITED TRAINS FROM BLOCKING CERTAIN INTERSECTIONS</b>
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<b>EXHIBITS:</b>	<b>ORDINANCE 2021-03-01</b>
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<b>CLEARANCES</b>	<b>APPROVAL</b>
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<b>LEGAL:</b>	<b>CITY ATTORNEY</b>	<b>SANDY WILSON:</b>	_____
<b>FINANCE:</b>	<b>FINANCE DIRECTOR</b>	<b>MEGAN ANTRIM:</b>	_____
<b>APPROVAL:</b>	<b>CITY MANAGER</b>	<b>ERIK ZIMMER:</b>	_____

<b>BUDGET</b>
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<b>EXPENDITURE REQUIRED: \$</b>	<b>0</b>
<b>SAVINGS ANTICIPATION: \$</b>	
<b>CURRENT BUDGET FY2018-2019: \$</b>	<b>0</b>
<b>ADDITIONAL FUNDING: \$</b>	

<b>RECOMMENDED ACTION</b>
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<b>EXECUTIVE SUMMARY</b>
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**STATE OF TEXAS  
CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-03-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS RESCINDING AND REPEALING ORDINANCE 2020-02-01 AND AMENDING THE ALPINE CODE OF ORDINANCES ACCORDINGLY; 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 public safety; and

**WHEREAS**, after thorough review of actions stemming from the passage of Ordinance 2020-02-01, it is apparent that the reversal of the ordinance would benefit the City; and

**WHEREAS**, it is deemed to be in the best interest of the City to rescind and repeal Ordinance 2020-02-01 effective upon the passage of this ordinance.

**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 within this Ordinance 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 2<sup>nd</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MARCH 2, 2021**

**SECOND AND FINAL READING**

**MARCH 16, 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**

10. Discuss, consider, and take appropriate action to approve the first reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals, concerning Wildlife Feeding and Hunting (M. Curry, City Council)





# CITY COUNCIL

## AGENDA REQUEST

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

MARIA CURRY

**PRESENTED BY:**

MARIA CURRY

**AGENDA  
REQUEST NO:**

**ACTION**

**RESPONSIBLE  
DEPARTMENT:**

**CITY COUNCIL**

**FINANCE  
DIRECTOR:**

**ADDITIONAL  
DIRECTOR (S):**

**SUBJECT /  
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE FIRST READING OF ORDINANCE 2021-03-02, AN ORDINANCE AMENDING CHAPTER 10 – ANIMALS CONCERNING WILDLIFE FEEDING AND HUNTING

**EXHIBITS:**

ORDINANCE 2021-03-02, ANIMAL ADVISORY BOARD RECOMMENDATION

### 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  
CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-03-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 10 – ANIMALS, SECTION 10-1 AND ESTABLISHING SECTIONS 10-10 AND 10-11 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 10-1, and establish Section 10-10 in 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 2<sup>nd</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MARCH 2, 2021**

**SECOND AND FINAL READING**

**MARCH 16, 2021**

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

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

## EXHIBIT "A"

### Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Altered animal* means an animal having been spayed or neutered.

*Animal* means any living vertebrate creature except human beings and with the exclusion of fish, amphibians, reptiles, caged birds and small rodents when kept as pets in a private residence, or enclosed in a commercial enclosure. The word "animal" shall mean only a mammal when referring specifically to the control of rabies.

*Animal control officer* or *ACO* means a duly authorized person responsible for the enforcement of this chapter including peace officers.

*Animal shelter* means any premises designated or operated by the city for the purpose of impounding and caring for animals under the authority of this chapter.

*Attack* means definite vigorous, aggressive action by a dog directly against a person or other animal which results in the infliction of bodily injury, or the threat of bodily injury, by such dog to a person or other animal.

*Bee, bee keeping and bee hives* means any of numerous hairy-bodied insects including social and solitary species, the cultivation of bees on any commercial scale for the production of honey or bees, and a hive is a manmade receptacle that houses a swarm of bees.

*Bite* means an abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by the mouth of any animal.

*City or City of Alpine* means officials of the City of Alpine including, but not limited to, the city manager, the animal control officer, and any City of Alpine peace officer.

*Collar* means a band, chain, harness or other suitable device worn about the neck of an animal to which a current rabies vaccination registration tag can be affixed.

*Continual noise or frequent or long continued noise* means noise pollution, unwanted or excessive sound, a nuisance that interferes with activities, for example owning an animal that causes frequent or long-continued noise, by barking or howling, that disturbs the comfort of any person.

*Current vaccination* means vaccinated and satisfying the following:

- (1) The animal must have been at least three months of age at the time of vaccination.
- (2) At least 30 days have elapsed since the initial vaccination.
- (3) Not more than 12 months have elapsed since the most recent vaccination.

*Dangerous animal* means any animal that:

- (1) Has inflicted severe injury on a human being without provocation;
- (2) Has injured or killed a domestic animal without provocation; or
- (3) Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*Potentially dangerous animal* means any animal that when unprovoked:

- (1) Inflicts injury on a human or a domestic animal; or
- (2) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- (3) Has a known propensity, tendency, or disposition to attack, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

*Dangerous dog* means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and such acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

*Dilapidated* means a building, structure or material that has fallen into partial ruin by neglect or misuse or into a condition of partial decay.

*Dog* means any member of the *canis familiaris* species.

*Domestic animals* means animal species which generally have their breeding controlled by people and which by their long association with people have been developed into breeds or types for specific uses by people.

*Domesticated* means a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

*Dwelling* means any building or portion thereof which is designed and used for residential purposes. An attached garage shall be deemed to be part of a dwelling.

*Enclosed structure* means a building or other similar structure that is fully enclosed with a roof in place to provide a degree of protection, and does not include a yard or fence.

*Euthanasia* means putting to death of an animal in a manner and method which does not cause pain nor take longer than one minute to effect unconsciousness or death, and is in compliance with the provisions of V.T.C.A., Health and Safety Code ch. 823. Shooting firearms into a pen or enclosure containing multiple animals is prohibited by the Texas Health and Safety Code and shall not satisfy the requirement under the definition of euthanasia or humane destruction of animals. Lethal injection and efficiently operating carbon monoxide chambers shall, throughout this chapter, be presumed to be the method of euthanasia employed by the city.

*Euthanize* means to kill in a humane manner.

*Exotic animal* means any animal that is not livestock or a domesticated animal and includes, but is not limited to, no matter how well-trained: all alligators and crocodiles; all bears; all cats other than the commonly accepted domesticated cats, including but not limited to cheetah, leopard, lion, lynx, panther, cougar, mountain lion, bobcat, and tiger; all dogs other than domesticated dogs, including but not limited to wolf, part wolf, fox, part fox, coyote, and part coyote; all porcupines; all nonhuman primates; all raccoons; all skunks; all venomous fish and piranha; all venomous snakes and lizards; and all weasels other than ferrets.

*Exposed to rabies* means an animal which has been exposed to rabies if it has been bitten by another animal or has been in contact with any animal known to be or suspected of being infected with rabies.

*Feral animal* means formerly domesticated animals and their offspring which have roamed at large for a sufficient period of time and with sufficient success at survival as to be deemed no longer domesticated.

*Food* means bread products, corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, feed, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes live naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground or are within reach of wildlife.

*Fowl* means any domesticated bird used as food by people, such as chickens, ducks, turkeys, geese, guinea fowl, peafowl or pigeons.

*Horse* means any member of the equine family.

*Humanely destroy* means to cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.

*Keep or harbor* means to have charge, custody or control of an animal or fowl, or permitting the animal or fowl to habitually remain or be lodged or fed within the house, store, yard, enclosure or place of the owner or occupant of the premises.

*Kennel* means any premises on which four or more dogs or four or more cats, four months of age or older, are kept; or where the business of buying, selling, breeding, grooming, training or boarding of dogs or cats is conducted. The term "kennel" does not include veterinary hospitals or humane societies.

*Large livestock animal* means cattle, horses, mules, beasts of burden, or any other similar domesticated animal.

*License, registration or permit* means a printed authorization issued by the city allowing the holder to keep the animal described within the corporate limits.

*Livestock* means domestic animals of the equine, bovine, ovine, caprine or porcine genera.

*Nuisance* means disturbing the peace, emitting noxious or offensive odors or otherwise endangering or being offensive to the environment of the city.

*Own* means to own, keep, harbor or have charge, custody or control of an animal or fowl.

*Owner* means any person who owns, harbors, keeps or causes or permits to be harbored or kept, or has in his care, an animal or bird on or about his premises or any person keeping, harboring, having charge or control of, or permitting to habitually be or remain on such person's premises any animal for a period of six consecutive days or more.

*Pet animal* means dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana and turtles. Pet animal shall also include any domesticated animal that a person owns or that is sold or offered for sale for the purpose of being kept indoors as household pets.

*Quarantine* means to place an animal in a secure enclosure which precludes physical contact with any other animal.

*Rabies* means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

*Restrained or confined* means an animal restricted to the property of the owner or under the direct physical control of a competent person.

*Retail sale* means the business of selling pet animals directly to consumers of the public.

*Run at large* means free of physical restraint beyond an enclosed or fenced area; includes any animal that is not under the actual control of its owner.

*Small livestock animal* means swine, sheep, goats or any other domesticated or wild animal of smaller stature, except pet animals or fowl.

*Stray* means any animal running free with no physical restraint beyond the premises of the owner.

*Swine* means any member of the Suidae species.

*Unaltered animal* means an animal that has not been spayed or neutered.

*Vaccination* means the inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the animal against rabies.

*Veterinarian* means a veterinarian holding a current and valid license to practice veterinary medicine in the state.

*Wild animal* means any non-domestic animal.

*Wildlife* means any undomesticated animals living in the wild.

(Ord. No. 2008-11-01, § 1, 1-6-09; Ord. No. 2015-11-01, Exh. A, 6-21-16)

**Cross reference—** Definitions generally, § 1-2.



## **Sec. 10-10. – Wildlife Feeding**

Within the city limits of Alpine the feeding of wildlife has resulted in overabundant and highly concentrated populations of wildlife throughout the City and within City parks; and specifically, the feeding of deer has been shown to increase the concentration of deer in these areas, thereby increasing the likelihood of collisions between vehicles and deer and increasing damage to residential and commercial vegetation and landscaping in the City.

The City of Alpine and the Texas Parks and Wildlife Department find that discouraging and prohibiting the artificial feeding of wildlife is in the best interest of the health, safety and welfare of the community and wildlife populations.

### **(a) Feeding of wildlife prohibited.**

- (1) Except as provided below in 10-62, (b) (1) and (2), a person commits an offense if the person intentionally feeds wildlife by making food available for consumption on private or public property within the city limits of the city.
- (2) A person shall be deemed to have purposely fed or caused wildlife to be fed if the person places food, as defined in this section, in any form, (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of wildlife.
- (3) A person who violates any provision of this ordinance commits an offense.

### **(b) Exceptions; Affirmative Defenses**

- (1) This ordinance does not apply to the placement of food into feeders kept at a minimum of 5 feet above the ground surface and intended for birds.
- (2) This ordinance does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, who is acting pursuant to a lawfully authorized program to treat, manage, capture, trap, hunt, or remove wildlife and who is acting within the scope of the person's authority.
- (3) It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic livestock or domestic pets located on their property.

### **(c) Enforcement.**

- (1) Animal Control Officers, Park Rangers, Code Compliance Officers and Police Officers are hereby given full power and authority to enforce this ordinance.
- (2) It is a violation to hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

### **(d) Penalties.**

- (1) A person who commits a violation of this ordinance will first be given a warning and will be provided information on the negative impacts of wildlife feeding. A second offense will result in prosecution in municipal court. Any violation of this ordinance is deemed a Class C misdemeanor punishable by a fine of not less than \$75.00 or more than \$500.00. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.
- (2) Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this ordinance.

**Sec. 10-11 - Hunting.**

- (1) No person shall hunt, molest, harm, frighten, tease, shoot, or throw missiles at any animal, including domestic or wildlife within city limits.
- (2) No person shall remove or have in his possession the young of any wildlife, or the eggs, or nest or young of any reptile or fowl within city limits.

**Secs. 10-12—10-41. - Reserved.**



**PROPOSED CHANGES BY THE ANIMAL ADVISORY BOARD TO CHAPTER 10 –  
ANIMALS, SECTION 10-1 AND THE ESTABLISHMENT OF SECTION 10-10 TO THE  
ALPINE CODE OF ORDINANCES**

**ARTICLE I. – IN GENERAL**

**Sec. 10-1. - Definitions**

*Food* means bread products, corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, feed, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes live naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground or are within reach of wildlife.

*Wildlife* means undomesticated animals living in the wild.

**REPLACE** *Wild Animal* means any non-domestic animal.

**Sec. 10-10 - Wildlife Feeding**

Within the city limits of Alpine the feeding of wildlife has resulted in overabundant and highly concentrated populations of wildlife throughout the City and within City parks; and specifically, the feeding of deer has been shown to increase the concentration of deer in these areas, thereby increasing the likelihood of collisions between vehicles and deer and increasing damage to residential and commercial vegetation and landscaping in the City.

The City of Alpine and the Texas Parks and Wildlife Department find that discouraging and prohibiting the artificial feeding of wildlife is in the best interest of the health, safety and welfare of the community and wildlife populations.

**(a) Feeding of wildlife prohibited.**

- (1) Except as provided below in 10-62, (b) (1) and (2), a person commits an offense if the person intentionally feeds wildlife by making food available for consumption on private or public property within the city limits of the city.
- (2) A person shall be deemed to have purposely fed or caused wildlife to be fed if the person places food, as defined in this section, in any form, (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of wildlife.
- (3) A person who violates any provision of this ordinance commits an offense.

**(b) Exceptions; Affirmative Defenses**

- (1) This ordinance does not apply to the placement of food into feeders kept at a minimum

of 5 feet above the ground surface and intended for birds.

- (2) This ordinance does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, who is acting pursuant to a lawfully authorized program to treat, manage, capture, trap, hunt, or remove wildlife and who is acting within the scope of the person's authority.
- (3) It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic livestock or domestic pets located on their property.

**(c) Enforcement.**

- (1) Animal Control Officers, Park Rangers, Code Compliance Officers and Police Officers are hereby given full power and authority to enforce this ordinance.
- (2) It is a violation to hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

**(d) Penalties.**

- (1) A person who commits a violation of this ordinance will first be given a warning and will be provided information on the negative impacts of wildlife feeding. A second offense will result in prosecution in municipal court. Any violation of this ordinance is deemed a Class C misdemeanor punishable by a fine of not less than \$75.00 or more than \$500.00. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.
- (2) Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this ordinance.

**Sec. 10-11 - Hunting.**

- (1) No person shall hunt, molest, harm, frighten, tease, shoot, or throw missiles at any animal, including domestic or wildlife within city limits.
- (2) No person shall remove or have in his possession the young of any wildlife, or the eggs, or nest or young of any reptile or fowl within city limits.

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

11. Executive Session – None

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 – None

13. Adjourn