

City of Alpine

Regular City Council Meeting

Tuesday, April 6, 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, April 6, 2021 in the City Council Chambers at 803 West Holland (in person attendance will be limited to 15 people total including elected officials, staff, and public) and via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at www.cityofalpine.com** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

Members of the audience will be provided an opportunity to address the Council on any agenda item after determination of quorum and proof of notice of the meeting. Zoom meeting comment and question rules and procedures are listed on the City Website. Remarks will be limited to a total of 3 minutes per person. Please email your name to Geo Calderon (g.calderon@ci.alpine.tx.us). If you have a petition or other information pertaining to your subject, please email it to the City Secretary beforehand. All names wanting to make public comment for the meeting will be queued up and given to the Mayor at that section of the meeting. The Mayor will call on those individuals one at a time and our meeting moderator will take you off mute to make your comments. This will function the same as our existing sign-up sheet in Council Chambers. ***** Please note, you MUST include your full name (first and last) along with what Ward you reside in or have business interest in. If you do not live or own property in the City please state that in your email.** State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.** The Mayor and/or City Council Members may call a Point of Order to stop Personal Attacks. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred.

Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of the Meeting.
3. Public Comments – (limited to 3 minutes per person)
4. Presentation, Recognitions and Proclamations – (A. Ramos, Mayor)

- Proclamation of Alpine Safe Digging Month

5. Reports -

City Mayor's Report – None

City Attorney's Report -

- City Attorney items to be addressed in Executive Session

City Manager Report

- Coronavirus Update
- City Pool Status for Summer 2021
- Affordable Housing Update
- \$1.9T American Rescue Plan Act
- Taxiway Paving at Airport

City Staff Update

- Utilities by Scott Perry
- Public Works by Eddie Molinar

6. Public Hearings

- Public Hearing to obtain citizen views and comments on Resolution 2021-04-03 regarding the City's intent to submit an application for approximately \$260,000 in TX Community Development Block Grant - Downtown Revitalization program funds for sidewalk and related infrastructure improvements in the downtown area. The City's required matching funds for this project will be up to \$15,000, if awarded.

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 March 16, 2021. (E. Zimmer, City Manager)

8. Information or Discussion items –

1. Update from Municipal Court by Honorable Judge Jodi Cole (E. Zimmer, City Manager)
2. Country Club Estates De-Annexation (R. Stephens, City Council)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) After being called upon by the Mayor or Mayor Pro Tem, Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.)

1. Discuss, consider, and take appropriate action on Resolution 2021-04-02, a Resolution adopting a new fee schedule for the Alpine Civic Center. (E. Zimmer, City Manager)
2. Discuss, consider and take appropriate action on Resolution 2021-04-03 authorizing the City of Alpine to participate in the Texas Community Development Block Grant - Downtown Revitalization funding program. (E. Zimmer, City Manager)
3. Discuss, consider and take appropriate action on Resolution 2021-04-04 designating specific street corridors within the Alpine Downtown Area as blighted in regards to ADA, pedestrian and other non-vehicular accessibility and safety. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-01, an ordinance amending Chapter 22 - Business, Article III - Peddlers to the Alpine Code of Ordinances. (E. Zimmer, City Manager)

5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-02, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. (E. Zimmer, City Manager)
7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 - Utilities to the Alpine Code of Ordinances. (R. Stephens, City Council)
8. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-05, an ordinance amending Chapter 23 - City Council, Article II - Rules of Procedure to the Alpine Code of Ordinances. (C. Rodriguez, City Council)
9. Discuss, consider, and take appropriate action approving the Joint Election Service Agreement Contract between the City of Alpine and Brewster County for the May 1, 2021 City of Alpine Elections. (E. Zimmer, City Manager)
10. City Council member Comments and Answers – No discussion or action may take place.
11. Executive Session -
 1. Update with attorney on Parkhill, Smith, & Cooper Contract. (E. Zimmer, City Manager)
 2. Update with attorney on Union Pacific. (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development.)

12. Action – Executive Session

1. Discuss, consider, and take appropriate action, if necessary, regarding the update with attorney on Parkhill, Smith, & Cooper Contract. (E. Zimmer, City Manager)

2. Discuss, consider, and take appropriate action, if necessary, regarding the update from the attorney regarding Union Pacific. (E. Zimmer, City Manager)

I certify that this notice was posted at 2:00 P. M. on April 1, 2021, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email city.secretary@ci.alpine.tx.us for further information.

DocuSigned by:

Cynthia Salas

087D82502081401

Cynthia Salas, City Secretary
City of Alpine

Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of the Meeting.
3. Public Comments – (limited to 3 minutes per person)

4. Presentation, Recognitions and Proclamations – (A. Ramos, Mayor)

- Proclamation of Alpine Safe Digging Month

The State of Texas
County of Brewster
City of Alpine

PROCLAMATION – ALPINE SAFE DIGGING MONTH

WHEREAS, thousands of times each year, the underground infrastructure in Texas is damaged by those who do not have underground lines located prior to digging, resulting in service interruption, environmental damage, and threat to public safety; and

WHEREAS, in 2005, the Federal Communications Commission designated 811 to provide excavators and homeowners a simple number to contact utility operators to request the location of underground lines at the intended dig site, and

WHEREAS, the Damage Prevention Councils of Texas, a stakeholder-driven organization dedicated to the prevention of damage to underground facilities in all 254 Texas counties, promotes the National 811 notification system in an effort to reduce these damages; and

WHEREAS, damage prevention is a shared responsibility; by using safe digging practices, persons living and working in the City of Alpine, Brewster County, and Fort Davis, Jeff Davis County can save time and money and help keep our infrastructure safe and connected.

NOW THEREFORE, I, Andres “Andy” Ramos, Mayor of the City of Alpine, Texas, do hereby proclaim, on behalf of the City of Alpine and the Damage Prevention Councils of Texas, the month of April, 2021, as

Alpine Safe Digging Month

and encourage excavators and homeowners throughout the City of Alpine and Brewster County to always call 811 before digging. Safe digging is no ACCIDENT!

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Seal of the City of Alpine to be affixed on this the 6th day of April, 2021.

Honorable Andres “Andy” Ramos
Mayor, City of Alpine, Tx.

Attest: _____
Cynthia Salas
City Secretary, City of Alpine, Tx.

5. Reports -

City Mayor's Report – None

City Attorney's Report -

- City Attorney items to be addressed in Executive Session

City Manager Report

- Coronavirus Update
- City Pool Status for Summer 2021
- Affordable Housing Update
- \$1.9T American Rescue Plan Act
- Taxiway Paving at Airport

City Staff Update

- Utilities by Scott Perry
- Public Works by Eddie Molinar

PUBLIC WORKS: PARKS AND STREETS UPDATE

EDDIE MOLINAR

DIRECTOR OF PUBLIC WORKS

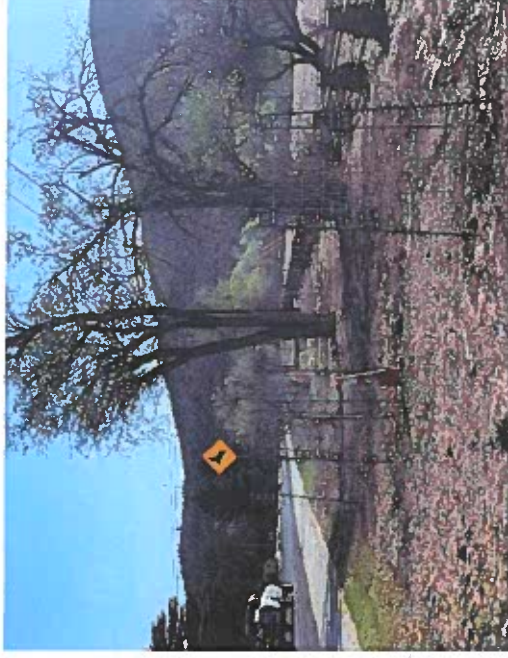
6 APRIL 2021



PARKS PROJECTS

Rain Garden

- The parks and streets department assisted the environmental services department with the planting of trees and installation of bubblers.



Parking Lot at Kokernot Park

- The parks and street department assisted the environmental services department with the construction of the new parking lot.



PARKS PROJECTS: TREE PRUNING

- The parks department with the help of the street department worked on pruning trees at the Kokernot Park.



WINTER PROJECTS: SUNSHINE HOUSE RESTORATION

- The street department with the help of the building maintenance department worked on the restoration of the back portion of the Old Sunshine House to help get offices ready for the finance department staff.

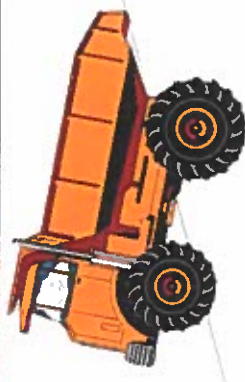


WINTER PROJECTS: SUNSHINE HOUSE RESTORATION



WINTER PROJECTS: CREEK CLEAN-UP

- Here are 3 of the creeks that were cleaned-up during this winter.



OTHER WINTER PROJECTS

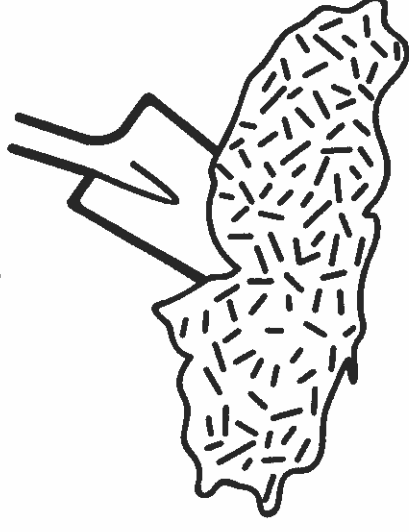
Street Signs replacements

- Damaged and missing signs were replaced around town
- The total number of street signs to be replaced is 230!



Mulch Days

- The street department aided the environmental services department in their mulch days.



TARGETED STREETS PROJECTS:

FIRST 27 BLOCKS OF THE 2021 SEAL COATING LIST

Branch Name	From	To
E Ave H	S US-118	S Ferguson St
E Gallego Ave	S Neville Haynes	S Ferguson St
S Harmon St	E Ave J	E Ave F
S Jackson St	E Ave I	E Ave F
S Neville Haynes St	E Ave I	E Ave K
E Ave J	S US-118	S Harmon St

TARGETED STREETS PROJECTS: JARRATT DIRT WORK AND PAVING INC.

SECTION 2

Branch Name	From	To
E Eagle Pass Ave	N 5 th St	N 4 th St
E Sanderson Ave	N 5 th St	N 4 th St
E Sanderson Ave	N 4 th St	N 3 rd St
E Uvalde Ave	N 5 th St	N 4 th St
E Uvalde Ave	N 4 th St	Dead End
N 4 th St	E Del Rio Ave	E Eagle Pass Ave
N 4 th St	E Eagle Pass Ave	E Uvalde Ave
N 4 th St	TX 118	N Arcadia Ave
N 4 th St	E Arcadia Ave	E Fort Davis Ave

TARGETED STREETS PROJECTS: JARRATT DIRT WORK AND PAVING INC

SECTION 3

Branch Name	From	To
N 12 th St	W Brown Ave	W Uvalde Ave
N 7 th St	W Brown Ave	W Uvalde Ave
N 7 th St	W Uvalde Ave	W Eagle Pass Ave
N 9 th St	W Uvalde Ave	W Eagle Pass Ave
N 9 th St	W Eagle Pass Ave	W Del Rio Ave
N 9 th St	W Sanderson Ave	W Stockton Ave
N 9 th St	W Del Rio Ave	W Sanderson Ave
W Eagle Pass Ave	N 12 th St	N 11 th St
W Eagle Pass Ave	N 11 th St	N 10 th St
W Sanderson Ave	N 11 th St	N 10 th St

6. Public Hearings

- Public Hearing to obtain citizen views and comments on Resolution 2021-04-03 regarding the City's intent to submit an application for approximately \$260,000 in TX Community Development Block Grant - Downtown Revitalization program funds for sidewalk and related infrastructure improvements in the downtown area. The City's required matching funds for this project will be up to \$15,000, if awarded.

To: City of Alpine Mayor and City Council Members

Re: PUBLIC HEARING regarding TX-CDBG- Downtown Revitalization program funds & Draft Resolutions #2021-04-03 and #2021-04-04

Date: April 6, 2021

Honorable Mayor & City Council-

Per Texas Community Development Block Grant- Downtown Revitalization (TX-CDBG-DR) program regulations, the City of Alpine must hold an official Public Hearing to allow for any public comments on the TX-CDBG-DR funding and proposed project, including a Notice of Public Hearing posted in the official newspaper of record at least 72-hours prior to the Public Hearing date. City of Alpine posted notice of Public Hearing in the Alpine Avalanche on April 1, 2021.

The accompanying Resolution for this Public Hearing item will be presented to Council on April 6, 2021 in the Action Items section of the meeting agenda. A related Resolution designating certain streets within the Alpine Downtown area as blighted as well.

Please find all supporting documentation for the Public Hearing within the Council Packet.

Sincerely,

Marci Tuck

Marci Tuck, AICP

Grant Writer,

City of Alpine

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

Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

1. Approval of minutes from City Council meeting on March 16, 2021. (E. Zimmer, City Manager

City of Alpine
Regular City Council Meeting
Tuesday, March 16, 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 City Council Chambers and via Zoom Conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Councilor Rodriguez, Councilor Sandate, attended at the Council Chambers. Mayor Ramos, Councilor Curry, Councilor Betty Fitzgerald, and Councilor Stephens attended via zoom. City Secretary, Cynthia Salas reported that the agenda was posted at 2:00 P.M. on March 12, 2021. City Manager Erik Zimmer, and City Attorney Sandy Wilson attended at Council Chambers. City Secretary Cynthia Salas attended via zoom.
3. Public Comments (limited to 3 minutes per person) – Thomas Lewis, Dr. Avinish Rangra
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.

City Mayor's Report – (A. Ramos, Mayor) –

- Governor's new order (GA-34)
- Recognition of outside departments for the hard work they did during the freeze.

City Attorney's Report –

- Information regarding City Manager's benefits
- Coin Operated Establishments

City Manager Report –

- Coronavirus Update
- Covid Safety Policies
- WTG update
- Status of Audit

City Staff Updates –

- Building Services by David Hale
- Alpine Police Department by Chief Robert Martin

6. Public Hearing –

- Public Hearing to obtain citizen's views and comments regarding the second and final 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.
- Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 – Animals, concerning Wildlife Feeding and Hunting.

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 March 2, 2021. (E. Zimmer, City Manager)
2. Approval of moving Darin Nance from Parks & Recreation Advisory Board for Ward 2 to the AISD representative board position. (C. Rodriguez, City Council)
3. Approval of application for the Animal Advisory Board for the Ward 4 position by applicant James Etchison. (M. Curry, City Council)

Motion was made by Councilor Rodriguez, by Resolution 2021-03-12 to approve as written. Motion was seconded by Councilor Curry. Motion unanimously carried.

8. Information or Discussion items –

1. Discussion on two bills relating to movement of SRSU to Texas A&M University System. (Mayor Ramos)
 2. Additional planning and upgrades during emergencies. (Mayor Ramos)
9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) after being called upon by Mayor or Mayor Pro Term. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.) –
1. Discuss, consider, and take appropriate action to approve the second and final 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) – **Motion was made by Councilor Rodriguez, by Resolution 2021-03-13 to approve the second and final 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. Motion was seconded by Councilor Curry. Motion unanimously carried.**
 2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2020-03-02, an ordinance amending Chapter 10 – Animals concerning Wildlife Feeding and Hunting. (E.

Zimmer, City Manager) – Motion was made by Councilor Curry by Resolution 2021-03-14 to approve the second and final reading of Ordinance 2020-03-02, an ordinance amending Chapter 10– Animals concerning Wildlife Feeding and Hunting. Motion was seconded by Councilor Rodriguez. Motion unanimously carried.

3. Discuss, consider, and take appropriate action recommending any changes to the Utility Billing Ordinance. (R. Stephens, City Council) – Motion was made by Councilor Stephens, by Resolution 2021-03-15 to table this item. Motion unanimously carried.

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

11. Executive Session –

Motion was made by Councilor Stephens, by Resolution 2021-03-16, to move into Executive Session. Motion was seconded by Councilor Curry. Motion unanimously carried. (7:35pm)

1. Update on County Jail property – Old City Hall Annex. (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 2021-03-17 to come out of Executive Session. Motion as seconded by Councilor Curry (7:47pm)

Motion was made by Councilor Stephens, by Resolution 2021-03-18 to move into open session. Motion was seconded by Councilor Curry (7:48pm)

12. Action – Executive Session –

1. Action, if any, regarding Old City Hall Complex. (E. Zimmer, City Manager)

Motion was made by Councilor Stephens, by Resolution 2021-03-19 to take no action. Motion was seconded by Councilor Rodriguez. Motion unanimously carried.

I certify that this notice was posted at 2:00 P.M. on March 12, 2021, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Andres "Andy" Ramos, Mayor

Attest:

Cynthia Salas, City Secretary

Council minutes: 03-16-2021

Approved: 04-02-2021

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 2:00 P.M. on March 12, 2021, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Cynthia Salas, City Secretary

8. Information or Discussion items –

1. Update from Municipal Court by Honorable Judge Jodi Cole (E. Zimmer, City Manager)
2. Country Club Estates De-Annexation (R. Stephens, City Council)

OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL



OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Month February Year 2021

Municipal Court for the City of ALPINE

Presiding Judge Jodi Cole

If new, date assumed office _____

Court Mailing Address 309 West Sul Ross

City Alpine, TX Zip 79830

Phone Number 432-837-0808

Fax Number 432-837-9468

Court's Public Email court.clerk@ci.alpine.tx.us

Court's Website https://www.cityofalpine.com

THE ATTACHED IS A TRUE AND ACCURATE REFLECTION OF THE RECORDS OF THIS COURT.

Prepared by L Crespo

Date 03-15-2021 Phone Number 432-837-0808

PLEASE RETURN THIS FORM NO LATER THAN 20 DAYS FOLLOWING THE END OF THE MONTH REPORTED TO:

OFFICE OF COURT ADMINISTRATION
P O BOX 12066
AUSTIN, TX
78711-2066

PHONE: (512) 463-1625
FAX: (512) 936-2423

CRIMINAL SECTION

Court	Traffic Misdemeanors			Non-Traffic Misdemeanors		
Month February Year 2021	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
1. Total Cases Pending First of Month:	717	4	4	175	264	584
a. Active Cases	671	4	4	158	255	573
b. Inactive Cases	46	0	0	17	9	11
2. New Cases Filed	83	1	0	1	4	10
3. Cases Reactivated	0	0	0	0	0	0
4. All Other Cases Added	0	0	0	0	0	0
5. Total Cases on Docket <i>(Sum of Lines 1a, 2, 3 & 4)</i>	754	5	4	159	259	583
6. Dispositions Prior to Court Appearance or Trial:						
a. Uncontested Dispositions <i>(Disposed without appearance before a judge (CCP Art. 27.14))</i>	29	0	1	1	0	5
b. Dismissed by Prosecution	6	0	0	0	0	0
7. Dispositions at Trial:						
a. Convictions:						
1) Guilty Plea or Nolo Contendere	0	0	0	0	0	0
2) By the Court	0	0	0	0	0	0
3) By the Jury	0	0	0	0	0	0
b. Acquittals:						
1) By the Court	0	0	0	0	0	0
2) By the Jury	0	0	0	0	0	0
c. Dismissed by Prosecution	0	0	0	0	0	0
8. Compliance Dismissals:						
a. After Driver Safety Course <i>(CCP, Art. 45.0511)</i>	1					
b. After Deferred Disposition <i>(CCP, Art. 45.051)</i>	0	0	0	0	0	0
c. After Teen Court <i>(CCP, Art. 45.052)</i>	0	0	0	0	0	0
d. After Tobacco Awareness Course <i>(HSC, Sec. 161.253)</i>					0	
e. After Treatment for Chemical Dependency <i>(CCP, Art. 45.053)</i>				0	0	
f. After Proof of Financial Responsibility <i>(TC, Sec. 601.193)</i>	1					
g. All Other Transportation Code Dismissals	0	0	0	0	0	0
9. All Other Dispositions	0	0	0	0	0	2
10. Total Cases Disposed <i>(Sum of Lines 6, 7, 8 & 9)</i>	37	0	1	1	0	7
11. Cases Placed on Inactive Status	0	0	0	0	0	0
12. Total Cases Pending End of Month:	763	5	3	175	268	587
a. Active Cases <i>(Equals Line 5 minus the sum of Lines 10 & 11)</i>	717	5	3	158	259	576
b. Inactive Cases <i>(Equals Line 1b minus Line 3 plus Line 11)</i>	46	0	0	17	9	11
13. Show Cause Hearings Held	4	0	0	1	0	1
14. Cases Appealed:						
a. After Trial	0	0	0	0	0	0
b. Without Trial	0	0	0	0	0	0

CIVIL/ADMINISTRATIVE SECTION

Court Alpine Municipal Court	TOTAL CASES
Month February Year 2021	
1. Total Cases Pending First of Month:	0
a. Active Cases	0
b. Inactive Cases	0
2. New Cases Filed	0
3. Cases Reactivated	0
4. All Other Cases Added	0
5. Total Cases on Docket <i>(Sum of Lines 1a, 2, 3 & 4)</i>	0
DISPOSITIONS	
6. Uncontested Civil Fines or Penalties	0
7. Default Judgments	0
8. Agreed Judgments	0
9. Trial/Hearing by Judge/Hearing Officer	0
10. Trial by Jury	0
11. Dismissed for Want of Prosecution	0
12. All Other Dispositions	0
13. Total Cases Disposed <i>(Sum of Lines 6 through 12)</i>	0
14. Cases Placed on Inactive Status	0
15. Total Cases Pending End of Month:	0
a. Active Cases <i>(Equals Line 5 minus the sum of Lines 13 & 14)</i>	0
b. Inactive Cases <i>(Equals Line 1b minus Line 3 plus Line 14)</i>	0
16. Cases Appealed:	
a. After Trial	0
b. Without Trial	0

JUVENILE/MINOR ACTIVITY

Court Alpine Municipal Court	
Month February Year 2021	TOTAL
1. Transportation Code Cases Filed	0
2. Non-Driving Alcoholic Beverage Code Cases Filed	0
3. Driving Under the Influence of Alcohol Cases Filed	0
4. Drug Paraphernalia Cases Filed (<i>HSC, Ch. 481</i>)	0
5. Tobacco Cases Filed (<i>HSC, Sec. 161.252</i>)	0
6. Failure to Attend School Cases Filed (<i>Ed.Code, Sec. 25.094</i>)	0
7. Education Code (Except Failure to Attend) Cases Filed	0
8. Violation of Local Daytime Curfew Ordinance Cases Filed (<i>Local Govt. Code, Sec. 341.905</i>)	0
9. All Other Non-Traffic Fine-Only Cases Filed	0
10. Transfer to Juvenile Court:	
a. Mandatory Transfer (<i>Fam.Code, Sec. 51.08(b)(1)</i>)	0
b. Discretionary Transfer (<i>Fam.Code, Sec. 51.08(b)(2)</i>)	0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct) (<i>CCP, Art. 45.050(c)(1)</i>)	0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges) (<i>CCP, Art. 45.050(c)(2)</i>)	0
13. Juvenile Statement Magistrate Warning:	
a. Warnings Administered	0
b. Statements Certified (<i>Fam.Code, Sec. 51.095</i>)	0
14. Detention Hearings Held (<i>Fam. Code, Sec. 54.01</i>)	0
15. Orders for Non-Secure Custody Issued	0
16. Parent Contributing to Nonattendance Cases Filed (<i>Ed. Code, Sec. 25.093</i>)	0

ADDITIONAL ACTIVITY

Court	Alpine Municipal Court		
Month	February	Year	2021
		NUMBER GIVEN	NUMBER REQUESTS FOR COUNSEL
1. Magistrate Warnings:			
a. Class C Misdemeanors		0	
b. Class A and B Misdemeanors		0	0
c. Felonies		0	0
			TOTAL
2. Arrest Warrants Issued:			
a. Class C Misdemeanors			0
b. Class A and B Misdemeanors			0
c. Felonies			0
3. Capiases Pro Fine Issued			0
4. Search Warrants Issued			0
5. Warrants for Fire, Health and Code Inspections Filed <i>(CCP, Art. 18.05)</i>			0
6. Examining Trials Conducted			0
7. Emergency Mental Health Hearings Held			0
8. Magistrate's Orders for Emergency Protection Issued			0
9. Magistrate's Orders for Ignition Interlock Device Issued <i>(CCP, Art. 17.441)</i>			0
10. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond			0
11. Driver's License Denial, Revocation or Suspension Hearings Held <i>(TC, Sec. 521.300)</i>			0
12. Disposition of Stolen Property Hearings Held <i>(CCP, Ch. 47)</i>			0
13. Peace Bond Hearings Held			0
14. Cases in Which Fine and Court Costs Satisfied by Community Service:			
a. Partial Satisfaction			0
b. Full Satisfaction			0
15. Cases in Which Fine and Court Costs Satisfied by Jail Credit			0
16. Cases in Which Fine and Court Costs Waived for Indigency			0
17. Amount of Fines and Court Costs Waived for Indigency			0.00
18. Fines, Court Costs and Other Amounts Collected:			
a. Kept by City			5,241.90
b. Remitted to State			4,751.51
c. Total			9,993.41

Money Distribution Report

Type Code Description	Count	Retained	Disbursed	Money-Totals
The following totals represent - Cash and Checks Collected				
COST CCC CONSOLIDATED COURT COSTS	24	125.75	1,131.76	1,257.51
COST CCC CONSOLIDATED COURT COSTS	6	8.54	76.86	85.40
COST CHS MUNICIPAL COURT BUILDING SECURITY	6	6.41	0.00	6.41
COST IDF INDIGENT DEFENSE FUND	6	0.43	3.84	4.27
COST JRF JURY REIMBURSEMENT FEE	6	0.85	7.70	8.55
COST JSF JUDICIAL SUPPORT FEE	6	1.28	11.53	12.81
COST JTF MUNICIPAL COURT TECH FUND	6	8.55	0.00	8.55
COST LCCC LOCAL CONSOLIDATED COURT COST (EFF. 1.1.	24	283.95	0.00	283.95
COST MAF MUNICIPAL ARREST FEE	30	112.10	0.00	112.10
COST OMNC DPS OMNI FEE - COUNTY	3	4.00	0.00	4.00
COST OMND DPS OMNI FEE - DPS	3	0.00	20.00	20.00
COST OMNO DPS OMNI FEE - OMNIBASE	3	0.00	6.00	6.00
COST OMNR OMNI REIMBURSEMENT FEE (EFF. 1.1.20)	1	10.00	0.00	10.00
COST STF STATE TRAFFIC FEE	2	0.66	12.50	13.16
COST TFC LOCAL TRAFFIC FEE	2	1.32	0.00	1.32
COST TPDF TRUANCY PREVENTION AND DIVERSION FUND	6	2.13	2.14	4.27
COST TPRF TIME PAYMENT REIMBURSEMENT FEE	12	72.20	0.00	72.20
FEES CSRV COLLECTIONS FEE	2	0.00	68.83	68.83
FEES DEF DEFERRED DISPOSITION	1	17.34	0.00	17.34
FEES DSC DRIVER SAFETY COURSE	1	9.90	0.00	9.90
FINE CPLD COMPLIANCE DISMISSAL FINE	3	60.00	0.00	60.00
FINE FINE FINES	30	1,550.23	0.00	1,550.23
FINE LTFC LOCAL TRAFFIC FINE (EFF. 9.1.19)	13	28.78	0.00	28.78
FINE STF1 STATE TRAFFIC FINE (EFF. 9.1.19)	13	19.19	460.57	479.76
OPMT OPMT OVERPAYMENT	3	6.90	0.00	6.90
Money Totals	44	2,330.51	1,801.73	4,132.24

The following totals represent - Transfers Collected

COST CCC CONSOLIDATED COURT COSTS	1	6.20	55.80	62.00
COST CCC CONSOLIDATED COURT COSTS	0	0.00	0.00	0.00
COST CHS MUNICIPAL COURT BUILDING SECURITY	0	0.00	0.00	0.00
COST IDF INDIGENT DEFENSE FUND	0	0.00	0.00	0.00
COST JRF JURY REIMBURSEMENT FEE	0	0.00	0.00	0.00
COST JSF JUDICIAL SUPPORT FEE	0	0.00	0.00	0.00
COST JTF MUNICIPAL COURT TECH FUND	0	0.00	0.00	0.00
COST LCCC LOCAL CONSOLIDATED COURT COST (EFF. 1.1.	1	14.00	0.00	14.00
COST MAF MUNICIPAL ARREST FEE	1	5.00	0.00	5.00
COST OMNC DPS OMNI FEE - COUNTY	0	0.00	0.00	0.00
COST OMND DPS OMNI FEE - DPS	0	0.00	0.00	0.00
COST OMNO DPS OMNI FEE - OMNIBASE	0	0.00	0.00	0.00
COST OMNR OMNI REIMBURSEMENT FEE (EFF. 1.1.20)	0	0.00	0.00	0.00
COST STF STATE TRAFFIC FEE	0	0.00	0.00	0.00
COST TFC LOCAL TRAFFIC FEE	0	0.00	0.00	0.00
COST TPDF TRUANCY PREVENTION AND DIVERSION FUND	0	0.00	0.00	0.00
COST TPRF TIME PAYMENT REIMBURSEMENT FEE	0	0.00	0.00	0.00
FEES CSRV COLLECTIONS FEE	0	0.00	0.00	0.00
FEES DEF DEFERRED DISPOSITION	0	0.00	0.00	0.00
FEES DSC DRIVER SAFETY COURSE	0	0.00	0.00	0.00
FINE CPLD COMPLIANCE DISMISSAL FINE	0	0.00	0.00	0.00
FINE FINE FINES	1	1,300.00	0.00	1,300.00
FINE LTFC LOCAL TRAFFIC FINE (EFF. 9.1.19)	0	0.00	0.00	0.00
FINE STF1 STATE TRAFFIC FINE (EFF. 9.1.19)	0	0.00	0.00	0.00
OPMT OPMT OVERPAYMENT	0	0.00	0.00	0.00
Transfer Totals	1	1,325.20	55.80	1,381.00

The following totals represent - Jail Credit and Community Service

COST CCC CONSOLIDATED COURT COSTS	0	0.00	0.00	0.00
COST CCC CONSOLIDATED COURT COSTS	0	0.00	0.00	0.00
COST CHS MUNICIPAL COURT BUILDING SECURITY	0	0.00	0.00	0.00
COST IDF INDIGENT DEFENSE FUND	0	0.00	0.00	0.00
COST JRF JURY REIMBURSEMENT FEE	0	0.00	0.00	0.00
COST JSF JUDICIAL SUPPORT FEE	0	0.00	0.00	0.00
COST JTF MUNICIPAL COURT TECH FUND	0	0.00	0.00	0.00
COST LCCC LOCAL CONSOLIDATED COURT COST (EFF. 1.1.	0	0.00	0.00	0.00
COST MAF MUNICIPAL ARREST FEE	0	0.00	0.00	0.00

Money Distribution Report

Type Code Description	Count	Retained	Disbursed	Money-Totals
COST OMNC DPS OMNI FEE - COUNTY	0	0.00	0.00	0.00
COST OMND DPS OMNI FEE - DPS	0	0.00	0.00	0.00
COST OMNO DPS OMNI FEE - OMNIBASE	0	0.00	0.00	0.00
COST OMNR OMNI REIMBURSEMENT FEE (EFF. 1.1.20)	0	0.00	0.00	0.00
COST STF STATE TRAFFIC FEE	0	0.00	0.00	0.00
COST TFC LOCAL TRAFFIC FEE	0	0.00	0.00	0.00
COST TPDF TRUANCY PREVENTION AND DIVERSION FUND	0	0.00	0.00	0.00
COST TPRF TIME PAYMENT REIMBURSEMENT FEE	0	0.00	0.00	0.00
FEES CSRV COLLECTIONS FEE	0	0.00	0.00	0.00
FEES DEF DEFERRED DISPOSITION	0	0.00	0.00	0.00
FEES DSC DRIVER SAFETY COURSE	0	0.00	0.00	0.00
FINE CPLD COMPLIANCE DISMISSAL FINE	0	0.00	0.00	0.00
FINE FINE FINES	0	0.00	0.00	0.00
FINE LTFC LOCAL TRAFFIC FINE (EFF. 9.1.19)	0	0.00	0.00	0.00
FINE STF1 STATE TRAFFIC FINE (EFF. 9.1.19)	0	0.00	0.00	0.00
OPMT OPMT OVERPAYMENT	0	0.00	0.00	0.00
Credit Totals	0	0.00	0.00	0.00

The following totals represent - Credit Card Payments

COST CCC CONSOLIDATED COURT COSTS	30	161.64	1,454.79	1,616.43
COST CCC CONSOLIDATED COURT COSTS	0	0.00	0.00	0.00
COST CHS MUNICIPAL COURT BUILDING SECURITY	0	0.00	0.00	0.00
COST IDF INDIGENT DEFENSE FUND	0	0.00	0.00	0.00
COST JRF JURY REIMBURSEMENT FEE	0	0.00	0.00	0.00
COST JSF JUDICIAL SUPPORT FEE	0	0.00	0.00	0.00
COST JTF MUNICIPAL COURT TECH FUND	0	0.00	0.00	0.00
COST LCCC LOCAL CONSOLIDATED COURT COST (EFF. 1.1.	30	365.00	0.00	365.00
COST MAF MUNICIPAL ARREST FEE	30	130.35	0.00	130.35
COST OMNC DPS OMNI FEE - COUNTY	0	0.00	0.00	0.00
COST OMND DPS OMNI FEE - DPS	0	0.00	0.00	0.00
COST OMNO DPS OMNI FEE - OMNIBASE	0	0.00	0.00	0.00
COST OMNR OMNI REIMBURSEMENT FEE (EFF. 1.1.20)	0	0.00	0.00	0.00
COST STF STATE TRAFFIC FEE	0	0.00	0.00	0.00
COST TFC LOCAL TRAFFIC FEE	0	0.00	0.00	0.00
COST TPDF TRUANCY PREVENTION AND DIVERSION FUND	0	0.00	0.00	0.00
COST TPRF TIME PAYMENT REIMBURSEMENT FEE	6	33.12	0.00	33.12
FEES CSRV COLLECTIONS FEE	0	0.00	0.00	0.00
FEES DEF DEFERRED DISPOSITION	0	0.00	0.00	0.00
FEES DSC DRIVER SAFETY COURSE	0	0.00	0.00	0.00
FINE CPLD COMPLIANCE DISMISSAL FINE	2	40.00	0.00	40.00
FINE FINE FINES	32	2,164.60	0.00	2,164.60
FINE LTFC LOCAL TRAFFIC FINE (EFF. 9.1.19)	18	54.00	0.00	54.00
FINE STF1 STATE TRAFFIC FINE (EFF. 9.1.19)	18	36.00	864.00	900.00
OPMT OPMT OVERPAYMENT	1	26.00	0.00	26.00
Credit Card Totals	37	3,010.71	2,318.79	5,329.50

The following totals represent - Combined Money

COST CCC CONSOLIDATED COURT COSTS	55	293.59	2,642.35	2,935.94
COST CCC CONSOLIDATED COURT COSTS	6	8.54	76.86	85.40
COST CHS MUNICIPAL COURT BUILDING SECURITY	6	6.41	0.00	6.41
COST IDF INDIGENT DEFENSE FUND	6	0.43	3.84	4.27
COST JRF JURY REIMBURSEMENT FEE	6	0.85	7.70	8.55
COST JSF JUDICIAL SUPPORT FEE	6	1.28	11.53	12.81
COST JTF MUNICIPAL COURT TECH FUND	6	8.55	0.00	8.55
COST LCCC LOCAL CONSOLIDATED COURT COST (EFF. 1.1.	55	662.95	0.00	662.95
COST MAF MUNICIPAL ARREST FEE	61	247.45	0.00	247.45
COST OMNC DPS OMNI FEE - COUNTY	3	4.00	0.00	4.00
COST OMND DPS OMNI FEE - DPS	3	0.00	20.00	20.00
COST OMNO DPS OMNI FEE - OMNIBASE	3	0.00	6.00	6.00
COST OMNR OMNI REIMBURSEMENT FEE (EFF. 1.1.20)	1	10.00	0.00	10.00
COST STF STATE TRAFFIC FEE	2	0.66	12.50	13.16
COST TFC LOCAL TRAFFIC FEE	2	1.32	0.00	1.32
COST TPDF TRUANCY PREVENTION AND DIVERSION FUND	6	2.13	2.14	4.27
COST TPRF TIME PAYMENT REIMBURSEMENT FEE	18	105.32	0.00	105.32
FEES CSRV COLLECTIONS FEE	2	0.00	68.83	68.83
FEES DEF DEFERRED DISPOSITION	1	17.34	0.00	17.34
FEES DSC DRIVER SAFETY COURSE	1	9.90	0.00	9.90
FINE CPLD COMPLIANCE DISMISSAL FINE	5	100.00	0.00	100.00

Money Distribution Report

Type Code Description	Count	Retained	Disbursed	Money-Totals
FINE FINE FINES	63	5,014.83	0.00	5,014.83
FINE LTFC LOCAL TRAFFIC FINE (EFF. 9.1.19)	31	82.78	0.00	82.78
FINE STF1 STATE TRAFFIC FINE (EFF. 9.1.19)	31	55.19	1,324.57	1,379.76
OPMT OPMT OVERPAYMENT	4	32.90	0.00	32.90
Money Totals	82	6,666.42	4,176.32	10,842.74

The following totals represent - Combined Money and Credits

COST CCC CONSOLIDATED COURT COSTS	55	293.59	2,642.35	2,935.94
COST CCC CONSOLIDATED COURT COSTS	6	8.54	76.86	85.40
COST CHS MUNICIPAL COURT BUILDING SECURITY	6	6.41	0.00	6.41
COST IDF INDIGENT DEFENSE FUND	6	0.43	3.84	4.27
COST JRF JURY REIMBURSEMENT FEE	6	0.85	7.70	8.55
COST JSF JUDICIAL SUPPORT FEE	6	1.28	11.53	12.81
COST JTF MUNICIPAL COURT TECH FUND	6	8.55	0.00	8.55
COST LCCC LOCAL CONSOLIDATED COURT COST (EFF. 1.1.	55	662.95	0.00	662.95
COST MAF MUNICIPAL ARREST FEE	61	247.45	0.00	247.45
COST OMNC DPS OMNI FEE - COUNTY	3	4.00	0.00	4.00
COST OMND DPS OMNI FEE - DPS	3	0.00	20.00	20.00
COST OMNO DPS OMNI FEE - OMNIBASE	3	0.00	6.00	6.00
COST OMNR OMNI REIMBURSEMENT FEE (EFF. 1.1.20)	1	10.00	0.00	10.00
COST STF STATE TRAFFIC FEE	2	0.66	12.50	13.16
COST TFC LOCAL TRAFFIC FEE	2	1.32	0.00	1.32
COST TPDF TRUANCY PREVENTION AND DIVERSION FUND	6	2.13	2.14	4.27
COST TPRF TIME PAYMENT REIMBURSEMENT FEE	18	105.32	0.00	105.32
FEES CSRV COLLECTIONS FEE	2	0.00	68.83	68.83
FEES DEF DEFERRED DISPOSITION	1	17.34	0.00	17.34
FEES DSC DRIVER SAFETY COURSE	1	9.90	0.00	9.90
FINE CPLD COMPLIANCE DISMISSAL FINE	5	100.00	0.00	100.00
FINE FINE FINES	63	5,014.83	0.00	5,014.83
FINE LTFC LOCAL TRAFFIC FINE (EFF. 9.1.19)	31	82.78	0.00	82.78
FINE STF1 STATE TRAFFIC FINE (EFF. 9.1.19)	31	55.19	1,324.57	1,379.76
OPMT OPMT OVERPAYMENT	4	32.90	0.00	32.90
Report Totals	82	6,666.42	4,176.32	10,842.74

Money Distribution Report

Date	Payment Type	Fines	Court Costs	Fees	Bonds	Restitution	Other	Total
00-00-0000	Cash & Checks Collected	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Jail Credits & Comm Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Credit Cards & Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Total of all Collections	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09-01-1991	Cash & Checks Collected	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Jail Credits & Comm Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Credit Cards & Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Total of all Collections	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-01-2004	Cash & Checks Collected	109.17	232.00	86.17	0.00	0.00	3.00	430.34
	Jail Credits & Comm Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Credit Cards & Transfers	65.00	0.00	0.00	0.00	0.00	0.00	65.00
	Total of all Collections	174.17	232.00	86.17	0.00	0.00	3.00	495.34
01-01-2020	Cash & Checks Collected	2,009.60	1,678.50	9.90	0.00	0.00	29.90	3,727.90
	Jail Credits & Comm Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Credit Cards & Transfers	4,393.60	2,225.90	0.00	0.00	0.00	26.00	6,645.50
	Total of all Collections	6,403.20	3,904.40	9.90	0.00	0.00	29.90	10,347.40
TOTALS	Cash & Checks Collected	2,118.77	1,910.50	96.07	0.00	0.00	32.90	4,158.24
	Jail Credits & Comm Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Credit Cards & Transfers	4,458.60	2,225.90	0.00	0.00	0.00	26.00	6,710.50
	Total of all Collections	6,577.37	4,136.40	96.07	0.00	0.00	32.90	10,842.74

Money Distribution Report

Description	Count	Collected	Retained	Disbursed
State of Texas Quarterly Reporting Totals				
State Comptroller Cost and Fees Report				
Section I: Report for Offenses Committed				
01-01-20 Forward	55	2,935.94	293.59	2,642.35
01-01-04 - 12-31-19	6	85.40	8.54	76.86
09-01-91 - 12-31-03	0	0.00	0.00	0.00
State Traffic Fine (eff. 09-01-19)	31	1,379.76	55.19	1,324.57
State Traffic Fine (prior 09-01-19)	2	13.16	0.66	12.50
Intoxicated Driver Fine	0	0.00	0.00	0.00
Prior Mandatory Costs (JRF, IDF, JS)	18	25.63	2.56	23.07
Moving Violation Fees	0	0.00	0.00	0.00
Truancy Prevention and Diversion Fund	6	4.27	2.13	2.14
Failure to Appear/Pay Fees	3	20.00	0.00	20.00
Time Payment Fees	0	0.00	0.00	0.00
Section II: As Applicable				
Peace Officer Fees	0	0.00	0.00	0.00
Motor Carrier Weight Violations	0	0.00	0.00	0.00
Driving Record Fee	0	0.00	0.00	0.00
Report Sub Total	121	4,464.16	362.67	4,101.49
State Comptroller Civil Fees Report				
CF: Birth Certificate Fees	0	0.00	0.00	0.00
CF: Marriage License Fees	0	0.00	0.00	0.00
CF: Declaration of Informal Marriage	0	0.00	0.00	0.00
CF: Nondisclosure Fees	0	0.00	0.00	0.00
CF: Juror Donations	0	0.00	0.00	0.00
CF: Justice Court Indig Filing Fees	0	0.00	0.00	0.00
CF: Stat Prob Court Indig Filing Fees	0	0.00	0.00	0.00
CF: Stat Prob Court Judic Filing Fees	0	0.00	0.00	0.00
CF: Stat Cnty Court Indig Filing Fees	0	0.00	0.00	0.00
CF: Stat Cnty Court Judic Filing Fees	0	0.00	0.00	0.00
CF: Cnst Cnty Court Indig Filing Fees	0	0.00	0.00	0.00
CF: Cnst Cnty Court Judic Filing Fees	0	0.00	0.00	0.00
CF: Dist Court Divorce & Family Law	0	0.00	0.00	0.00
CF: Dist Court Other Divorce/Family Law	0	0.00	0.00	0.00
CF: Dist Court Indig Legal Services	0	0.00	0.00	0.00
CF: Judicial Support Fee	0	0.00	0.00	0.00
CF: Judicial & Court Pers. Training Fee	0	0.00	0.00	0.00
Report Sub Total	0	0.00	0.00	0.00
Total Due For This Period	121	4,464.16	362.67	4,101.49

2. Country Club Estates De-Annexation (R. Stephens, City Council)



Alpine County Club Estates Roads

April 6, 2021



Background

- ACCE Originally planned to be a 3 phase sub-development of 150 homes
 - Would have generated about \$300,000 per year in property taxes
 - Phase 1 – Approximately 100 acres
 - City annexed 88+ acres (inclusive of 2 mile road leading to ACCE) in July 1987
 - 13+ additional acres annexed in May 2003
 - Phase 2 and 3 never started
 - Total Roads in ACCE about 10% of Alpine roads
 - Annual road maintenance expenditures \$100,000
 - 28 year cycle road rebuild
 - 7 year cycle for seal coat
- Currently 30 Residents
 - Generate approximately \$43,865.96 in City of Alpine valorem (aka property) taxes
 - Approximately additional \$150,000 paid in valorem taxes by owners for AISD, Brewster County and Hospital District



Background (Continued)

- Meetings in 2016 and 2017 with ACCE Residents
 - Key Expectation that Alpine Maintain the Roads
 - Discussions on priorities
 - Main road was primary focus
 - Neighborhood roads next
- Discussed at multiple City Council meetings
 - As part of overall Alpine road repair plan
 - Specific elements of ACCE road issues
 - Funds required to repair ACCE roads would consume 100% of annual city road budget
 - Alternatives discussed

Discussion

ACCE Residents want to remain part of Alpine

- Retain reduced water and waste water costs (\$40-50 per month)
- Retain other city services

City Reviewed Option to create new entrance to ACCE from Loop Drive

- Requires County approval, purchase of private property and construction of new road
- Funds not available

Long Term Options

1. Allocate funds to maintain roads with chip seal (\$1-\$2M to remediate then \$100,000+ per year)
2. Change the road maintenance plan
 - Maintain the neighborhood roads similar to the city
 - Change the main road to packed caliche
 - Move dumpsters to ACCE entrance to stop heavy truck traffic
3. City take Action to De-Annex ACCE - The City Council may, by ordinance, disannex territory within the City. Disannexation actions are subject only to such procedural rules as may be prescribed by State law.



9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) After being called upon by the Mayor or Mayor Pro Tem, Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.)

1. Discuss, consider, and take appropriate action on Resolution 2021-04-02, a Resolution adopting a new fee schedule for the Alpine Civic Center. (E. Zimmer, City Manager)
2. Discuss, consider and take appropriate action on Resolution 2021-04-03 authorizing the City of Alpine to participate in the Texas Community Development Block Grant - Downtown Revitalization funding program. (E. Zimmer, City Manager)
3. Discuss, consider and take appropriate action on Resolution 2021-04-04 designating specific street corridors within the Alpine Downtown Area as blighted in regards to ADA, pedestrian and other non-vehicular accessibility and safety. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-01, an ordinance amending Chapter 22 - Business, Article III - Peddlers to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-02, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. (E. Zimmer, City Manager)
7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 - Utilities to the Alpine Code of Ordinances. (R. Stephens, City Council)
8. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-05, an ordinance amending Chapter 23 - City Council, Article II - Rules of Procedure to the Alpine Code of Ordinances. (C. Rodriguez, City Council)
9. Discuss, consider, and take appropriate action approving the Joint Election Service Agreement Contract between the City of Alpine and Brewster County for the May 1, 2021 City of Alpine Elections. (E. Zimmer, City Manager)

1. Discuss, consider, and take appropriate action on Resolution 2021-04-02, a Resolution adopting a new fee schedule for the Alpine Civic Center. (E. Zimmer, City Manager)

Old CC Fees			
	Commercial/General Public	Non Profit Organizations	Government Agencies
Deposit	\$200	\$200	No Charge
Full Day Rental (8hrs)	\$500	\$250	No Charge
Evening Recital/Meeting	\$250	\$125	No Charge
Additional Time per Hour	\$65/hour	\$30	No Charge

Current CC Fees			
	Commercial General Public	Non Profit Organization	Government Agencies
Day Rental for ONE event	\$650	\$400	\$400
Security Required for ALL events	\$75/hr 2 officers	\$75/hr 2 officers	\$75/hr 2 officers

Local Facility Rental Fees		
Sul Ross State University	Individual/Commercial Use	Non Profit Agencies
Kokemot Lodge	\$250/day	\$100/day
Centinnial School Conference Room	\$50	\$100
Gallego Center Gym	\$500 without flooring, \$1200 w/flooring	\$1000 without, \$2400 w/ flooring
Espino Conference Center	\$100	\$150
Holland Hotel 837-2800		
Grand Lobby	\$1,500	
Courtyard	\$1,500	
TV Room	\$300	
Biliard Room	\$75/hr	
All Access	\$8,000	
Quarter Circle 7		
Pavilion (full day rental)	\$500	
Alpine Country Club	Ballroom (only)	Ballroom AND Kitchen
	\$100 (deposit)	\$400 (deposit)
	\$400 All Day rental	\$600 All Day rental
Kishmish Plaza		
	Was waiting on his call**	
Parrish Hall		
Deposit	\$150	
Hall only	\$200	
Hall AND Kitchen	\$250	
Patio	\$50	
Maverick Inn		
Courtyard	Free to use if you are a guest	
Rm 10	Free to use if you are a guest	

	Commercial/General Public	Non Profit Organizations	Government Agencies
Day Rental for ONE event	\$500	\$100	\$100
Half Day Rental	\$250	\$50	\$50
Deposit	\$200	\$200	\$200* can be waived by CM
Security Required for Events with Alcohol ONLY or upon request	\$60/hr 2 officers	\$60/hr 2 officers	\$60/hr 2 officers

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TRANS-DATE	TCD	OTHER-ACCT	OTHER-ACCOUNT-TITLE	TRN-NUMBER	SY	EMP	REF-NUMBER	LN	DEBIT-AMOUNT	CREDIT-AMOUNT
01-542-1703			CIVIC CENTER RENTAL						BEGINNING BALANCE:	0.00
10-04-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000001583	04	006	0000021581	01		500.00
			NAME: JACEE OWEN						DESCRIPTION: CIVIC CENTER RENTAL	
10-11-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000002335	04	006	0000021636	01		500.00
			NAME: DAVID DURANT						DESCRIPTION: CIVIC CENTER RENTAL	
01-17-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000011815	04	006	0000022440	02		150.00
			NAME: ALPINE PUBLIC LIBRARY						DESCRIPTION: CIVIC CENTER RENTAL/NON PROFIT	
01-17-2020	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000020214	04	006	0000022440	02		150.00-
			NAME: ALPINE PUBLIC LIBRARY						DESCRIPTION: CIVIC CENTER RENTAL/NON PROFIT	
01-17-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000020216	04	006	0000022440	02		125.00
			NAME: ALPINE PUBLIC LIBRARY						DESCRIPTION: CIVIC CENTER RENTAL/NON PROFIT	
01-29-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000012760	04	006	0000022571	01		250.00
			NAME: PREFERRED QUALITY HOMES						DESCRIPTION: CIVIC CENTER RENTAL	
02-10-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000014573	04	006	0000022654	02		250.00
			NAME: BIG BEND REGIONAL MEDICAL CENTER						DESCRIPTION: CIVIC CENTER RENTAL	
02-14-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000015616	04	006	0000022695	02		250.00
			NAME: MIGUEL RENTERIA						DESCRIPTION: CIVIC CENTER RENTAL	
02-14-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000015617	04	006	0000022695	03		195.00
			NAME: MIGUEL RENTERIA						DESCRIPTION: CIVIC CENTER RENTAL	
02-25-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000016206	04	006	0000022825	01		500.00
			NAME: YANETH MUCHARRAZ						DESCRIPTION: CIVIC CENTER RENTAL	
02-28-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000016736	04	006	0000022871	02		250.00
			NAME: THOMAS & MARY K. ROBERTS						DESCRIPTION: CIVIC CENTER RENTAL	
03-10-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000017747	04	010	0000022979	02		125.00
			NAME: ALPINE PUBLIC LIBRARY						DESCRIPTION: CIVIC CENTER RENTAL FEE	
03-10-2020	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000017760	04	010	0000022967	01		380.00
			NAME: PARADIGM LIAISON SERVICES						DESCRIPTION: CIVIC CENTER RENTAL	
03-19-2020	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000018695	02	010	0001320799	02	150.00	
			NAME: ALPINE PUBLIC LIBRARY						DESCRIPTION: CIVIC CENTER RENTAL REFUND	
03-19-2020	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000018701	02	010	0001320801	02	250.00	
			NAME: BIG BEND REGIONAL MEDICAL CENTER						DESCRIPTION: CIVIC CENTER RENTAL REFUND	
03-19-2020	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000018713	02	010	0001320804	02	775.00	
			NAME: CHIHUAHUA DESERT GEM & MINERAL						DESCRIPTION: CIVIC CENTER RENTAL REFUND	
04-27-2020	JNL			0000022710	01	010	0000002586	00		3,600.00
			JOURNAL DESCRIPTION: CORRECT BEGINNING BALANCES - EVENT SECURITY/CIVIC CENTER DEP							
07-09-2020	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030494	02	010	0001321160	02	500.00	
			NAME: JA CEE OWENS						DESCRIPTION: REFUND CIVIC CENTER RENTAL	
09-03-2020	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000037342	02	010	0001321333	02	125.00	
			NAME: ALPINE PUBLIC LIBRARY						DESCRIPTION: REFUND RENTAL FEE	
			TOTAL DEBITS AND CREDITS ----->						1,800.00	6,925.00
			ENDING BALANCE:							5,125.00

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TRANS-DATE	TCD	OTHER-ACCT	OTHER-ACCOUNT-TITLE	TRN-NUMBER	SY	EMP	REF-NUMBER	LN	DEBIT-AMOUNT	CREDIT-AMOUNT
01-542-1703			CIVIC CENTER RENTAL						BEGINNING BALANCE:	0.00
10-05-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BIG BEND SHOOTING FOUNDATION	0000001438	04	006	0000018438	01		250.00
10-23-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: LOUISA MAYFIELD	0000002797	04	006	0000018546	03		500.00
11-29-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: IRMA MALDONADO	0000006951	04	006	0000018863	01		380.00
01-03-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: KENNETH HERITAGE	0000010583	04	006	0000019095	01		500.00
01-14-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BIG BEND REGIONAL HOSPITAL CO.	0000011685	04	006	0000019196	02		120.00
01-23-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BIG BEND REGIONAL HOSPITAL CO.	0000012736	04	006	0000019282	01		130.00
01-23-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ELANE V SCOTT	0000012760	04	006	0000019285	01		500.00
01-29-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BIG BEND REGIONAL HOSPITAL CO.	0000013270	04	006	0000019336	01		250.00
01-29-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BIG BEND REGIONAL HOSPITAL CO.	0000013271	04	006	0000019336	02		65.00
02-26-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ASHLEY MARTIN	0000016597	04	006	0000019675	01		500.00
03-06-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ALPINE PUBLIC LIBRARY	0000017819	04	006	0000019700	01		125.00
03-15-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: MEMORY COLSTON	0000019313	04	006	0000019781	01		380.00
03-27-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BEN CAMPOS	0000019441	04	006	0000019875	01		200.00
03-27-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: PARADIGM LIASON SERVICES	0000019447	04	006	0000019878	01		380.00
04-02-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: REBECCA GARCIA	0000020590	04	006	0000019907	01		500.00
04-02-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: VANESSA CARRASCO	0000020592	04	006	0000019912	01		500.00
04-16-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: IRMA CAMPBELL	0000021983	04	006	0000020051	01		65.00
04-25-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ERIK ESTRADA	0000022925	04	006	0000020162	01		575.00
04-26-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: CHIHUAHAN DESERT GEM & MINERAL CLUB	0000023222	04	006	0000020163	02		775.00
04-30-2019	JNL		JOURNAL DESCRIPTION: GENERAL FUND - NSF - E. ESTRADA	0000024325	01	010	0000002633	00	575.00	
06-11-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BBRMC- RUTH C HUCKE	0000029161	04	006	0000020583	02		250.00
06-19-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: BEN CAMPOS	0000030561	04	006	0000020764	01		365.00
07-02-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: LORETTA/AMY GONZALES	0000031951	04	006	0000020765	01		200.00
07-18-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ANRS RODEO	0000033197	04	006	0000020967	01		315.00
07-22-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ANGEL FLORES	0000036945	04	006	0000020998	01		200.00
07-22-2019	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ANGEL FLORES	0000036946	04	006	0000020998	01		200.00--
08-05-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: DBA SNAKE DAYS	0000034541	04	006	0000021153	01		677.50
08-13-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: FAMILY CRISIS CENTER OF THE BIG BEN	0000035182	04	006	0000021218	02		125.00
08-28-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000036534	04	006	0000021320	01		500.00

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01-542-1703 CIVIC CENTER RENTAL										
(Continuation)										
NAME: WOMEN'S CLUB OF ALPINE				DESCRIPTION: CIVIC CENTER RENTAL						
08-30-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000037238	04	006	0000021351	01		100.00
NAME: ANGEL FLORES				DESCRIPTION: CIVIC CENTER RENTAL						
09-10-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038035	04	006	0000021399	02		125.00
NAME: BIG BEND SHOOTING FOUNDATION				DESCRIPTION: CIVIC CENTER RENTAL						
09-10-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038037	04	006	0000021401	02		500.00
NAME: SIERRA LA RANA OWNERS ASSOCIATION				DESCRIPTION: CIVIC CENTER RENTAL						
09-13-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038949	04	006	0000021451	01		400.00
NAME: ANGEL FLORES				DESCRIPTION: CIVIC CENTER RENTAL						
09-16-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038954	04	006	0000021457	02		125.00
NAME: ALPINE PUBLIC LIBRARY				DESCRIPTION: CIVIC CENTER RENTAL						
09-16-2019	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038957	04	006	0000021456	02		250.00
NAME: BIG BEND LIVESTOCK ASSOCIATION				DESCRIPTION: CIVIC CENTER RENTAL						
TOTAL DEBITS AND CREDITS ----->									575.00	10,627.50
ENDING BALANCE:										10,052.50

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TRANS-DATE	TCD	OTHER-ACCT	OTHER-ACCOUNT-TITLE	TRN-NUMBER	SY	EMP	REF-NUMBER	LN	DEBIT-AMOUNT	CREDIT-AMOUNT
01-542-1703			Civic Center Rental						BEGINNING BALANCE:	0.00
10-05-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Mijelum L.L.C	0000001305	04	009	0000015846	01		565.00
10-20-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Julie Morton	0000002782	04	009	0000015946	01		250.00
10-27-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: ABEL HINOJOS	0000003214	04	010	0000016004	01		250.00
11-03-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Alpine Christian School	0000004130	04	009	0000016049	01		215.00
11-20-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Tx Ornithological Society	0000005645	04	009	0000016150	01		375.00
11-20-2017	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: JULIE MORTON	0000005798	02	010	0001317510	01	250.00	
12-05-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: GEORGE L. RAMIREZ	0000007214	04	009	0000016244	01		200.00
12-21-2017	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Theresa Ramirez	0000008857	04	009	0000016359	01		180.00
01-03-2018	JNL		JOURNAL DESCRIPTION: CORRECT DEPOSIT - WRONG LINE ITEM USED - EVENT SECURITY	0000009379	01	010	0000001171	00	90.00	
01-10-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Big Bend Livestock Show Asso.	0000010258	04	009	0000016488	01		65.50
01-22-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Alpine Christian School	0000011368	04	009	0000016570	01		157.00
01-22-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Big Bend Hospital Corp.	0000011374	04	009	0000016572	01		195.00
02-05-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Lupe Baca	0000013599	04	009	0000016687	01		315.00
02-07-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Alpine Public Library	0000013737	04	009	0000016702	01		125.00
03-13-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Paradigm Liason Services, LLC	0000017599	04	007	0000016957	01		180.00
03-13-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Paradigm Liason Services, LLC	0000018213	04	009	0000016957	01		180.00-
03-13-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Paradigm Liason Services, LLC	0000018215	04	009	0000016957	01		380.00
03-26-2018	CHK	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: PARADIGM ALLIANCE, INC	0000018810	02	010	0001317973	01	130.00	
03-27-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Family Crisis Center	0000018882	04	009	0000017057	01		125.00
03-27-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Family Crisis Center	0000018885	04	009	0000017057	01		125.00-
03-27-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Family Crisis Center	0000018888	04	009	0000017057	01		125.00
04-05-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Blanton & Asso.	0000019460	04	009	0000017105	01		250.00
04-17-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Eva Gallegos	0000021096	04	009	0000017194	01		315.00
04-18-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Sonya Bermudez	0000021105	04	009	0000017197	01		630.00
04-20-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Kleinman Consultants, P.L.LC.	0000021448	04	009	0000017220	01		250.00
04-23-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Gem and Mineral Show	0000021662	04	009	0000017235	01		695.00
04-30-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Cinco de Mayo	0000021979	04	009	0000017279	01		315.00
04-30-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207 NAME: Cinco de Mayo	0000022107	04	007	0000017279	01		315.00-
05-01-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000022109	04	007	0000017279	01		315.00

TRANS-DATE	TCD	OTHER-ACCT	OTHER-ACCOUNT-TITLE	TRN-NUMBER	SY	EMP	REF-NUMBER	LN	DEBIT-AMOUNT	CREDIT-AMOUNT
01-542-1703 Civic Center Rental										
(Continuation)										
NAME: Cinco de Mayo				DESCRIPTION: CIVIC CENTER RENTAL						
05-07-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000022831	04	009	0000017309	01		380.00
NAME: Alpine Boxing Club				DESCRIPTION: CIVIC CENTER RENTAL						
05-30-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000025565	04	009	0000017474	01		226.00
NAME: Danny Hernandez				DESCRIPTION: CIVIC CENTER RENTAL						
05-30-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000025585	04	009	0000017477	01		565.00
NAME: VEROICA ESTRADA				DESCRIPTION: CIVIC CENTER RENTAL						
05-31-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000025589	04	009	0000017481	01		274.00
NAME: Lisa Hernandez				DESCRIPTION: CIVIC CENTER RENTAL						
05-31-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000025813	04	009	0000017481	01		274.00-
NAME: Lisa Hernandez				DESCRIPTION: CIVIC CENTER RENTAL						
06-01-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000025815	04	009	0000017481	01		274.00
NAME: Lisa Hernandez				DESCRIPTION: CIVIC CENTER RENTAL						
06-04-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000026049	04	009	0000017512	01		380.00
NAME: ANRS Rodeo Exes				DESCRIPTION: CIVIC CENTER RENTAL						
06-08-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000026691	04	009	0000017591	01		500.00
NAME: Abel Luevano				DESCRIPTION: CIVIC CENTER RENTAL						
06-11-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000027155	04	009	0000017614	01		315.00
NAME: Alpine Radio, LLC.				DESCRIPTION: CIVIC CENTER RENTAL						
07-02-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030221	04	009	0000017840	01		315.00
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-02-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030222	04	009	0000017840	01		315.00-
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-02-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030223	04	009	0000017840	01		315.00
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-02-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030224	04	009	0000017840	01		315.00-
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-02-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030225	04	009	0000017840	01		405.00
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-02-2018	DCL	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030226	04	007	0000017840	01		405.00-
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-03-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000030227	04	007	0000017840	01		315.00
NAME: Connie Wylie				DESCRIPTION: CIVIC CENTER RENTAL						
07-20-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000032367	04	009	0000017976	01		380.00
NAME: Irma Campbell				DESCRIPTION: CIVIC CENTER RENTAL						
07-24-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000032654	04	007	0000018001	01		195.00
NAME: Big Bend Hospital Corporation				DESCRIPTION: CIVIC CENTER RENTAL						
07-25-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000032683	04	009	0000018008	01		250.00
NAME: Dave Dumas				DESCRIPTION: CIVIC CENTER RENTAL						
07-30-2018	JNL			0000033293	01	010	0000003786	00		65.00
JOURNAL DESCRIPTION: ANRS ADDITIONAL EXPENSES - DEDUCTED FROM DEPOSIT										
08-01-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000033423	04	009	0000018061	01		315.00
NAME: Heather Harrell				DESCRIPTION: CIVIC CENTER RENTAL						
08-08-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000034237	04	009	0000018110	01		550.00
NAME: Womens Club of Alpine				DESCRIPTION: CIVIC CENTER RENTAL						
08-27-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000036137	04	007	0000018226	01		250.00
NAME: Campaign to Elect Cano				DESCRIPTION: CIVIC CENTER RENTAL						
09-07-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000037480	04	007	0000018280	01		125.00
NAME: Alpine Public Library				DESCRIPTION: CIVIC CENTER RENTAL						
09-13-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038016	04	007	0000018326	01		315.00
NAME: Angelica Baeza				DESCRIPTION: CIVIC CENTER RENTAL						
09-17-2018	DEP	01-102-0203	GENERAL FUND ACCOUNT #7082207	0000038652	04	007	0000018353	01		125.00
NAME: Alpine Public Library				DESCRIPTION: CIVIC CENTER RENTAL						
TOTAL DEBITS AND CREDITS ----->									470.00	11,377.50
ENDING BALANCE:										10,907.50

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2021-04-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS
ADOPTING A NEW FEE SCHEDULE FOR THE ALPINE CIVIC CENTER.**

WHEREAS, the City of alpine owns and operates the Alpine Civic Center for the benefit of the City and its residents in order to provide a place for gatherings and public and cultural entertainment events; and

WHEREAS, the City Council has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify the rates and fee schedule for the Alpine Civic Center; and

WHEREAS, it is deemed to be in the best interest of the City to establish a new agreement, containing new rates and fee schedule for the Alpine Civic Center.

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

1. The rates attached in the form hereto described as Exhibit "A" is hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and is hereby approved.
2. This resolution shall become effective immediately upon passage by the City Council.

**PASSED AND APPROVED THIS THE 6th DAY OF APRIL 2021 BY THE CITY
COUNCIL OF THE CITY OF ALPINE, TEXAS.**

ATTEST:

Andres "Andy" Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine

“EXHIBIT A”

CIVIC CENTER FACILITY INFORMATION

Maximum Occupancy 507

100 N. 13TH STREET
ALPINE, TEXAS 79830
(432) 837-3301 x 1

AMENITIES

The Alpine Civic Center offers the following amenities for your rental needs:

Plastic Tables 53- 2 ½' x 8' rectangle 24- 5' round	Chairs 270 chairs
Portable Stage	Ice Machine

CIVIC CENTER RATES & FEES

	Commercial General Public	Non-Profit Organization	Government Agencies
Full Day Rental (8 Hours)	\$500.00	\$100.00	\$100.00
Half Day Rental (4 Hours)	\$250.00	\$50.00	\$50.00
Deposit	\$200.00	\$200.00	\$200.00
Security *Required if alcohol is served*	\$60.00/hr. for 2 officers	\$60.00/hr. for 2 officers	\$60.00/hr. for 2 officers

CIVIC CENTER FACILITY INFORMATION

Maximum Occupancy 507

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Half Day Rental (4 Hours)	\$250.00	\$50.00	\$50.00
Deposit	\$200.00	\$200.00	\$200.00
Security *Required if alcohol is served*	\$60.00/hr. for 2 officers	\$60.00/hr. for 2 officers	\$60.00/hr. for 2 officers

DEPOSITS AND FEES

Payment of Rental Facility Deposit is due at the time of application by cash, check, or money order.

Facility Rental Damage and Cleaning Deposit: \$200.00

Damage deposits are 100% refundable provided the following conditions are met:

- The room(s) and facility (including outside area) are left properly cleaned and in an orderly manner per the Facility Cleaning Procedures
- Use of the facility **does not** exceed the scheduled time
- All equipment is accounted for and undamaged
- Damage to the area or its contents has not occurred
- All rules and procedures governing alcohol and smoking are met
- All doors and windows are closed and locked
- All rules and procedures governing City of Alpine facility use are met

If the above conditions are not met to the satisfaction of City Staff, an appropriate fee will be deducted from the damage deposit. If the cost of cleaning and/or repair of the facility exceeds the amount of the damage deposit, the rental group will be billed for those additional costs. Deposits will be refunded via check within 30 days post event.

CANCELLATION POLICY

All reservation cancellations must be made in writing. Cancellations made 10 or more working days prior to the event will result in a full refund of the fees paid. Deposits are not refundable with less than 10 day written notice.

TERMINATION POLICY

All relative City of Alpine Codes and Ordinances will be in effect and enforced at all City of Alpine facilities. There are regulations governing sound and noise levels, pets, animals, parking, vehicle access, weapon possession, etc. These codes can be viewed online at www.cityofalpine.com. The City of Alpine reserves the right to terminate your event if City Staff, in good faith, perceive that you or your guests pose a risk to the safety of the persons or property on the premises or that you or your guests are violating local, state or federal laws. Upon verbal notice from City Staff or the Alpine Police Department that your event is being terminated, you and your guests must leave the premises immediately, and you will not receive a refund of your rental fee. You will be responsible for the prompt removal of any personal items brought to your event.

APPLICATION

The City of Alpine encourages the use of the Civic Center if use is of a lawful purpose, and does not interfere with the City of Alpine's conduct of programs or the primary purpose for which the buildings and grounds are intended. Community use of facilities is subject to the terms of City of Alpine ordinances, resolutions, this agreement, and the current schedule of user fees. Permission to use a facility may be denied based on the belief that the activity proposed is not in the City of Alpine's best interest, or the level of previously scheduled use. No person shall be denied access of the facility based on race, creed, sex, sexual orientation, origin, or other lawfully protected class.

SPONSOR INFORMATION			<i>Complete at least one (A or B) listed below</i>		
A. Individual Sponsor					
First Name		Last Name		Primary Telephone Number	
Mailing Address				Email Address	
Emergency Contact Person (First Name, Last Name)				Emergency Telephone Number	
B. Organization, Business Entity, or Non Profit					
Organizational Type: <input type="checkbox"/> Organization <input type="checkbox"/> Business Entity <input type="checkbox"/> Non-Profit <input type="checkbox"/> Other _____					
Organization Name			Tax ID Number (Non-profit only)		
Contact First Name		Contact Last Name		Primary Telephone Number	
Mailing Address				Email Address	
Emergency Contact Person (First Name, Last Name)				Emergency Telephone Number	
<i>Deposit Refund will be issued to organization unless otherwise noted:</i>					
EVENT INFORMATION					
Nature & Purpose of Activity				Primary Telephone Number	
Event Date(s)		Event Start Time A.M / P.M		Event End Time A.M / P.M	
Will Alcohol Be Served? <input type="checkbox"/> YES <input type="checkbox"/> NO		Serving Start Time A.M / P.M		Serving End Time A.M / P.M	

CIVIC CENTER RENTAL RATES & FEES WORKSHEET

Name of Organization and/or Lessee		
Mailing Address	City, State Zip	
Type of Event	Primary Telephone Number	
Event Date(s)	Event Start Time A.M / P.M	Event End Time A.M / P.M
Will Alcohol Be Served? <input type="checkbox"/> YES <input type="checkbox"/> NO	Serving Start Time A.M / P.M	Serving End Time A.M / P.M

RENTAL FEES

Full Day Rental Commercial General Public..... \$500.00 \$ _____

Full Day Rental Non-Profit Organization.....\$100.00 \$ _____

Full Day Rental Government Agency.....\$100.00 \$ _____

Half Day Rental Commercial General Public.....\$250.00 \$ _____

Half Day Rental Non-Profit Organization.....\$50.00 \$ _____

Half Day Rental Government Agency.....\$50.00 \$ _____

SECURITY FEES

\$60.00/hr for 2 Officers: *Security is required if alcohol is being served.*

_____ AM/PM to _____ AM/PM = _____ HRS \$60.00/hrs \$ _____

DEPOSIT AND FEES

Facility rental damage and cleaning fee \$200.00 \$ _____

TOTAL DUE \$ _____

Sponsor Printed Name

Sponsor Signature

Date

FOR OFFICE USE ONLY – VERIFIED BY

Staff Printed Name

Staff Signature

Date

RULES & REGULATIONS

1. The individual that fills out the agreement is the **ONLY** person allowed to pick up the civic center key.
2. The Civic Center must be left as it was found. Tables must be put away in storage room and chairs must be stacked properly against the wall.
3. Remove all trash, paper, cans, etc. from restroom floors, commodes, sinks, tables & parking lot. Trash needs to be emptied in outside dumpsters.
4. Clean up includes mopping and sweeping. Clean up has to be done as soon as the event is over or early the next day.
5. When closing the building make sure all doors are locked, air conditioning & heater is off, and all lights are turned off.
6. DJ booth is to be locked at all times, only the keyholder is allowed in the booth.
7. Keys must be returned the following business day, or a \$75 penalty charge PER DAY it is late will be taken from your deposit. Lost keys will incur a charge of \$100.
8. If there is damage to the Civic Center the cost will be taken from your deposit. NOTE: If damages are more than the deposit can pay for lessee will be invoiced for the remaining amount in addition to the deposit.
9. No sawdust, powder or anything on the dance floor that would make the floor "easier to dance on" will be permitted.
10. Pick up trash around the outside of the building.
11. **NO STAPLES ARE ALLOWED**, No items which utilize a fire source i.e. candles, torches, fireworks, etc. will be permitted.
12. **DO NOT** hang decorations from the ceiling. Tape or such that is used needs to be taken off completely and all decorations need to be removed from the building.
13. **DO NOT** put any personal belongings or items in the closet near the handicapped restroom.
14. Wipe down tables and chairs before putting them away.
15. **DO NOT** drag chairs across the floor, use the dolly that is provided or carry them.

I have read and understand all of the following rules, I understand that a penalty charge will be assessed from the deposit for each rule that is not followed/broken.

Sponsor Printed Name

Sponsor Signature

Date

AGREEMENT

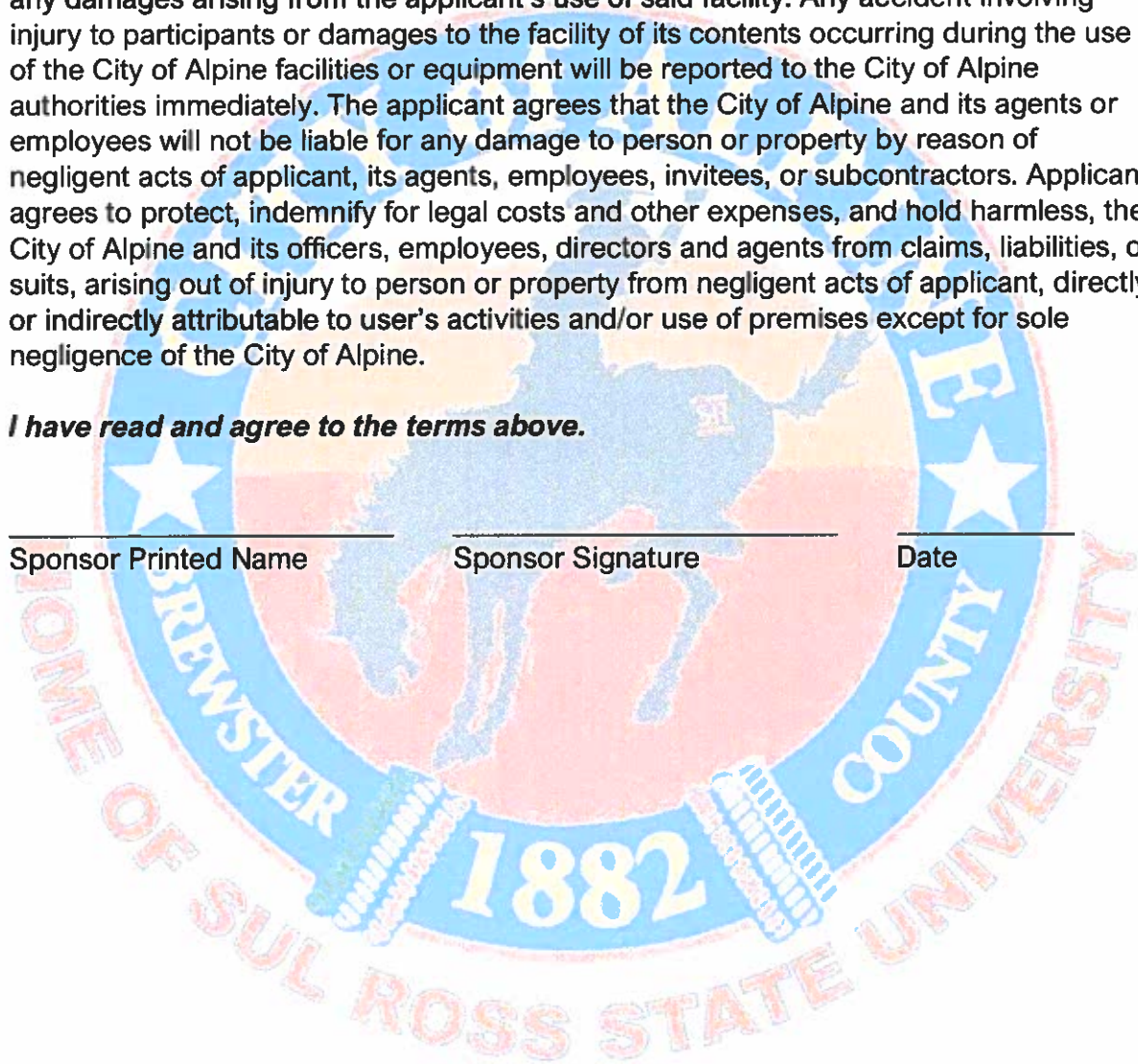
The person or organization entering into a rental agreement with the City of Alpine for the use of the facility listed described above certifies that the information given in this application is current. The undersigned further states that he/she has the authority to make this application for the applicant and agrees that the applicant will observe all rules and regulations. The applicant further agrees to reimburse the City of Alpine for any damages arising from the applicant's use of said facility. Any accident involving injury to participants or damages to the facility or its contents occurring during the use of the City of Alpine facilities or equipment will be reported to the City of Alpine authorities immediately. The applicant agrees that the City of Alpine and its agents or employees will not be liable for any damage to person or property by reason of negligent acts of applicant, its agents, employees, invitees, or subcontractors. Applicant agrees to protect, indemnify for legal costs and other expenses, and hold harmless, the City of Alpine and its officers, employees, directors and agents from claims, liabilities, or suits, arising out of injury to person or property from negligent acts of applicant, directly or indirectly attributable to user's activities and/or use of premises except for sole negligence of the City of Alpine.

I have read and agree to the terms above.

Sponsor Printed Name

Sponsor Signature

Date



COUNT APPOINTMENT

The Renter will have the opportunity to conduct an asset count prior to the event and after the event with a member of City Staff. The counts will be scheduled in advance and coincide with the pick up and the return of the Civic Center Key. The renter may choose to waive their right to count the assets, but the renter will be held liable for any missing items if they choose not to attend a count appointment. Appointments that are missed cannot be rescheduled. Renters who miss their counting appointment waive their right to dispute missing items. Please note: missing or damaged items will be deducted from the deposit in the following amounts: Chairs = \$75 each, Tables = \$150 each.

SPONSOR:

☐ I CHOOSE TO MAKE AN INITIAL AND FINAL COUNT APPOINTMENT WITH THE CITY. I UNDERSTAND THAT IF EITHER OF THESE APPOINTMENTS ARE MISSED I WAIVE MY RIGHT TO DISPUTE CHARGES FOR MISSING ITEMS.

☐ I CHOOSE TO WAIVE MY RIGHT TO A COUNT APPOINTMENT AND CHOOSE TO FOREGO THIS OPPORTUNITY. I WAIVE MY RIGHT TO DISPUTE CHARGES FOR MISSING ITEMS.

Sponsor Printed Name

Sponsor Signature

Date

FOR OFFICE USE ONLY

KEY PICKUP & COUNT APPOINTMENT: _____
DATE TIME

KEY RETURN & COUNT APPOINTMENT: _____
DATE TIME

EXHIBIT 1

COUNT SHEET

1st COUNT (Before Event)

Asset	Count	Staff Initials	Sponsor Initials
Chairs			
Round Tables			
Rectangle Tables			

2nd COUNT (After Event)

Asset	Count	Staff Initials	Sponsor Initials
Chairs			
Round Tables			
Rectangle Tables			

☐ Sponsor missed initial Count Appointment ☐ Sponsor missed final Count Appointment

Sponsor Printed Name

Sponsor Signature

Date / Time

FOR OFFICE USE ONLY – VERIFIED BY

Staff Printed Name

Staff Signature

Date

EXHIBIT 2

FACILITY PROCEDURE CHECKLIST

- ☐ All sinks, counters, mirrors, appliances, tables, chairs, doors, walls etc. are clean
- ☐ Stained concrete floor is clean
- ☐ All garbage cans are empty and lined with garbage liners
- ☐ Tables/chairs are clean and correctly aligned in their respective areas
- ☐ No personal items have been left behind
- ☐ Ac/Heater & Lights are off
- ☐ All doors are locked

Please note any discrepancies and exact locations below and return to City Hall with your key:

SPONSOR

Sponsor Printed Name

Sponsor Signature

Date / Time

FOR OFFICE USE ONLY

CITY STAFF COMMENTS

Staff Printed Name

Staff Signature

Date

2. Discuss, consider and take appropriate action on Resolution 2021-04-03 authorizing the City of Alpine to participate in the Texas Community Development Block Grant - Downtown Revitalization funding program. (E. Zimmer, City Manager)

Prepared for: City of Alpine, City Council Meeting

Agenda Item:

Discuss, consider and take action regarding:

RESOLUTION 2021-04-03 regarding the TX-CDBG-Downtown Revitalization program; and

RESOLUTION 2021-04-04 designating certain streets within Alpine Downtown area as blighted.

Prepared by: Marci Tuck, Grant Writer

Meeting Date: April 6, 2021

PROJECT DESCRIPTION:

Sidewalks, curb/gutter, driveways, and ADA accessibility improvements in downtown.

Applying for \$260,000 from the TX Community Development Block Grant - Downtown Revitalization (TX-CDBG-DR) program would *provide the City 2,100(+/-) linear feet of ADA accessible, 6-foot wide sidewalk plus 6-inch curbs, driveway ingress/egress, strategic striping, engineering costs and related improvements specifically from 2nd Street to 8th Street, in-between Holland and Avenue E* (see map) – our downtown area.

The TX-CDBG-DR program requires only a 3.5% match of City funds. **The City has \$78,000 budgeted in the FY21 Budget towards improving sidewalks,** curb and related infrastructure throughout the City limits, a portion of which can be used as our matching funds for this application. The *City's match of up to \$15,000 (5%)* plus \$260,000 in TX-CDBG-DR funds would total \$275,000 towards sidewalk and curb improvements in the downtown area, allowing the remainder of our allocated sidewalks funds to be utilized elsewhere in the City.

STAFF COMMENTS:

1. Applying for and entering into a grant agreement with the TX-CDBG-DR program will *almost triple the linear footage* of sidewalks the City had expected to improve in FY22.
2. The 3.5% match requirement is one of the lowest matching grants available, offering a substantial return on investment for the City. *Staff recommends offering a 5% match (\$15,000) to increase points awarded for match on the official Project Score Sheet.*

3. The City of Alpine is in good standing with the TX-CDBG funding programs from past projects. City Staff has spoken with TX-CDBG program staff and the sidewalk improvements described herein are in line with the program's intended purpose.
4. City staff also spoke with CDBG staff after last year's unsuccessful submittal and learned how to improve this year's application:
 - a. City is pursuing Engineer review of project to boost score
 - b. City is pursuing separate Resolution designating project area as blighted to boost score
 - c. The funding threshold score for project funding in the previous (2020) cycle was 87/100; City of Alpine scored a 63/100.

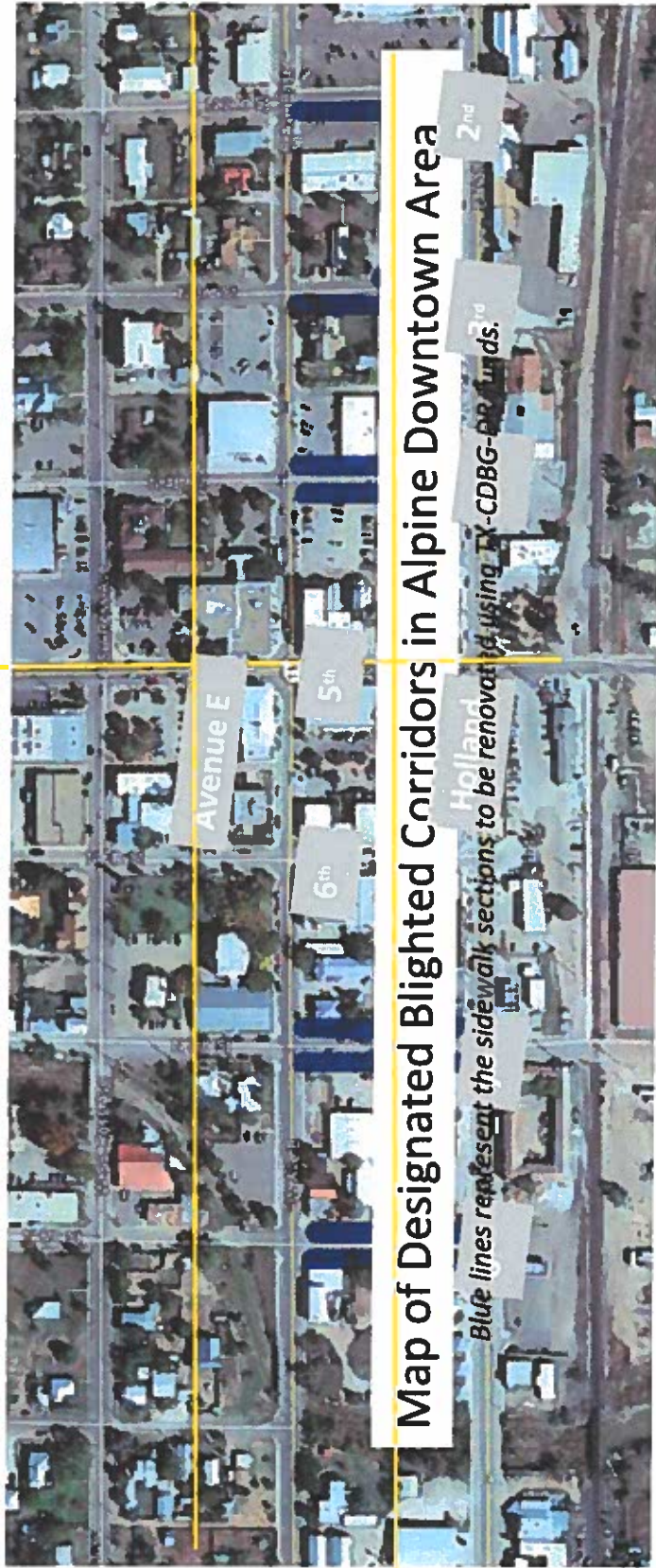
PUBLIC PARTICIPATION, APPLICATION PROCESS & NEXT STEPS:

- July 27, 2020- Presented to Planning & Zoning Commission for discussion and feedback
- August 4, 2020 - Public Hearing & Resolution presented at regular Council meeting
- August 6, 2020 – Presentation to Alpine Downtown Association; received Letter of Support
- August 31, 2020 – Application submitted to TX-CDBG-DR offices in Austin
- September 24, 2020 - Received response from Texas Historical Commission's Section 106 Project Review Request- with a finding of "no Above-Ground or Archeological Resources are present or affected" by the proposed project.
- September 30, 2020 - Received Notification of Denial of Request for Funding
- October 15, 2020- City staff met with CDBG staff to review submittal, noting what could be improved for next funding cycle's application
- Ongoing- Seeking Support Letters from Sen. Gutierrez and Rep. Morales
- April 6, 2021- Public Hearing and Council action on two related Resolutions
- April 26, 2021 - Post complete draft application for Public Comment
- May 3, 2021- FY22 cycle of CDBG-DR/MS Program application due

STAFF RECOMMENDATION:

City staff recommends that the Council approve both:

- **Resolution 2021-04-03** *"authorizing the City of Alpine to participate in the Texas Community Development Block Grant- Downtown Revitalization program."*
- **Resolution 2021-04-04** *"designating specific street corridors within the Alpine Downtown Area as blighted in regard to ADA, pedestrian and other non-vehicular accessibility and safety."*



Map of Designated Blighted Corridors in Alpine Downtown Area

Blue lines represent the sidewalk sections to be renovated using CDBG-DR funds.

RESOLUTION 2021-04-03

RESOLUTION AUTHORIZING THE CITY OF ALPINE TO PARTICIPATE IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT- DOWNTOWN REVITALIZATION PROGRAM.

WHEREAS, the City of Alpine finds it in the best interest of the citizens of Alpine, that the City participate in the Texas Community Development Block Grant (TX-CDBG)-Downtown Revitalization Program for FY2022;

WHEREAS, the City of Alpine has identified that sidewalks, ADA accessibility and parking striping improvements are needed along 2nd, 3rd, 4th, 7th, and 8th Streets from Avenue E to Holland Avenue in the designated Alpine Downtown Corridor area; and

WHEREAS, the City of Alpine estimates that such improvements will cost approximately \$275,000; with \$260,000 in projects funds to be requested from the TX-CDBG- Downtown Revitalization Program; and

WHEREAS, the City of Alpine agrees to provide 5% in matching funds, in an estimated amount of up to \$15,000; and

WHEREAS, the City of Alpine agrees that in the event of loss or misuse of the TX-CDBG-Downtown Revitalization Program funds, the City of Alpine assures that the funds will be returned to the TX-CDBG in full.

WHEREAS, the City of Alpine designates Erik Zimmer, City Manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that The City of Alpine approves submission of the grant application for the Texas Community Development Block Grant- Downtown Revitalization Program to provide funds to improve sidewalks and related infrastructure in the downtown area.

PASSED AND APPROVED THIS THW 6th DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Andres “Andy” Ramos, Mayor
City of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine

3. Discuss, consider and take appropriate action on Resolution 2021-04-04 designating specific street corridors within the Alpine Downtown Area as blighted in regards to ADA, pedestrian and other non-vehicular accessibility and safety. (E. Zimmer, City Manager)

RESOLUTION 2021-04-04

RESOLUTION DESIGNATING SPECIFIC STREET CORRIDORS WITHIN THE ALPINE DOWNTOWN AREA AS BLIGHTED IN REGARD TO ADA, PEDESTRIAN AND OTHER NON-VEHICULAR ACCESSIBILITY AND SAFETY

WHEREAS, the City of Alpine has reviewed and evaluated non-vehicular accessibility conditions in the Downtown Area; and

WHEREAS, the City of Alpine has found conditions which are detrimental to the public health, safety, and welfare of the community along 2nd, 3rd, 4th, 7th, and 8th Streets from Avenue E to Holland Avenue in the Alpine Downtown area; and

WHEREAS, the existing conditions in the Alpine Downtown area meet the State of Texas' definition of a Slum Blighted Area (SBA) using the following qualifying language:

"An area within a municipality may be considered as slum or blighted if the area is detrimental to the public health, safety, morals, and welfare of the municipality because the area has a predominance of buildings or other improvements that are dilapidated, deteriorated, or obsolete due to age or other reasons; ..."

WHEREAS, the City of Alpine has authorized an application for funding from the TX-CDBG- Downtown Revitalization Program, as follows; and

- Removal of old, blighted sidewalk & curb infrastructure, where existing
- Development of 2,100(+/-) linear feet of:
 - 6-foot wide sidewalk plus 6-inch curbs (ADA compliant/accessible),
 - Driveway ingress/egress (ADA compliant/accessible),
- Crossing/Parking striping/painting
- Engineering costs

WHEREAS, these project activities will aid in the elimination of blighted and unsafe conditions within the Alpine Downtown area by developing new sidewalks, curb/gutter, driveways, ADA accessibility improvements, and appropriate parking striping; and

NOW THEREFORE, BE IT RESOLVED by the City of Alpine, Texas that the area identified by the following boundaries, and outlined on the map attached, hereto has been determined to be a blighted area with unsafe conditions for non-vehicular accessibility.

BOUNDARIES:

North: Avenue E

South: Holland Avenue

East: 2nd Street

West: 8th Street

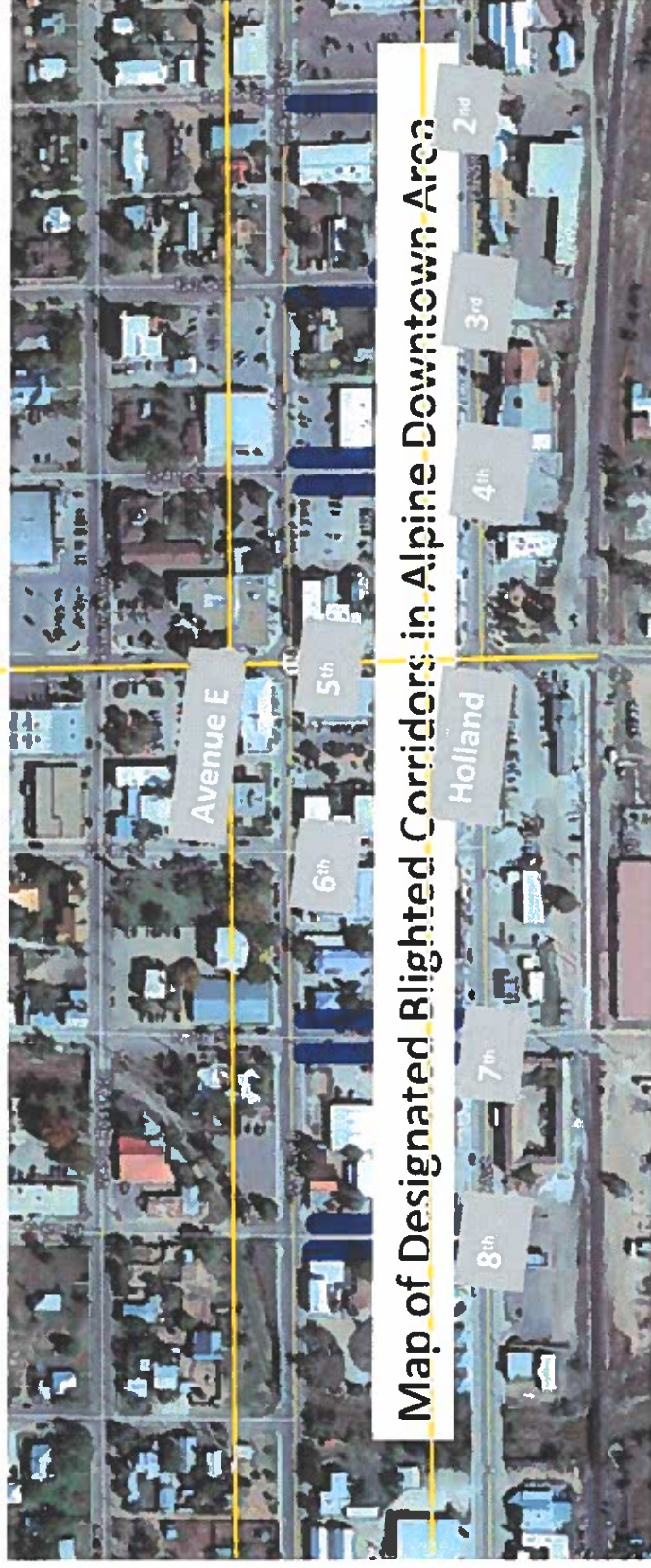
**Designation exempts 5th Street and 6th Street corridors*

PASSED AND APPROVED THIS THW 6th DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Andres “Andy” Ramos, Mayor
City of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine



Map of Designated Blighted Corridors in Alpine Downtown Area

4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-01, an ordinance amending Chapter 22 - Business, Article III - Peddlers to the Alpine Code of Ordinances. (E. Zimmer, City Manager)

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

ORDINANCE 2021-04-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 22 – BUSINESS, ARTICLE III 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 of Alpine has cause in its legislative pursuit to protect the health, safety and welfare of residents of the city by means of regulation of peddlers, solicitors, canvassers, transient merchants, and the like; and

WHEREAS, the current ordinance for peddlers, solicitors, canvassers and transient merchants within city requires an update to better align with values of the City; and

WHEREAS, it is deemed by the City Council of the City of Alpine to be in the public interest to update and enhance regulations regarding peddlers, solicitors, canvassers, transient merchants, and the like.

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 here to 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 20th DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

APRIL 6, 2021

SECOND AND FINAL READING

APRIL 20, 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 22 - BUSINESSES^[1]

ARTICLE III. - PEDDLERS; CANVASSERS; SOLICITORS^[2]

Footnotes:

--- (3) ---

Cross reference— Streets, sidewalks and other public places, ch. 86.

State Law reference— Criminal trespass, V.T.C.A., Penal Code § 30.05; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code § 151.024; cancellation of certain consumer transactions, V.T.C.A., Business and Commerce Code ch. 39.

DIVISION 1. - GENERALLY

Sec. 22-66. - Purpose of article.

The purpose of this article shall be to protect the health, safety and welfare of residents of the city by means of regulation of peddlers, solicitors, canvassers and transient merchants.

(Code 1978, § 16-11)

Sec. 22-67. - Definitions.

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

Canvasser includes "solicitor" and any person who makes retail sales for future delivery of tangible property from house to house or in any public place, whether or not payment is collected at the time of such sale, and such sales are taxable transactions under the provision of the limited sales, excise and use tax of the state.

Peddler shall include any person who makes retail sales of tangible property from house to house or in any public place, and such sales are not made from an established place and delivery is made at the time of sale, whether or not payment is collected at the time of such sale.

Public place shall mean, for purposes of this article, any place to which the public has access but does not include streets, shoulders and improved shoulders.

Retail sale shall mean any sale other than a sale of tangible property to any purchases who is purchasing the tangible property for the purpose of reselling it in the normal course of business either in the form or condition in which it is purchased or as an attachment to or as an integral part of other tangible property.

Tangible property shall mean property which may be seen, weighed, measured, felt or touched or which is in any other manner perceptible to the senses.

- (b) For the purpose of this article the words "peddler," "solicitor," "canvasser," "transient merchant" and "itinerant merchant" are used interchangeably.

(Code 1978, § 16-13(a)—(e); Ord. No. 2004-5-3, 6-16-04)

Cross reference— Definitions generally, § 1-2.

Sec. 22-68. – General Requirements.

- (a) Any person soliciting under a permit granted herein must abide by all applicable city and state laws, including abiding by traffic laws, and may not jaywalk or solicit from city streets.
- (b) Violation of any law, or failure to abide by any traffic laws, during the pendency of a permit issued under this chapter, or failure to abide by the terms of the permit, shall result in the immediate revocation of the permit, and/or the imposition of a fine not to exceed \$500.
- (c) Any person or organization who has had a permit revoked, or who has an unpaid fine for violating the terms of a permit, may not be issued a subsequent permit.
- (d) *Duration.* The permit shall expire 90 days after it is issued and must thereafter be renewed.
- (e) If a business does not have a permanent business location, the business is required to obtain a permit.
- (f) Permits issued prior to April 20, 2021 shall have an expiration date of 90 days from the date of issue.

Sec. 22-69 ~~68~~. - Hours during which activities prohibited.

- (a) It shall be unlawful for any person to intentionally peddle, canvass or solicit, or intentionally cause or knowingly permit to be peddled, canvassed, sold or solicited any tangible property under a permit as required by this article on sidewalks and at public places between the hours of 9:00 p.m. and 9:00 a.m. or door-to-door at private residences between the hours of 6:00 p.m. and 9:00 a.m.
- (b) Solicitation on public property is permissible except as follows:
 - (1) Solicitors may not solicit in public streets or rights-of-way or from medians in the streets, or in any way block, obstruct or unduly hinder passage on public streets and rights-of-way.
 - (2) Solicitors may not block, obstruct or unduly hinder passage on public sidewalks or passageways.
- (c) For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is blocked, obstructed or passage is hindered or the public is impeded or inconvenienced.

(Code 1978, § 16-14; Ord. No. 2004-5-3, 6-16-04)

Sec. 22-70 ~~69~~. - Prohibited conduct.

A person engaged in solicitation shall not:

- (1) Make physical contact with the person being solicited unless that person's permission is obtained;
- (2) Misrepresent the purpose of the solicitation;
- (3) Misrepresent the affiliation of those engaged in the solicitation;
- (4) Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;
- (5) Represent the issuance of any permit or registration under this article as an endorsement or recommendation of the solicitation;
- (6) Enter upon any private premises when the private premises is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.

(Code 1978, § 16-15)

Sec. 22-71 ~~70~~. - Penalty.

Any person, business, firm, company or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-11.

(Code 1978, § 16-24)

Secs. 22-72 ~~71~~—22-90. - Reserved.

DIVISION 2. - PERMIT

Sec. 22-91. - Permit required; exemptions.

- (a) It shall be unlawful for any peddler, canvasser or solicitor to engage in such business within the corporate limits of the city without first obtaining a permit in compliance with provisions of this article.
- (b) Those exempt from obtaining a permit are:

~~(1) Any person who distributes, transports, or sells only foods or beverages; except ice cream from an ice cream truck which travels from place to place.~~

~~(2)~~ (1) Any person who distributes or sells newspaper, pamphlets, handbills or other written or printed matter sold or distributed for the purpose of disseminating news, information or religious materials;

~~(3)~~ (2) Any local nonprofit or charitable organization; or any person participating in an exhibition or event sponsored by a local nonprofit or charitable organization;

~~(4)~~ (3) Any person who distributes or sells farm products must be under an authorized farmers market or else fees will be imposed as a regular peddler, canvasser, or solicitor; and

~~(5)~~ (4) Any person residing in the city selling used merchandise which had previously obtained for domestic or personal use.

(5) Any organization that solicits funds from its own members;

(6) Any educational institution;

(Code 1978, § 16-12; Ord. No. 2004-5-3, 6-16-04; Ord. No. 2009-11-02, 12-8-09)

Sec. 22-92. - Application.

- (a) Applicants for permit under this article shall file a written sworn application with the office of the city secretary at least five days prior to the date of the initial contemplated sale.
- (b) All persons who apply for a permit under this article, and all agents, servants or employees, must file a sworn application in writing, in duplicate, on a form to be furnished by the office of the city secretary, which shall contain, but not necessarily be limited to, the following information:
 - (1) Name and description of the applicant; if the applicant is an association, company or corporation, it shall state its name along with the names and descriptions of the persons who will be soliciting in the city.
 - (2) Address, both legal and local, street address, zip code and phone number of the headquarters of the applicant.
 - (3) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.

- (4) If permit request is associated with current employment of the applicant ~~employed~~, the name, address and phone number of the employer, together with credentials establishing the exact relationship, such as employee, agent, commission sales person or other.
- ~~(5) —The length of time for which the right to do business within the City is desired.~~
- ~~(6)~~ (5) If a vehicle is to be used, a description of the vehicle, together with license number or other means of identification.
- ~~(7)~~ (6) If a permit issued to the applicant has ever been revoked.
- ~~(8)~~ (7) Proposed method of operation and location of proposed operation, and written permission of owner, lessee or agent of owner of any private property site for such operation.
- ~~(9)~~ (8) Applicant's Tax Information and driver's license number. If Tax information is not available, the applicant shall provide the City with the applicant's Social Security number.
- ~~(10)~~ (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal laws, the nature of the offense and the punishment or penalty assessed.
- ~~(11)~~ (10) No permit issued under this article shall be transferable, and will immediately be revoked, with no return of any part of the fee for the permit's issuance, if this article is violated by such permit holder, or with the permit holder's permission. If any permit is issued to any applicant and it shall be found that the holder of the permit is, or has been, engaged in any type of activity requiring a permit which is not covered by such issued permit, such issued permit shall be revoked and the user shall be in violation of this article.

(Code 1978, § 16-16; Ord. No. 2004-5-3, 6-16-04)

Sec. 22-93. - Investigation of applicant; issuance.

Upon receipt of an application, the office of the city secretary shall cause an investigation of the applicant's business responsibility or moral character to be made as deemed necessary to the protection of the health, safety and welfare of the public. If, as a result of the investigation, the applicant's business responsibility, character, merchandising practice or integrity are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, a permit shall be issued by the office of the city secretary upon payment of the fee as required by this division.

(Code 1978, § 16-17)

Sec. 22-94. - Fees.

The office of the city secretary shall collect a fee based upon the following schedule for each permit issued. The fee shall be paid by the person desiring the permit upon approval of the application. The fee shall not be prorated or refunded.

Peddler Permit~~\$40.00~~ \$ 50.00

Vehicle Peddler.....~~60.00~~

Canvasser~~20.00~~

(Code 1978, § 16-18; Ord. No. 2004-5-3, 6-16-04)

~~Sec. 22-95. —Solicitations by religious, charitable and civic organizations.~~

- (a) ~~Definition: The term "solicitation by religious, charitable, and civic organization" shall mean any act by an organization or its member(s) to solicit property or financial assistance of any kind or sell or offer to sell anything of value on the plea or representation that such solicitation is for a charitable, educational, patriotic, philanthropic, or religious purpose.~~
- (b) ~~Permit: It shall be unlawful for an organization or its member(s) to conduct or participate in any solicitation campaign on any street, in any office building, at the public place, house to house, place to place or by telephone in the city without having secured a permit.~~
- (c) ~~Exceptions:~~
- ~~(1) Any organization that solicits funds from its own members;~~
 - ~~(2) Any educational institution;~~
 - ~~(3) An individual or a family;~~
 - ~~(4) Any organization that has maintained an active membership for at least six months prior to the commencement of such solicitation(s).~~
- (d) ~~No person may solicit for money or contributions for any cause, organization, charity or corporation unless, at the time the application for a permit is made, complete disclosure is made of the name, address, charter, purpose, and responsible party of and for the organization for which the permit is sought. Failure to provide such information shall be sufficient grounds upon which to deny a permit. Permits may be denied to any group which is soliciting funds within the city limits for use outside the city.~~
- (e) ~~Any person soliciting under a permit granted herein must abide by all applicable city and state laws, including abiding by traffic laws, and may not jaywalk or solicit from city streets.~~
- (f) ~~Violation of any law, or failure to abide by any traffic laws, during the pendency of a permit issued under this chapter, or failure to abide by the terms of the permit, shall result in the immediate revocation of the permit, and/or the imposition of a fine in the amount of up to \$200.00.~~
- (g) ~~Any person or organization who has had a permit revoked, or who has an unpaid fine for violating the terms of a permit, may not be issued a subsequent permit.~~
- (h) ~~Duration: The permit shall expire one week after it is issued and must thereafter be renewed.~~
- (i) ~~Prohibited hours: There shall not be any solicitation at public places between the hours of 6:00 p.m. and 8:00 a.m. Door-to-door at private residences between the hours of 6:00 p.m. and 10:00 a.m., any time on Sundays is prohibited.~~
- ~~(Ord. No. 2006-10-02, 11-7-06)~~

Sec. 22-~~95~~ 96. - Revocation.

- (a) The city secretary, city manager, and/or chief or assistant chief of police shall have the power to revoke, at any time, any permit granted in accordance with this division for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for the license;
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on the applicant's business;
 - (3) Any violation of this article;
 - (4) Conviction of any crime or misdemeanor involving moral turpitude that directly relates to the duties and responsibilities of the permitted occupation;
 - (5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

- (b) If, after a permit has been issued and the vendor has operated under the permit, complaints are received and determined to be reasonable upon investigation, no further permits shall be issued to such applicant until satisfactory proof is received that such complaints were unfounded or that restitution to the complainant has been made by the applicant.

(Code 1978, § 16-20)

Sec. 22-~~96~~ **97**. - Appeal from denial or revocation.

If an applicant is denied a permit, or has a permit revoked, he may appeal that action to the city council by submitting a letter to the ~~city manager's office~~ **office of the city manager** within ten days of the action complained of. A hearing on the denial will then be scheduled for the next regular meeting of the council, or a special meeting of the council, to be held within 15 days of the appeal. The council will render a decision on the appeal within ten days of the hearing.

(Code 1978, § 16-21)

Sec. 22-~~97~~ **98**. - Exhibition.

A peddler, canvasser or solicitor is required to exhibit his/her permit at the request of any citizen **or peace officer of the City**. When traveling door to door the person is required to show his/her permit.

(Code 1978, § 16-23; Ord. No. 2004-5-3, 6-16-04)

Sec. 22-~~98~~ **99**. - Expiration.

All permits issued under the provisions of this article shall expire on the date specified in the permit. No permit shall be issued for a period longer than **90** ~~30~~ days. (Code 1978, § 16-22; Ord. No. 2004-5-3, 6-16-04)

~~Sec. 22-100. — Permits prohibited on certain holidays.~~

~~It shall be unlawful for any person to peddle, canvass or solicit or causes or permit to be peddled, canvassed or solicited any tangible property five days before and five days after Valentines day and Mother's day.~~

~~(Ord. No. 2004 5 3, 6 16 04)~~

Secs. 22-~~99~~ **101**—22-120. - Reserved.

PEDDLER'S PERMIT APPLICATION

No permit issued under this article shall be transferable, and will immediately be revoked, with no return of any part of the fee for the permit's issuance, if this article is violated by such permit holder, or with the permit holder's permission. If any permit is issued to any applicant and it shall be found that the holder of the permit is, or has been engaged in any type of activity requiring a permit which is not covered by such issued permit, such issued permit shall be revoked and the user shall be in violation of this article. *This Peddler's Permit Application must be accompanied with the **DPS Computerized Criminal History (CCH) Verification** form in order to be considered. A copy of the applicant's driver license is also required.*

APPLICANT INFORMATION			
First Name	Last Name	Primary Telephone Number	
Physical Address <i>(Address, City, State, Zip)</i>		Social Security Number	
Race	Age	Height	Weight
Eye Color	Hair Color	Gender	
Has a permit issued to the applicant ever been revoked? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Have you ever been convicted of a felony, theft, or fraud, misdemeanor, or violation of any municipal laws, and do you currently have current charges pending? If Yes, please explain and list penalty or penalties: <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div>			
Brief description of the nature of the business and the goods being sold. In the case of products of farm or orchard, are these products grown by you or your business? <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div>			
VEHICLE INFORMATION <i>If a vehicle will be used, the following information is required</i>			
Vehicle 1 Make/Model		Color of Vehicle	
License Plate Number		Driver License Number	
Vehicle 2 Make/Model		Color of Vehicle	
License Plate Number		Driver License Number	

EMPLOYMENT INFORMATION <i>(If permit request is associated with applicant's employment)</i>		
Name of Employer		Primary Telephone Number
Physical Address <i>(Address, City, State, Zip)</i>		Federal EIN
Supervisor Name <i>(First, Last)</i>	Relationship <i>(Agent, Employee, etc.)</i>	Limited Sales / Tax Permit
<p>Sec. 22-68 Hours during which activities are prohibited. It shall be unlawful for any person to intentionally peddle, canvass or solicit, or intentionally cause or knowingly permit to be peddled, canvassed, sold or solicited any tangible property under a permit as required by this article on sidewalks and at public places between the hours of 9:00 P.M. and 9:00 A.M. or door-to-door at private residences between the hours of 6:00 P.M. and 9:00 A.M.</p>		
<p>Sec. 22-97 Exhibition A peddler, canvasser or solicitor is required to exhibit his/her permit at the request of any citizen or peace officer of the City. When traveling door to door the person is required to show his/her permit.</p>		
<p>Permit Processing Fees: \$50.00 90 days Payment form: <input type="checkbox"/> CASH <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CHECK # _____ <i>I acknowledge that all information supplied above is true and correct to the best of my knowledge or belief. I further acknowledge that the application is subject to all provisions of the orders and ordinances of Alpine and all of the provisions of the codes, statutes, and laws of the state of Texas.</i> Signed on this the _____ Day of _____ in the year of 20____ by: Printed Name: _____ Signature: _____</p>		
FOR OFFICIAL USE ONLY		
Date Received:		Application Received by:
Background Check Results: <input type="checkbox"/> PASS <input type="checkbox"/> FAIL		Background Check Conducted By:
Permit Issue Date:		Permit Issued By:
Permit Released To:		Permit Released To Signature:

5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-02, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)

**STATE OF TEXAS
CITY OF ALPINE**

COUNTY OF BREWSTER

ORDINANCE 2021-04-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 90 – TAXATION, ARTICLE IV – COIN OPERATED ESTABLISHMENTS 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 different types of establishments within the city; and

WHEREAS, after careful consideration by the City Council, it has been determined that the city will benefit from amendments to the Coin Operated Establishments Ordinance established by Ordinance 2020-02-04; and

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 that Article IV be amended accordingly by 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 20TH DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

APRIL 6, 2021

SECOND AND FINAL READING

APRIL 20, 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"

ARTICLE IV. - COIN-OPERATED MACHINE ESTABLISHMENTS

Sec. 90-101. - General.

This article as herein established has been written for the purpose of promoting and protecting the public health, safety and general welfare of the community and in the furtherance of conserving the value of property and establishing a community desirable to reside therein.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-102. - Definitions.

Business owner means and includes any person, individual, firm, company, association, or corporation, owning or having the care, control, management or possession of any skilled or pleasure "coin-operated machine" who exhibits, displays or permits to be exhibited or displayed, in his location of business or upon premises under his or its control, any "coin-operated amusement machine" in this city, save and except religious, charitable and educational organizations authorized under the laws of this state.

Coin-operated machine means any machine or device of any kind or character, which is operated by or with coins or metal slugs, tokens or checks.

Manager means and includes a person or sole individual having the care, control, management of any skilled or pleasure "coin-operated machine" in his/her location of business or upon premises under his/her control within this city.

Merchandise coin-operated machine means any coin-operated machine which dispenses or vends merchandise, commodities or confections.

Music coin-operated machine means any coin-operated machine of any kind or character, which dispenses or vends or which is used for dispensing or vending music.

Property owner means and includes a person, individual, firm, company, association or corporation owning a building, property or facility on which a business will operate within the confines of all laws regulating the business in local, state or federal laws.

Service coin-operated machine means any pay toilet or other machine or device which dispenses service only and not merchandise, music, skill or pleasure.

Skill or pleasure coin-operated machine means any coin-operated machine of any kind or character, which dispenses or is used or is capable of being used or operated for amusement or pleasure or when such machine is operated for the dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise, commodities, confections, services, or plays music in addition to or in connection with the dispensing of skill or pleasure shall be considered as skill or pleasure machines. The term skill or pleasure coin-operated machine shall exclude coin-operated machines designed exclusively for children.

Skill or pleasure coin-operated machine establishment means any structure where one or more skill or pleasure coin-operated machines are operated for profit.

Skill or pleasure coin-operated machine permit means a permit to operate a skill or pleasure coin-operated machine establishment.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-103. - Exemptions.

The permitting and regulation provisions of this article do not apply to:

- (1) Skill or pleasure coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guest;
- (2) Skill or pleasure coin-operated machines provided on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests and not for private profit, although a charge is made for playing;
- (3) Skill or pleasure coin-operated machines provided on the premises of bona fide clubs or social organizations, not operated for private profit although a charge is made for playing, which provide other membership privileges and activities usual in bona fide private clubs organized for promotion of some common object and whose members must be passed upon and elected as individuals, by a committee or board of directors, executive committee or similar body chosen by the members at their annual meeting;
- (4) Skill or pleasure coin-operated machines provided on the premises of publicly owned facilities;
- (5) Service coin-operated machines, music coin-operated machines, and merchandise coin-operated machines.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-104. - License required.

- (a) It shall be unlawful to own, possess, maintain, or operate a skill or pleasure coin-operated machine establishment as defined herein within the city, unless and until said establishment shall first have been licensed and permitted for such purposes; provided, this requirement shall not apply to those places which are exempt from the provision of this article.
- (b) Application for license and permit shall be made with the city secretary initially and on or before January 1 of each succeeding year.
- (c) The annual license and permit fee shall be as follows: ~~\$3,000~~ ~~\$1,000.00~~ license fee per year and \$120.00 permit fee per year. The city secretary is authorized to collect this annual license and permit fee, which shall be due and payable on January 1 of each year. The City of Alpine shall permit a maximum of four Coin-Operated Amusement businesses to operate within the city limits. A first come, first served waiting list will be established with the City of Alpine Building Department after four Coin-Operated Amusement businesses are operating in the city limits.
- (d) Any license and permit issued pursuant to this article shall be non-transferable and non-refundable.
- (e) The license and permit shall be posted conspicuously, noticeable to common view.
- (f) An application shall be denied if an applicant has been convicted in any jurisdiction for any of the following offenses within the last ten years prior to the date of the application:
 - (1) Any offense punishable by imprisonment for more than one year;
 - (2) Theft or any crime involving false statements or declarations; or
 - (3) Gambling, as defined by the laws or ordinances of municipality, county, or state, the United States, or any similar offense in any other jurisdiction.
- (g) Applicant must register each skill or pleasure coin-operated machine with the city by identifying the following information:
 - (1) The name of the manufacturer;
 - (2) The serial number;
 - (3) The type of machine.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-105. - Applications; permit form.

Any person desiring a permit to operate a skill or pleasure coin-operated machine establishment shall file with building services a written sworn application for such permit. Building services will submit the application to a permitting committee consisting of the chief of police, who shall be the head of the licensing committee, the city secretary, the building official, and the city manager.

The application shall state:

- (1) The location, by street and number, of the business;
- (2) If the operator is an individual, that he has not been convicted of a felony or, if he has, the nature of the offense and the length of his residence in the city;
- (3) If a firm, association or partnership, all the information prescribed in subsection (2) as to each individual composing the firm, association or partnership;
- (4) If a corporation, that is organized and chartered under the corporation laws of this state applicable to such corporation or, if a foreign corporation, that such has complied with the laws of the state applicable to such corporation and the same information with reference to the operator or person in charge of the operation of the skill or pleasure coin-operated machine establishment to be permitted, as is prescribed in subsection (2); in addition thereto, a statement as to the names of incorporators or stockholders and amount of interest owned by each; provided, however, that the applicant shall not be required to list the names of shareholders owning less than ten percent of the stock of the corporation;
- (5) The applicant's name, address and interest in the business;
- (6) The operator's name, address, if different from the applicant; and
- (7) The number of skill or pleasure coin-operated machines to be permitted.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-106. - Enforcing compliance by operator; revocation of license or permit for violation.

The operator of any skill or pleasure coin-operated machine establishment shall not permit the violation of any of the terms of this article and any violation of a provision of this article in the operation of a skill or pleasure coin-operated machine establishment shall be grounds for revocation of the permit therefor.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-107. - Inspection of premises.

Officers of the city police department on official duty are authorized and empowered to enter during regular business hours, for the purposes of inspection and for the preservation of law and order, any skill or pleasure coin-operated machine establishment within the city.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-108. - Location.

The location of any skill or pleasure coin-operated machine establishment is hereby prohibited where the place is within 300 feet of any church or school.

The measurements of the distance between locations shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-109. - Hours.

A skill or pleasure coin-operated machine establishment shall be open for business as set forth below:

Monday—Thursday: 7:00 a.m. — Midnight

Friday, Saturday: 7:00 a.m. — 2:00 p.m.

Sunday: Noon—Midnight.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-110. - Age limits.

The following age limit shall be applied to skill or pleasure coin-operated machine establishments:

- (1) Persons under the age of 21 shall not be permitted to operate skill or pleasure coin-operated machines.
- (2) Persons under the age of 21 shall not be allowed access to the gaming area.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-111. - Alcohol.

The sale of alcoholic beverages in or on the premises of a skill or pleasure coin-operated machine establishment is prohibited, except to the extent the business is licensed to sell alcoholic beverages by the Texas Alcoholic Beverage Commission. No individual, person, owner or manager shall give, bring to, or allow the bringing of any alcoholic beverage in or upon the premises of a skill or pleasure coin-operated machine establishment, except, as outlined above.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-112. - Gambling; intoxication.

It shall be unlawful for any person while in a skill or pleasure coin-operated machine establishment to gamble, make bets, consume or have in his possession any alcoholic beverage, or to be under the influence of any alcoholic beverage; provided, however, that the terms of this section relating to the possession and consumption of any alcoholic beverage shall not be applicable to parties on premises that are operating pursuant to a mixed beverage permit issued by the Texas Alcoholic Beverage Commission and zoned for such use by the city.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-113. - Violations.

Any person, business owner, or manager violating any provision of this article shall, upon conviction of such violation, be deemed guilty of a misdemeanor and shall be fined in any sum not to exceed \$500.00 per incident. Each day that such violation is permitted to continue shall constitute a separate offense. In addition to any other penalty or punishment imposed by law, violation of this section shall cause for revocation of skill or pleasure coin-operated machine premises permit and licenses issued pursuant to this section.

Two or more violations of this article or other city ordinance shall result in the revocation of the city permit for 6 months. More than four violations of this article or other city ordinance shall result in the permanent revocation of a license/and or permit by any person, business owner, or manager violating any portion of his article.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-114. - Savings and severability.

If for any reason a skill or pleasure coin-operated machine establishment permitted and licensed hereunder is not being conducted in accordance with this article, the laws of the state, or other ordinances of the city shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effects for its purpose.

(Ord. No. 2020-02-04, § I, 3-3-20)

6. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. (E. Zimmer, City Manager)

6 April 2021

City Council Meeting

Re: HOT Budget Amendment

Mayor and City Council,

At the January 5th, 2021 Meeting, the City Council approved the recommendation of the HOT Advisory Committee's recommendation to add five new projects to the budgetary spend for this fiscal year. Council requested that staff also obtain thorough estimates on the rehabilitation/improvement project for the Visitor Center before the final budget amendments would be approved.

Included in your packet is the Ordinance amending the budget and listed below is the breakdown of costs associated with the five new projects.

Available fund usage for these projects would come from one of two sources: 1. Reserve Account (current balance of \$85,896.95) or 2. Fund Balance (current fund balance is approximately \$1,060,000). My recommendation is that we utilize the Fund Balance as the projects would require using approximately 20% of the existing Fund Balance.

The five projects are as follows:

1. Railroad Park Sculpture - \$600
2. Film Production Incentive - \$2500
3. Podcast & Audio Walking Tour App - \$4000
4. Video Production and Promotion - \$25,000
5. Visitor Center Capital Improvement Project - \$166,961.52
 - a. The Estimates for all the renovation are included in the attached spreadsheet.

Grand Total - \$199,061.52

At budget amendment approval we will utilize line item 06-556-04xx on the Revenue side to allocate the Fund Balance dollars to this year's budget. We will also create five new Expense line items (06-656-xxxx) for the five Projects and expenses related to the budgeted amounts.

Please let me know if you have any questions,

Thank you, Erik

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

ORDINANCE 2021-04-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING THE CITY OF ALPINE FY2020-2021 HOT BUDGET; PROVIDING REPEALING AND SEVERABILITY CLAUSES; A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Alpine has determined that citizens, visitors and the community would benefit from five additional projects designed to help tourism in Alpine; and

WHEREAS, it is deemed by the City Council of the City of Alpine to be in the public interest to enhance this years HOT Budget to include Revenues and Expenditures as outlined in Exhibit A and Exhibit B.

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

**SECTION I
FINDINGS OF FACT**

All of the premises attached in the forms hereto described as Exhibit "A" and Exhibit "B" are hereby found to be true and accurate representations of the changes approved by the City of Alpine City Council relate to the FY2020-2021 HOT Budget.

**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 20th DAY OF April 2021 BY THE CITY COUNCIL OF THE
CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING

April 6, 2021

SECOND AND FINAL READING

April 20, 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

1. Railroad Park Sculpture - \$600
2. Film Production Incentive - \$2500
3. Podcast & Audio Walking Tour App - \$4000
4. Video Production and Promotion - \$25,000
5. Visitor Center Capital Improvement Project - \$166,961.52
a. The Estimates for all the renovation are included in the attached spreadsheet.

Grand Total - \$199,061.52

Revenue Budget Line-Item Change in the Amount of \$199,061.52: utilize line item 06-556-04xx to allocate the Fund Balance dollars to this year's budget.

Expense Budget Changes in the total Amount of \$199,061.52: staff will create five new Expense line items (06-656-xxxx) for the five Projects listed above.

Exhibit B				
Visitor Center Renovation:		Cost	Quantity	Total
Restroom Fixtures:				
Manual Flush Wall Mount Toilets		\$483.00	3	\$1,449.00
Automatic Faucet		\$578.00	2	\$1,156.00
Manual Flush Urinal		\$472.00	1	\$472.00
ADA Wall Mount sink		\$280.00	2	\$560.00
Sink P-trap		\$137.00	2	\$274.00
Partition- in corner, ceiling, hung, 2 stall (60", 42")		\$3,178.00	1	\$3,178.00
Partition- in corner, ceiling hung, 1 stall (60")		\$1,748.00	1	\$1,748.00
Automatic Hand Dryer		\$399.00	2	\$798.00
Mirror- flat mount		\$151.00	2	\$302
Laminate Wood for Halls	\$2.19/sq foot		550 sq foot	\$1,205
Plastic wall panels	\$1/sq foot		1000 sq foot	\$1,000
Utility Sink (for outside patio and pavilion)		\$99.00	2	\$198
4ft motion sense ceiling light		\$70.00	5	\$350
emergency exit sign w/lights		\$59.00	1	\$59
Ceiling exhaust fan		\$311.00	2	\$622
Wall Mount Outdoor lighting		\$137.00	10	1370
Brochure/magazine rack for hall after hours		\$277.00	1	\$277
Total				\$15,018.00
Storage Closet in Bathroom Fixtures:				
25" Floor Mop Sink		\$195.00	1	\$195.00
Mop Sink Faucet		\$128.00	1	\$128.00
Utility Storage Shelf		\$360	1	\$360
4ft motion sense ceiling light		\$70	1	\$70
Total				\$753.00
HVAC	7 M Fabrication		1	\$15,000.00
Concrete	\$21,672.00 (Baeza's Masonry)		1	\$21,672.00
Block	\$26,120.00 (Baeza's Masonry)		1	\$26,120.00
Windows	\$1,000.00 (Baeza's Masonry)		1	\$1,000.00
Stucco	\$16,236.00 (Baeza's Masonry)		1	\$16,236.00
Tree Removal/Trimming			1	\$10,000.00
Security Cameras	3pack/\$399.99e		2	\$800.00
Plumbing	\$13,650.00 (Baeza's Masonry)			\$13,650.00
Electrical	Included with Baeza's quote			
Doors:				
Total of 4 Doors: Interior Doors going into Men and Women's, Exterior hallway door and storage door		\$3,015.29	1	\$3,015.29
Interior Door from VC to the bathroom hallway (Mediterranean Knotty Alder Square Top)		\$1,357.17	1	\$1,357.17
Wall & Cap	\$3,420.00 (Baeza's Masonry)			\$3,420.00
Metal Roof	\$22,000.00 (Baeza's Masonry)		1	\$22,000.00
Lighting				
Outdoor Edison LED Lights (100ft)		\$149.95	6	\$899.70
Cascadia Dorado Light (Lowes)		\$137.70	1	\$137.70
Moving Monument (large rock)	We are doing this internally			
Total				\$135,307.86
Patio Furniture Options				
	Cost	Quantity	Total	
Hexagon Picnic Table w/ umbrella hole		\$679	1	\$679.00
Umbrella		\$95.95	15	\$1,439.25
Umbrella base		\$69.95	15	\$1,049.25
all weather outdoor sectional		\$2,495.00	1	\$2,495.00
polypropylene chair		\$39.48	60	\$2,368.80
plastic folding		\$13.99	60	\$839.40
resin chairs		\$44.99	20	\$899.80
48" Folding wood table		\$356.49	4	\$1,425.96
48" table top (old bases)		\$106.46	5	\$532.30
36" round top (old bases)		\$92.49	10	\$924.90
24" square top (old bases)		\$60.99	10	\$609.90
48" round steel w/umbrella hole & stand		\$269.00	2	\$538.00
48" round teak w/umbrella hole		\$297	2	\$594.00
60" rectangle plastic table		\$49.57	30	\$1,487.10
Total				\$15,882.66
Grand Total				\$166,961.52

7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 - Utilities to the Alpine Code of Ordinances.
(R. Stephens, City Council)

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

ORDINANCE 2021-04-04

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

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

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

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

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

**SECTION I
FINDINGS OF FACT**

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

**SECTION II
CUMULATIVE CLAUSE**

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

**SECTION III
SEVERABILITY CLAUSE**

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

**SECTION IV
PROPER NOTICE AND MEETING**

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

**SECTION V
EFFECTIVE DATE**

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

PASSED AND ADOPTED THIS 20th DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

APRIL 6, 2021

SECOND AND FINAL READING

APRIL 20, 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 98 - UTILITIES¹¹

Footnotes:

--- (1) ---

Cross reference— Any ordinance approving, prescribing or otherwise relating to rates to be charge by utility companies saved from repeal, § 1-6(6); administration, ch. 2; buildings and building regulations, ch. 18; plumbing code, § 18-71 et seq.; gas code, § 18-106 et seq.; businesses, ch. 22; floods, ch. 50; health and sanitation, ch. 54; solid waste, ch. 82; streets, sidewalks and other public places, ch. 86; franchises, app. A; subdivisions, app. B.

State Law reference— Plumbing and sewers, V.T.C.A., Local Government Code § 214.011 et seq.; municipal utilities, Vernon's Ann. Civ. St. art. 1106 et seq.; water, V.T.C.A., Water Code § 1.001 et seq.; public utilities, V.T.C.A., Utilities Code § 1.001 et seq.; Public Utility Regulatory Act, V.T.C.A., Utilities Code § 11.001 et seq.; municipal water and utilities, V.T.C.A., Local Government Code § 401.001 et seq.; water quality control, V.T.C.A., Water Code § 26.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 98-1. - Franchise required.

No person shall engage in furnishing water, light, power, gas, telephone, data services or sewage service to the public within the city, unless such person shall have obtained, and thereafter keeps in full force and effect, a franchise to do so.

(Code 1978, § 25-1)

Sec. 98-2. - Franchise application, application fee.

Any agency desiring to furnish, or continue furnishing, any of the utilities services referred to in section 98-1, or use the highways, streets or alleys within the city in connection with such utilities services, shall make and file with the city secretary a written application, showing the name and address of the applicant for the franchise, the name and address of the person making the application, the kind of utilities services to be furnished, the area within the city to be served, and the name and addresses of the person or officers of the corporation upon whom legal service may be made. The application shall be accompanied by a fee listed in Appendix A: Section I, and set by annual City Council resolution, which sum shall be used by the city to cover the expenses of carrying out the provisions of this chapter.

(Code 1978, § 25-2)

Sec. 98-3. - Hearing, action on application.

When an application for a franchise has been filed, the council shall order a hearing on the application; and notice of such hearing shall be given by publication in one issue of a paper in general circulation of the City. Upon favorable action by the city council, the city secretary shall issue the franchise.

(Code 1978, § 25-3)

Sec. 98-4. - Security deposit fees.

Effective March 1, 2021, security deposit fees will be required of all new customers for water, sewer and sanitation services as security for payment of charges for such services being furnished by the city.

The following security deposit fees are to be set by annual City Council resolution and are listed in Appendix A: Section I:

- (1) Residential water, sewer and sanitation
- (2) Small commercial water, sewer and sanitation to include but not be limited to grocery stores, shops, storages, automatic laundry, automobile parking lots, bakery, bank, barber and beauty shops, billiard or pool hall, cafeteria, clinic, cleaning and pressing shops, drug store, filling station, florists shop, ice retail distributing, mortuaries, picture theater, office, radio repair and sales, real estate office, restaurants, taverns, radio studio, shoe repair, stores and shops for the sale of products at retail, stores and shops for custom work or the making of articles to be sold at retail on the premises, and studios (art, music, photo, etc.)
- (3) Laundromats, recreational vehicle parks, washaterias and any small business franchise
- (4) Housing units, industrial and/or agricultural users, motels and concrete plants

(Code 1978, § 26-1; Ord. No. 99-4-4, 6-22-99)

Sec. 98-5. - Sanitation and recycling rates are based on contract with Texas Disposal Systems and approved by City Council. The Texas Disposal Systems Contract is on file and may be viewed at City Hall.
(Ord. No. 2001-9-7, 10-9-01; Ord. No. 2002-9-9, 9-16-02)

Secs. 98-6—98-35. - Reserved.

ARTICLE II. - MAIN EXTENSIONS

Sec. 98-36. - Charges to be set by resolution.

All charges to be made under this section will be in accordance with the current council resolution setting such charges as such resolution requirement is provided in this section. Such resolution setting such rates of charges to be assessed as: pro rata front foot water and/or sewer lines; for the extension of water and/or sewer lines; costs relating to owner installation of such services, including subdivisions; water tap, meter setting and sewer tap charges and all other charges, or costs to be collected by the city for any such water or sewer service, shall be made by the city council, from time to time, in keeping with the fluctuation of costs of materials and labor, and to the end that the relativity of charges and the city's expenses be maintained. All charges, costs or other matters in this chapter relating to rates, or fees, will be made on the basis of the city council's latest resolution setting such rates, fees, charges and costs for such service, and such current resolution shall be made by the council at least once each fiscal year. The term "made" means that at least once annually the council will review such changes of rates and fees, and alter or change such rates and fees as it may deem advisable to alter or change, or to resolve to continue such rates and fees in force. There shall be no limitation to such resolution change by the city council, and such may be changed without notice whenever the city's economic situation appears to the city council to require such fee, rate or charge basis cost for the services provided in this chapter.

(Code 1978, § 26-16)

Secs. 98-37—98-39. - Reserved.

Editor's note— Ord. No. 99-4-4, adopted June 22, 1999, repealed provisions formerly set out as §§ 98-37—98-39, which pertained to depth of property to be charged, property exceeding chargeable depth, and charge for irregular lots, respectively, and derived from the 1978 Code, §§ 26-17—26-19, respectively.

Sec. 98-40. - Charge where property only on one side of street benefited.

Where in the foreseeable future the extension of a water or sewer line will serve property only on one side of a street or alley, then the pro rata costs for such extension will be ("double", deleted) the existing front foot charge.

(Code 1978, § 26-20; Ord. No. 99-4-4, 6-22-99)

Sec. 98-41. - Extensions.

Where water does not exist adjacent to the proposed development, but is reasonably accessible, the developer shall, with the approval of the city, install the line including necessary fittings, from the boundary of his tract to connect with the existing water system. The city will reimburse the developer for the water installation at the cost of ten lineal feet per 50 feet of water line extension excluding streets and alleyways. Said reimbursement may be made if the city desires upon completion and acceptance of the line. If the city does not desire to reimburse upon acceptance, the developer will be reimbursed at such time as 50 percent of the platted lots are connected on to the water system. All line over the ten feet per platted lot shall be at the developer's cost. A contract between the city and developer for reimbursement of water line costs shall be required. Reimbursements shall be limited to new subdivisions within the corporate city limits.

Additional lateral connections to extended waterlines made by an owner or developer of an addition or subdivision, or apartment project, or multi-unit dwelling project, or a commercial user of any type, shall be required to share in the original cost of the extension, less reimbursement payments as set forth above. The lateral connection fee shall be based on the net cost of the original extension from the point of origin to the point of connection. This fee shall be based on an equal division of costs between developers and shall be established on a per lot served basis within a two-year time period of original project completion.

(Code 1978, § 26-21; Ord. No. 99-4-4, 6-22-99)

Sec. 98-42. - Reserved.

Editor's note— Ord. No. 99-4-4, adopted June 22, 1999, repealed former § 98-42, which pertained to extensions to individuals exceeding 50 feet, and derived from the 1978 Code, § 26-22.

Sec. 98-43. - Right to refuse to make extension.

The city shall not be required to make extensions, under the provisions of this article if, within the discretion of the city council, there are no funds available for the purpose of extending the particular water or sewer line, or if, in the opinion of the council, such extension will not be economically feasible.

(Code 1978, § 26-23)

Sec. 98-44. - Disposition of charges.

Any and all sums of money collected as fees or connection charges for sewers, at the rates set out in this article, shall be credited to the sanitary sewer fund of the city; and all fees for connecting or extending waterlines, at the rates set out in this article, shall be credited to the water fund of the city.

(Code 1978, § 26-24)

Sec. 98-45. - When owner may install.

- (a) All sanitary water or sewer lateral extensions provided for in this article shall be laid, constructed and installed by the city, directly or by contract, except that the owner of a tract of land or his duly authorized agent may exercise the option of installing a complete water and/or sewer extension at his own

expense, in which event, that particular property would not be charged nor subjected to any additional pro rata charges for water or sanitary sewer connections or extensions, except tapping fees. Plans and specifications for this work shall be prepared by a registered professional engineer, and such plans shall bear his seal. Water or sewer lines constructed through a private contractor shall be subject to inspection and to all requirements, specifications and regulations of the water and sewer maintenance department covering water and sewer mains to be connected to the systems of the city. No private contract shall be let except upon the written approval of the city council of the plans and specifications, and with the provision that all water or sewer extensions and all appurtenances thereto shall be and become the property of the city immediately upon their installation and construction, free and clear of all liens, claims and encumbrances.

- (b) In no case shall a sewer lateral be constructed which is less than eight inches in size at four-tenths percent grade, unless special approval is given by the city council. The applicant shall pay the total cost up to and including eight-inch sewers, provided grade conditions or the quality of sewage does not require larger size sewers. If sewer lines that are necessary to serve the area included in the tract owned by the developer are deemed necessary by the city water and sewer maintenance department, the water and sewer maintenance department will bear the incremental cost for enlarging such mains over the above sizes, provided funds are available. The increment of the cost borne by the city shall be determined on the basis of the average cost for comparable installations performed in the last 12 months for the city or on the basis of the bid price of qualified contractors under the terms of city requirements; provided, if the bid price for sewer lines larger than eight inches are not considered reasonable by the city, the city will not be obligated to proceed under the terms of this article.

(Code 1978, § 26-25)

Sec. 98-46. - Development of subdivisions.

- (a) The developer of an addition to the city, a plat of which has been finally approved by the city council, shall design and prepare construction plans and specifications of water and sanitary sewer facilities, to serve the subdivision, including any access or off-site facilities that may be required. These plans shall conform in all details to the city's standards as to the design, grade, location, size and quality of materials and construction and shall be prepared by a registered professional engineer and shall bear his seal that will satisfy the utility department requirements. Plans submitted by developers shall be on standard 22-inch by 36-inch sheets.
- (b) All specifications for construction contracts shall be based upon the city standard specifications for materials and performance.
- (c) No installation of water or sewer lines shall be made at any location other than a dedicated street, alley or an easement running in favor of the city, which shall be filed of record by the owner of the addition.
- (d) Upon approval of the plans by the city, the developer may enter into a contract with any individual or may himself construct the system as planned; provided, however, that the construction and installation of the sewer and water is made in accordance with the plans and the city's standard specifications which, in every instance, shall be a part of the installation contract.
- (e) The superintendent of the water and sewer maintenance department or an authorized representative shall have authority to see that the work is installed in accordance with the approved plans and specifications. If the system is not being installed in accordance with the approved plans and specifications, the work shall be stopped until such time as proper corrections shall be made.
- (f) Any such installation, when made and approved, shall become the property of the city, free and clear of all encumbrances, and any contract entered into between the developer and another contractor shall provide for a 100 percent performance bond, making the city and the developer co- beneficiaries. If the developer makes the installation himself as provided in this section, the installation shall be in such form and conditioned in such manner as provided for in the standard contract documents used by the city in making water and/or sanitary sewer installations by private contract.

(Code 1978, § 26-26; Ord. No. 99-4-4, 6-22-99)

Sec. 98-47. - City to equalize claims.

The intent and purpose of this article is to provide an equitable charge for sanitary sewer and water connections as a proportionate distribution of the cost of water and/or sewer lateral extensions to serve property in the city on a front foot basis. In case the property of a tract of land is so situated or shaped so that the pro rata front foot rule creates an inequitable basis as between it and other tracts of land, the front footage shall be determined by the water and sewer department.

(Code 1978, § 26-27; Ord. No. 99-4-4, 6-22-99)

Sec. 98-48. - Water tap, sewer tap and meter setting fees.

- (a) Whether under the provisions of sections of this article directly appertaining thereto or to other provisions of this article pertaining to fees for extension and/or connections of sewer service, and separate therefrom, and in addition thereto, as applicable, the owner of abutting property to a functioning, adequate and approved sewer main, or sewer gathering line, may tap and connect to such line, provided all previously stated required charges as in this article provided have been paid, or secured to be paid, at such owner's cost and expense, subject to approval after inspection by the water and sewer maintenance department of the city, and after the owner shall pay the currently applicable inspection fee to the water and sewer maintenance department of the city, plus any corrective costs necessary to be made by the city for such inspection clearance. Such inspection and approval by the water and sewer maintenance department shall include, in addition to the approval of the tap connection underground, the approval of its grade and elevation, rate of fall, and such other physical requirements necessary to effect a noninterrupted and practical connection to such gathering line, or main, consistent with the plumbing code of the city, referred to in section 18-71, and the replacement, in an approved manner, and with like material, of any cut, ditch, encroachment or violation of any existing street, alleyway or city easement necessary to be made to effect such tap or connection. All such costs for the required changes or alterations shall be borne by the connecting party or applicant.
 - (b) The city water and sewer maintenance department will make such water and/or sanitary sewer taps and/or water or sanitary sewer connections and meter settings after such costs and/or fees have been paid as required by this article to be paid by the owner, or applicant, applying for such connection to the city, either by contract with the city or as otherwise stated, and set out in this article, at the costs in effect for the period in which such agreement is made, as shown by the city council's current resolution order.
- (1) Service sewer line, house or commercial (inspection and construction included), in unpaved streets, alleys or easements, all water tap and meter setting fees; service sewer line, house or commercial connection tap into gathering line or main line (inspection fees included), lying under asphalt street, alley or easement for the size tap desired, plus the applicable per lateral foot of paving cut necessary to establish such tap and/or connection; service sewer line, house or commercial tap, or connection, into gathering line or main line, lying under a concrete street, alley or easement (including inspection fee), and the cost for such cutting of concrete or asphalt, and for ditching, shall each and all be charged in accordance with the applicable current rates and/or fees as set by the city council. Such estimated cost must be deposited with the city before the work is done. Any sizes, other than those listed in such current rate, will be set by special contract with the city.
 - (2) The water and sewer maintenance department, or the street department, shall make the pavement repairs as part of the installation job at the costs as set out in this article, and such costs shall apply for connections to property inside the city limits only. For connections to property outside the city limits, the actual cost of construction shall govern, with a minimum charge according to the schedule set out in this article, or as contracted with the city by such applicant or owner.
 - (3) It is further provided that in no event shall the city be required to make any surveys, street grading or staking off on the ground of any subdivision of the applicant for the purpose of making water or sewer installation; but all of such work shall be done by the developer or his engineer, at such

developer's or applicant's cost and expense, and shall be done to the satisfaction of the superintendent of the water and sewer maintenance department.

(Code 1978, § 26-28)

Sec. 98-49. - Fee schedule.

The city council adopts water and sewer extensions and water tapping and meter set fees delineated in Appendix A: Section II, and set by annual City Council resolution:

(Ord. No. 99-4-4, 6-22-99; Ord. No. 2005-3-3, 3-15-05; Ord. No. 2008-12-02, 1-6-09)

Secs. 98-50—98-80. - Reserved.

ARTICLE III. - WATER SERVICE

DIVISION 1. - GENERALLY

Sec. 98-81. - Application for service required.

Written application, disconnects, and transfers will be required of all water consumers desiring to be connected to the city mains. Applications shall be made to the utility department.

(Code 1978, § 26-40; Ord. No. 99-4-4, 6-22-99)

Sec. 98-82. - Location of meter and cutoff; furnishing of meters.

The meter and cutoff shall be placed inside a meter box, which shall be located just outside the property line. Both meter and meter box may be obtained from the utility department at cost, or will be furnished by the city, in which case an additional charge, delineated in Appendix A: Section III and set by annual City Council resolution, will be made for a five-eighths-inch meter and three-quarter-inch meter. The additional charge for a meter larger than five-eighths-inch shall be the amount set by utility department. The above charges are for rental of meters, and when so rented, meters always remain the property of the city.

(Code 1978, § 26-42; Ord. No. 99-4-4, 6-22-99)

Sec. 98-83. - Rates generally.

- (a) *Minimum charge.* The minimum charge for all metered accounts is based upon meter size and is levied whether or not any water is used. The rates for all metered accounts are set by annual City Council resolution and are delineated in Appendix A: Section III.
- (b) *Water rates* are set by annual City Council resolution and are delineated in Appendix A: Section III.
- (c) *Bulk water rates* are set by annual City Council resolution and are delineated in Appendix A: Section III.

(Code 1978, § 26-43; Ord. No. 98-5-3, 6-9-1998; Ord. No. 99-4-4, 6-22-99; Ord. No. 99-9-7, 10-12-99; Ord. No. 2000-9-8, 9-26-00; Ord. No. 2001-9-7, 10-9-01; Ord. No. 2002-9-9, 9-16-02; Ord. No. 2003-1-3, 3-3-03; Ord. No. 2006-10-03, 12-5-06; Ord. No. 2007-08-01, 8-7-07; Ord. No. 2008-05-01, 7-1-08; Ord. No. 2009-10-01, 11-17-09; Ord. No. 2010-10-01, 10-19-10; Ord. No. 2016-09-04, 9-20-16)

Sec. 98-84. - Reserved.

Editor's note— Ord. No. 99-4-4, adopted June 22, 1999, repealed § 98-84, which pertained to rates for special contract users, and derived from the 1978 Code, § 26-44.

Sec. 98-85. - Rates outside city limits.

Water rates outside the city limits shall be one and one-half times the minimum in-city amended rates.

(Code 1978, § 26-45; Ord. No. 99-4-4, 6-22-99; Ord. No. 2010-10-01, 10-19-10; Ord. No. 2016-09-04, 9-20-16)

Sec. 98-86. - When charges due; delinquency.

All water rents, rates and charges will be due and payable on the first day of each month at the office of the utility department. In the event that such water rents, rates and charges are not paid on or before the 20th day of the month, the city will disconnect the water from the delinquent property or the premises without further notice, applying to such delinquency the deposit held by the city for such property, and will not reconnect the delinquent property or premises until all back water rentals are paid in full or security made with the city for the payment in full of all such delinquent water accounts, and a new deposit made. Fees under this section are delineated in Appendix A: Section IV and are set by annual City Council resolution.

(Code 1978, § 26-46; Ord. No. 99-4-4, 6-22-99; Ord. No. 2000-6-5, 9-1-00; 2009-10-03, 10-27-09)

Sec. 98-87.

- (a) Each property must maintain their own meter.
- (b) Failure to pay such minimum charge for any such unit or failure to pay any outstanding water bill by the 20th of the month shall authorize the utility billing clerk to cause the discontinuance of such common source service without further notice, applying to such delinquency the deposit held by the city for such property, and will not reconnect the delinquent property or premises until all back water rentals are paid in full or security made with the city for payment in full of all such delinquent water accounts and a new deposit made. In addition there shall be a reconnecting fee of \$25.00.
- ~~(c) Primary customer of record is the owner of property.~~
- (c) Budget billing and payment will continue with water usage, customer average determination will be determined in March of every year.

(Code 1978, § 26-47; Ord. No. 99-4-4, 6-22-99; Ord. No. 2000-6-5, 9-1-00; 2009-10-03, 10-27-09)

Sec. 98-88. - Permitting freezing.

No water main or line pipe installed by someone other than the city shall be exposed during freezing weather for a sufficient time to cause damage and if this provision is ignored, the contractor doing the work shall be liable to the city for the full amount of the damage.

(Code 1978, § 26-48)

Sec. 98-89. - Tampering with system; violations.

Anyone tampering with the city waterworks system or any water meter in any manner calculated to injure them, or who shall violate any of the provisions of this article, or fail to comply with any order or regulation made under this article, shall be deemed to be guilty of a misdemeanor. A tampering fee,

delineated in Appendix A: Section IV, plus damages will be charged if the city finds that a meter has been tampered with.

(Code 1978, § 26-49)

DIVISION 2. - CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION⁽²⁾

Footnotes:

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Editor's note— Ord. No. 2002-11-12, adopted Dec. 2, 2002, added provisions for § 98-90. At the discretion of the editor, and for purposes of clarity, said provisions have been set out herein as §§ 98-90 through 98-107.

Sec. 98-90. - Adopted.

The city shall be responsible for the protection of its public water distribution system from contamination or pollution. The city will not install or maintain a water service connection to any premises unless the water supply is protected as required by all applicable laws and regulations of the city and of the state.

If in the opinion of the city an approved backflow prevention assembly is required at the customer's water service connection; or, within the customer's private water system for the safety of the public water system, the city, or their designated agent shall give notice in writing to said customer to install an approved backflow prevention assembly(s) at specific location(s) on the customer's premises.

The installation of such approved assembly(s) shall be at the customer's expense; and depending on the severity of the threat to the public water supply within the required time frame and in all instances within 30 days. Failure, refusal, or inability on the part of the customer to install, have tested, and maintain the proper backflow prevention assembly(s) shall be grounds for discontinuing water service to the premises until such requirements have been met.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-91. - Definitions.

For the purpose of this division, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this ordinance is not contained in the following list, its definition, or other technical terms used, shall have the meaning or definitions listed in the most recent Manual of Cross-Connection Control published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR). The following definitions shall apply to this division.

Air gap shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB shall mean a device used to prevent backsiphonage.

Auxiliary supply shall mean any water source or system other than the public water system, that may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.

Backflow shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system.

Backflow prevention assembly or assembly shall mean an assembly to counteract back pressure or prevent backsiphonage.

Backpressure shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage shall mean the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

Boresight or boresight to daylight shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

City or the city shall mean the City of Alpine or its representative.

Commercial establishment shall mean property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Contaminants shall mean any foreign material, solid, liquid or gaseous, that is not common to the potable water supply which makes the water unfit or undesirable for human or animal consumption.

Contamination shall mean the admission of contaminants into the potable water supply system.

Cross-connection shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it is possible for any nonpotable, used, unclean, polluted and/or contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

Cross-connection control device shall mean any approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and/or contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer service inspection shall mean an inspection designed to inspect and detect any actual or potential cross-connection hazards and/or exceedence of the lead action level in solder or flux, pipe or pipe fittings.

Degree of hazard shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections as follows:

- (1) *Health hazard* means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (2) *High hazard* means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.
- (3) *Low hazard* means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.
- (4) *Pollution hazard* means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumers potable water system, but which would not constitute

a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

- (5) *System hazard* means an actual or potential threat of severe danger to the physical properties of the public or consumers potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Director shall mean the public utilities director or his designee who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this division.

Manual of cross connection control shall mean the latest edition as published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (abbreviated as USC FCCCHR).

Mobile unit shall mean any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to; carpet cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations and pest-control vehicles.

Non-residential use shall mean water used by any person other than a residential customer of the water supply and include all uses not specifically included in "residential uses".

Person shall mean any individual, partnership, association, corporation, firm, club, trustee, receiver, and bodies politic and corporate.

Point-of-use isolation shall mean the appropriate backflow prevention within the consumers water system at the point at which the actual or potential cross-connection exists.

Potable water supply shall mean any water supply intended or used for human consumption or other domestic use.

Premises shall mean any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Premises isolation shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVB shall mean an assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly.

Public water system or system shall mean any public or privately-owned water system which supplies water for public domestic use. The system includes all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.

Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RP assembly or RP shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and a tightly closing resilient seated shutoff valve at each end of the assembly.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Regulatory authority shall mean any municipal officer or department of the City of Alpine, appointed by the public utilities director to administer this division.

Representative of the water system shall mean a person designated by the city to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

Residential use shall mean water used by any residential customer of the water supply and include single-family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter or in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection shall mean the point of delivery which the water purveyor loses control of the water.

Spill-resistant pressure vacuum breaker or SPVB shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

Tester shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the city and the TCEQ.

Thermal expansion shall mean heated water that does not have the space to expand.

TCEQ shall mean the Texas Commission on Environmental Quality, formerly the Texas Natural Resource Conservation Commission (TNRCC).

Used water shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.

Water use survey shall mean a survey conducted or caused to be conducted by the local authority designed to identify possible sources of pollution and/or contamination to the potable water supply.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-92. - Right-of-way encroachment.

No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided in this section.

- (1) A backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth of enclosure, and other requisites of the assembly prior to its installation.
- (2) All permits and inspections required by the city Code to perform work in the right-of-way shall be obtained.
- (3) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or portion of an assembly that extends above ground shall be located no closer than 18 inches to the face of the curb.
- (4) The city shall not be liable for any damage done to or caused by an assembly installed in a right-of-way.
- (5) A property owner shall, at the request of the city and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for street or utility construction or repairs for purposes of public safety.

- (6) A person commits an offense if after receiving a written order from the regulatory authority, he or she fails to relocate a backflow prevention assembly located in or upon any city right-of-way.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-93. - Multiple connections.

Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each of the service lines to the premises. The type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the water systems on the premises.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-94. - Protection required; installation.

- (a) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws and regulation and this division. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the regulatory authority shall deny or immediately discontinue service to the premises by providing for a physical break in the service until the customer has corrected the condition(s) in conformance with state and city codes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (c) The backflow prevention assembly protection which is required under this division shall be any of the USC FCCCHR recognized and approved backflow prevention assemblies, or as approved by the regulatory authority. The regulatory authority prior to installation must have approved each backflow prevention assembly. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of backflow assembly to be installed within the area served by the city. An assembly will be required in each of the following circumstances, but the customer is in no way limited to the following circumstances:
 - (1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premise, if said activity or material could contaminate or pollute the potable water supply.
 - (2) Premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality.
 - (3) Internal cross-connections are present that are not correctable.
 - (4) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.
 - (5) Where entry to all of portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not cross connections exist.
 - (6) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the city.
 - (7) A lawn irrigation system that is connected to the city's water system.
 - (8) A fire suppression system that is connected to the city's water system.

- (9) All new construction if deemed necessary in the customer service inspection. The type of assembly required will be determined by the degree of hazard.
- (10) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
- (11) Any used water return system.
- (12) In the event a point-of-use assembly has not had the testing or repair done as required by this division, a premises isolation assembly will be required.
- (13) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.
- (14) All multistory buildings or any building with a booster pump or elevated storage tank.
- (15) Retrofitting will be required on all high hazard connections and wherever else the city deems necessary to meet the intent of this division.
- (d) All backflow prevention assemblies installed after the effective date of this ordinance shall be installed in a manner designed to facilitate ease of inspection and testing by the regulatory authority of the city or its chosen representative. Any currently installed backflow prevention assemblies which are located in inaccessible locations or where the tester is subject to physical danger shall be relocated to approved locations.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-95. - Testing of assemblies.

- (a) The regulatory authority shall require all backflow prevention assemblies to be inspected and tested in each of the following circumstances:
 - (1) Immediately after installation.
 - (2) Whenever the device or assembly is moved.
 - (3) A minimum of once a year.
 - (4) For premises that have been vacated and unoccupied for one year, prior to re-occupancy.
 - (5) Immediately after repairs.
- (b) These inspections and tests shall be at the expense of the water user.
- (c) All assembly testing shall be performed by a state certified backflow prevention assembly tester, who is register with, and approved by, the city. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the city's public utilities director within five working days of the test.
- (d) The city is not liable for damage to a backflow prevention assembly which may occur during testing.
- (e) The regulatory authority may cause a water use survey to be conducted at any establishment which is served by the public water supply or which provides water to the public. Upon determination by the regulatory authority that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-96. - Thermal expansion.

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow prevention assembly.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-97. - Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the city.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-98. - Service connections.

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross-connection or have an approved backflow prevention assembly installed in accordance with this division.

Any person who owns or controls property is responsible for the installation, test and repair of all backflow assemblies on their property.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-99. - Mobile units.

The connection of a mobile unit to any potable water system is prohibited unless an air gap or an approved backflow prevention assembly protects such connection. Prior approval and annual device testing of any backflow prevention assembly must be received from the regulatory authority before connecting to any potable water system.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-100. - Customer service inspections.

- (a) A customer service inspection shall be completed prior to providing water service to all new construction, on any existing service when the city has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water facilities of any property served by the public water supply.
- (b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - (1) Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
 - (2) Customer service inspectors who have completed a commission approved course, passed an examination administered by the TCEQ or its designated agent and hold a current certification or endorsement as a customer service inspector.
- (c) The customer service inspection must certify that:
 - (1) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention assembly.
 - (2) No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure principle backflow prevention assembly.

- (3) No connection which allows water to be returned to the public drinking water supply is permitted.
- (4) No pipe or pipe fitting which contains more than eight percent lead may be used for the installation or repair of plumbing at any connection. No solder or flux which contains more than 0.2 percent lead can be used for the installation at any connection. A minimum of one lead test shall be performed for each inspection.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-101. - Installation guidelines and requirements for backflow prevention assemblies.

To ensure proper operation and accessibility of all backflow prevention assemblies, the most current guidelines contained in the manual of cross connection control which is adopted hereto by reference and incorporated herewith, shall apply to the installation of these assemblies. Additionally, the following shall also be required:

- (1) All premises that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.
- (2) The property owner assumes all responsibility for any damage resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.
- (3) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, physical location and initial test report.
- (4) Assemblies must be sized and flow characteristics must be sufficient to provide an adequate supply of water and pressure for the premises being served.
- (5) Assemblies must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishings would not occur from water discharge. The property owner assumes all responsibility for any damage caused by water discharge from an assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies.
- (6) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPs are typically installed above grade in well-drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
- (7) Reduced pressure principal detector backflow prevention assemblies (RPDA) - may be utilized in all installations requiring a reduced pressure principal backflow prevention assembly and detector metering.
 - a. RPDAs shall comply with the installation requirements applicable for reduced pressure principal backflow assemblies.
 - b. The line-size RP assembly and the bypass RP assembly must each be tested. The certified tester must complete a separate test report for each assembly.
- (8) Pressure vacuum breaker backflow prevention assemblies (PVB) may be utilized as point-of-use protection against backsiphonage only and shall not be installed where there is potential for backpressure.

PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
- (9) Spill resistant pressure vacuum breaker backflow prevention assemblies (SVB) may be utilized in all installations requiring a pressure vacuum breaker.

SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-102. - Air gap separation.

Air gaps provide maximum protection from backflow hazards and should be utilized at all locations where "high hazardous" substances are at risk of entering the potable water system.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch, if splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.
- (2) Air gap separations shall not be altered in any way without prior approval from the regulatory authority and must be available for inspection at all reasonable times.
- (3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-103. - Fire suppression systems.

- (a) All new installations of fire suppression systems which utilize the city's potable water supply shall have installed an approved backflow prevention devices according to the degree of hazard.
- (b) A reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each 24-hour period, unless a variance has been issued in writing from the regulatory authority. A (RPDA) must be installed if any solution other than the potable water can be introduced into the sprinkler system.
- (1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this division. In the event of any changes to the fire suppression system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this article and the purchase, installation, testing and repair of devices is the responsibility of the property owner and persons in charge of any premises.
- (2) Upon the approved installation of the device, a device test report completed by a licensed fireline tester must be sent to the attention of the public utilities director and include the information required by this division.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-104. - Fire hydrant protection.

- (a) A reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other times which would pose a potential hazard to the public water supply.
- (1) It is the responsibility of all persons engaging in the use of a fire hydrant water meter to abide by the conditions of this division. All fire hydrant water meters shall meet the current requirements as provided for by the city's public utilities division.
- (2) Only the city's fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the potable water system.

- (3) A refundable deposit is required to insure the return of all water meter and backflow assemblies to the Utility Customer Service Division. Failure to return or any misuse of the assemblies can result in the forfeiture of deposit and/or enforcement action being taken against the responsible party, as allowed for in the penalty section of this division.
- (4) All non approved fire hydrant meters which are found to be in use in the city will be confiscated and enforcement action taken against the responsible party, as allowed for in the enforcement section in this division.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-105. - Responsibilities.

- (a) *Property owner.* It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this article and to comply with the following:
 - (1) Payment of all costs associated with this article and the purchase, installation, testing and repair of backflow prevention assemblies.
 - (2) To install and maintain all backflow prevention assemblies in accordance with this article and acceptable industry practice.
 - (3) To have backflow prevention assemblies tested annually. Such testing must be conducted by a certified tester who is registered with the city.
 - (4) Maintain all backflow prevention assemblies in proper working order at all times, including repairs as required.
 - (5) Maintain all backflow prevention assemblies in a manner that allows them to be tested by a method that has been approved by the regulatory authority.
 - (6) Submit original test results to the city's public utilities director within five working days. All records related to backflow prevention assembly installation testing and repair shall be maintained on the premises for a minimum of three years.
- (b) *Certified backflow prevention assembly tester.* The tester shall comply with the following requirements:
 - (1) Annually register with the regulatory authority.
 - (2) Maintain testing equipment in proper working condition/calibration. Test gauges shall be calibrated at least annually. The original calibration form must be submitted to the city's public utilities director within five working days after calibration.
 - (3) Maintain the design or operation characteristics of an assembly.
 - (4) Ensure that devices are tested according to accepted industry practice and TCEQ rules and regulations.
 - (5) Enter required testing data, including test gauge serial numbers, on Backflow Prevention Device Test forms that have been approved by the regulatory authority.
 - (6) Report test results to the regulatory authority within ten working days of testing.
 - (7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
 - (8) Maintain testing and/or repair records for a minimum of three years.
- (c) *Regulatory authority.* The regulatory authority shall ensure the inspection and testing of all backflow prevention assemblies installed pursuant to the requirements of this division. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the regulatory authority

shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-106. - Backflow prevention assembly tester certification—Registration required.

Only approved TCEQ licensed backflow prevention assembly testers can test in the City of Alpine. Testers must register annually with the regulatory authority, provide proof of TCEQ certification, and provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2-psid accuracy.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-107. - Enforcement.

(a) *Violations.* A person commits an offense if:

- (1) He fails to maintain backflow prevention assemblies in compliance with this section.
- (2) He fails to comply with a repair order issued by the regulatory authority.
- (3) Backflow from premises he owns, operates or manages enters the public water supply system.
- (4) He violates any section of this article.
- (5) He reinstates water service to premises discontinued or disconnected under this article, except as directed by the regulatory authority.
- (6) He allows an unregistered tester to perform testing work at their establishment.
- (7) He tests a backflow prevention assembly within the city without being registered with the regulatory authority.
- (8) He tests a backflow prevention assembly within the city without being certified by the TCEQ.
- (b) The city is entitled to pursue all criminal and civil remedies available for violations of this division.
- (c) A certified tester's registration may be reviewed and revoked by the city if the regulatory authority determines that the tester:
 - (1) Has falsely, incompletely, or inaccurately reported assembly reports;
 - (2) Has used inaccurate gauges;
 - (3) Has used improper testing procedures; or
 - (4) Has created a threat to public health or the environment.

(Ord. No. 2002-11-12, 12-2-02)

Secs. 98-108—98-120. - Reserved.

ARTICLE IV. - SEWER SERVICE

DIVISION 1. - GENERALLY

Sec. 98-121. - Connection required.

It shall be unlawful for any person, family, business or entity, within the corporate limits of the city, to inhabit, occupy, use, enjoy or live within any structure, place or building within such corporate limits, if such structure, place or building is not lawfully, properly and efficiently connected to the approved sewer

system of the city; provided, however, should such sewer service be more than 100 feet from a point ten feet within the nearest property line to such service of the required use, then this section shall not be applicable until such facility is made available for the owner or user of such property within such distance.

(Code 1978, § 26-76)

Sec. 98-122. - Prohibited systems.

The health and welfare of the citizens of the city demands that no open toilet, pit, cesspool or other unwholesome or unsanitary residential or commercial waste disposal system, be permitted within the corporate limits of the city, and such use of any property within the city limits is declared to be unlawful and a public nuisance. Notice shall be given by the city secretary, by regular United States mail, addressed to the address of the owner or occupant of any property within the city limits where such prohibited disposal system is in use, directing the owner or occupant to abate such nuisance within a period of 30 days from the date of the mailing of such letter. Failure to abate such nuisance within such time shall permit the city to abate such nuisance by physically removing or destroying the nuisance, or by injunctive relief. The costs of such abatement of such nuisance is to be a lien on the property from which such nuisance is abated.

(Code 1978, § 26-77)

Sec. 98-123. - Sewer rates.

The following sewer rates are to be set by annual City Council resolution and are delineated in Appendix A: Section V:

(a) (1) *Residential.*

(flat rate)

(2) *Commercial*

Minimum rates for the first 4,000 gallons on the average water consumption of the previous 12 months

Minimum rates for every 1,000 gallons over 4,000

(b) The consumption per month for all users shall be the average water consumption per month for the prior December, January and February period, unless the user provides information on actual sewer discharge, to be determined annually prior to October 1, to be charged and reflected on the statements which are mailed starting October 1 of each year, and to be in effect until September 30 of the following year. Water consumption for users that are not entirely on a metered basis shall be estimated and charged, based on the best information available, including any metered water or sewage, frequency and patterns of discharge.

(c) Customers outside the city limits shall be charged pursuant to the appropriate rate schedule correlating with this section multiplied by 1½.

(Code 1978, § 26-78; Ord. No. 98-5-3, 6-9-1998; Ord. No. 99-9-7, 10-12-99; Ord. No. 2001-9-7, 10-9-01; Ord. No. 2002-9-9, 9-16-02; Ord. No. 2003-1-3, 3-3-03; Ord. No. 2006-10-03, 12-5-06; Ord. No. 2007-08-01, 8-7-07; Ord. No. 2016-09-04, 9-20-16)

Sec. 98-124. - Billing, collection of sewer charge.

Charges for sewer service shall be billed with charges for water, and shall be subject to all provisions relating to water charges.

(Code 1978, § 26-79)

Sec. 98-125. - Penalty.

Any person, firm or corporation who shall violate any of the provisions of this article, or who shall fail to comply with the provisions of this article, or with any of the requirements thereof, shall, for each and every violation or noncompliance, be deemed guilty of a misdemeanor and shall be punished as provided in section 1-11 for each such offense.

(Code 1978, § 26-127)

Secs. 98-126—98-145. - Reserved.

DIVISION 2. - HARMFUL WASTES

Sec. 98-146. - Definitions.

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

Approving authority means the director of public works or his duly authorized representative.

BOD (biochemical oxygen demand) means the quantity of oxygen, by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

COD (chemical oxygen-demand) means the measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumed forms a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter, and thus, not necessarily correlating with biochemical oxygen demand.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food, and from the handling, processing, storage and sale of food products and produce.

Industrial waste means waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewer system.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio. The milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

Normal domestic wastewater means wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers, and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

pH means the reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage, in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes, or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater or industrial waste, which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation.

Standard Methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Storm sewer means a public sewer which carries stormwaters, surface waters and drainage, and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other form of precipitation.

Superintendent means the water and wastewater superintendent of the city or his duly authorized deputy, agent or representative.

Suspended solids means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

Trap means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than ten mg/l each of suspended solids and BOD; and
- (7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid form, resulting from domestic, agricultural or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed, in strength, the concentration values established as representative of normal wastewater.

Wastewater treatment plant means any city-owned facilities, devices and structures used for receiving, processing and treating wastewater, industrial waste and sludges from the sanitary sewers.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1978, § 26-88)

Cross reference— Definitions generally, § 1-2.

Sec. 98-147. - Prohibited discharges.

- (a) No person may discharge to public sewers any waste, which by itself, or by interaction with other wastes may:
 - (1) Injure or interfere with wastewater treatment processes or facilities;
 - (2) Constitute a hazard to humans or animals; or
 - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.
- (b) All discharges shall conform to requirements of this division.

(Code 1978, § 26-89)

Sec. 98-148. - Chemical discharges.

- (a) No discharge to public sewers may contain:
 - (1) Cyanide greater than 1.0 mg/l;
 - (2) Fluoride other than that contained in the public water supply;
 - (3) Chlorides in concentrations greater than twice the concentration of the city water supply at the time tested;
 - (4) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; or
 - (5) Substances causing an excessive chemical oxygen demand (COD).
- (b) No waste or wastewater discharged to public waters may contain:
 - (1) Strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
 - (2) Fats, wax, grease or oils, whether emulsified or hot, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius);
 - (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or
 - (4) Obnoxious, toxic or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of section 98-147(a).
- (c) No waste, wastewater or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and personnel at the wastewater facilities.
- (d) All waste, wastewater or other substance containing phenols, hydrogen sulfide or other taste-producing and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

(Code 1978, § 26-90)

Sec. 98-149. - Discharging heavy metals and toxic materials.

- (a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.
- (b) The maximum allowable concentrations of heavy metals, stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods are:

	mg/l
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- (1) Arsenic 0.05
- (2) Barium 5.0
- (3) Boron 1.0
- (4) Cadmium 0.02
- (5) Chromium (Total) 5.0
- (6) Copper 1.0
- (7) Lead 0.1
- (8) Manganese 1.0
- (9) Mercury 0.005
- (10) Nickel 1.0
- (11) Selenium 0.02
- (12) Silver 0.1
- (13) Zinc 5.0

- (c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes and other applicable provisions.

- (d) Prohibited heavy metals and toxic materials include, but are not limited to:

- (1) Antimony.
- (2) Beryllium.
- (3) Bismuth.
- (4) Cobalt.
- (5) Molybdenum.
- (6) Tin.
- (7) Uranyl ion.
- (8) Rhenium.
- (9) Strontium.
- (10) Tellurium.
- (11) Herbicides.

(12) Fungicides.

(13) Pesticides.

(Code 1978, § 26-91)

Sec. 98-150. - Discharging garbage.

(a) No person shall discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower, (0.76 hp metric) or greater.

(Code 1978, § 26-92)

Sec. 98-151. - Stormwater and other unpolluted drainage.

(a) No person may discharge to public sanitary sewers:

(1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;

(2) Unpolluted cooling water;

(3) Unpolluted industrial process waters; or

(4) Other unpolluted drainage.

(b) In compliance with the Texas Water Quality Act (V.T.C.A., Water Code ch. 26 et seq.) and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Code 1978, § 26-93)

Sec. 98-152. - Temperature of discharges.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit, or more, per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Code 1978, § 26-94)

Sec. 98-153. - Radioactive wastes.

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, for discharge of radioactive wastes into public sewers.

(Code 1978, § 26-95)

Sec. 98-154. - Discharges causing impairment of facilities.

(a) No person may discharge into public sewers any substance capable of causing:

(1) Obstruction to the flow in sewers;

(2) Interference with the operation of treatment processes of facilities; or

- (3) Excessive loading of treatment facilities.
- (b) Discharges prohibited by this section include, but are not limited to materials which exert or cause concentrations of:
 - (1) Inert suspended solids greater than 250 mg/l including, but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues.
 - (2) Dissolved solids greater than 250 mg/l including, but not limited to:
 - a. Sodium chloride; and
 - b. Sodium sulfate.
 - (3) Excessive discoloration including, but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions.
 - (4) BOD, COD or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
 - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamendability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
 - (1) Is not amenable to treatment, or reduction, by the processes and facilities employed; or
 - (2) Is amendable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The approving authority shall regulate the flow and concentration of slugs when they may:
 - (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section, if present in sufficient quantity or size, including, but not limited to:
 - (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;

- (8) Glass;
- (9) Rags;
- (10) Feathers;
- (11) Tar;
- (12) Plastics;
- (13) Wood;
- (14) Unground garbage;
- (15) Whole blood;
- (16) Paunch manure;
- (17) Hair and fleshings;
- (18) Entrails;
- (19) Paper products, either whole or ground by garbage grinders;
- (20) Slops;
- (21) Chemical residues;
- (22) Paint residues; or
- (23) Bulk solids.

(Code 1978, § 26-96)

Sec. 98-155. - Compliance with existing authority.

- (a) Unless exception is granted by the approving authority, the public sewer system shall be used by all persons discharging:
 - (1) Wastewater;
 - (2) Industrial waste;
 - (3) Polluted liquids; or
 - (4) Unpolluted waters or liquids.
- (b) Unless authorized by the Texas Natural Resource Conservation Commission, no person may deposit or discharge any waste included in subsection (a) of this section, on public or private property in, or adjacent to, any:
 - (1) Natural outlet.
 - (2) Watercourse.
 - (3) Storm sewer.
 - (4) Other area within the jurisdiction of the city.
- (c) The approving authority shall verify, prior to discharge, that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Code 1978, § 26-97)

Sec. 98-156. - Approving authority requirements.

- (a) If discharges or proposed discharges to public sewers may:

- (1) Deleteriously affect wastewater facilities, processes, equipment or receiving waters;
- (2) Create a hazard to life or health; or
- (3) Create a public nuisance;

the approving authority shall require:

- a. Pretreatment to an acceptable condition for discharge to the public sewers;
 - b. Control over the quantities and rates of discharge; and
 - c. Payment to cover the cost of handling and treating the wastes.
- (b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.
- (c) The approving authority shall reject wastes when:
- (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and
 - (2) The discharger does not meet the requirements of subsection (a) of this section.

(Code 1978, § 26-98)

Sec. 98-157. - Review and approval of pretreatment or control.

- (a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.
- (b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (c) Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operation condition at his own expense.

(Code 1978, § 26-99)

Sec. 98-158. - Traps required.

- (a) Discharges requiring a trap include:
 - (1) Grease or waste containing grease in excessive amounts;
 - (2) Oil;
 - (3) Sand;
 - (4) Flammable wastes; and
 - (5) Other harmful ingredients.
- (b) Any person responsible for discharges requiring a trap shall, at his own expense, and as required by the approving authority:
 - (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
 - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - (3) Maintain the trap in effective operating condition.

(Code 1978, § 26-100)

Sec. 98-159. - Requirements for building sewers carrying industrial wastes.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense, and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
- (3) Maintain the equipment and facilities.

(Code 1978, § 26-101)

Sec. 98-160. - Sampling and testing.

- (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works, and determining the existence of hazards to health, life, limb and property. (Note: The particular analyses involved will determine whether a 24-hour composite sample from all outfalls of a premises is appropriate, or whether a grab sample, or samples, should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour, or some other period, may be required. Period grab samples are used to determine pH.)
- (b) Examination and analyses of the characteristics of waters and wastes required by this division shall be:
 - (1) Conducted in accordance with the latest edition of Standard Methods; and
 - (2) Determined from suitable samples taken at the control manhole provided, or other control point authorized by the approving authority.
- (c) BOD and suspended solids shall be determined from composite sampling.
- (d) The city shall determine flow, BOD and suspended solids by the city's laboratory personnel, or may select an independent firm or laboratory to determine flow, BOD and suspended solids.
- (e) The city is entitled to select the time of sampling, at its sole discretion, as long as at least annual samples are taken.

(Code 1978, § 26-102)

Sec. 98-161. - Payment and agreement for industrial discharge.

- (a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- (b) When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:
 - (1) Terms of acceptance by the city; and
 - (2) Payment by the person making the discharge.

(Code 1978, § 26-103)

Sec. 98-162. - Industrial waste charge and payment of added costs to city.

- (a) If the volume or character of the waste to be treated by the city does not cause overloading of the sewage collection, treatment or disposal facilities of the city, prior to approval, the city and the person making the discharge shall enter into an agreement which provides the discharger pay an industrial waste charge to be determined from the schedule of charges.
- (b) If the volume or character of the waste to be treated by the city requires that wastewater collection, treatment or other disposal facilities of the city be improved, expanded or enlarged in order to treat the

waste, then prior to approval, the city and the person making the discharge, shall enter into an agreement which provides that the discharger pay in full, all added costs the city may incur due to acceptance of the waste.

- (c) The agreement entered into pursuant to subsection (a) of this section, shall include, but not be limited to:
 - (1) Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste.
 - (2) Operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, overhead and office expense.
- (d) Amortization shall be completed in a five-year period, and payment shall include all debt service costs, and the debt secured by applicant's bond payable to the city in the amount of all deferred payment to be made.

(Code 1978, § 26-104)

Sec. 98-163. - Calculation of industrial waste charges.

Industrial waste charges shall be calculated by the following formula: One-third of capital costs are attributable each to Volume, BOD and SS, and one-third of operation and maintenance is attributable to each of Volume, BOD and SS.

(Code 1978, § 26-105)

Sec. 98-164. - Adjustment of charges.

- (a) The city shall adjust charges at least annually to reflect changes in the characteristics of wastewater, based on the results of sampling and testing.
- (b) Increases in charges shall be retroactive for two billing periods and shall continue for six billing periods unless subsequent tests determine that the charge shall be further increased.
- (c) The city shall review, at least annually, the basis for determining charges, and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs, based on the previous year's experience.
- (d) The city shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

(Code 1978, § 26-106)

Sec. 98-165. - Preexisting industrial dischargers.

A person discharging industrial wastes into public sewers prior to April 15, 1973, may continue, without penalty, as long as he:

- (1) Does not increase the quantity or quality of discharge, without permission of the approving authority;
- (2) Has discharged the industrial waste at least 12 months prior to April 15, 1973; and
- (3) Applies for, and is granted, a permit no later than 150 days after April 15, 1973.

(Code 1978, § 26-107)

Sec. 98-166. - Conditions of permits for preexisting industrial dischargers.

- (a) The city may grant a permit to discharge to persons meeting all requirements of section 98-165, provided that the person:
 - (1) Submits an application within 120 days after April 15, 1973, on forms supplied by the approving authority;
 - (2) Secures approval by the approving authority of plans and specifications for pretreatment facilities when required;
 - (3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - a. Payment of charges;
 - b. Installation and operation of pretreatment facilities; and
 - c. Sampling and analysis to determine quantity and strength; and
 - (4) Provides a sampling point subject to the provisions of this division and approval of the approving authority.
- (b) A person applying for a new discharge shall:
 - (1) Meet all conditions of subsection (a) of this section; and
 - (2) Secure a permit prior to discharging any waste.

(Code 1978, § 26-108)

Sec. 98-167. - Right to enter property.

- (a) The director of public works and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property, at any reasonable time, for the purpose of enforcing this division.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.
- (c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees, and against liability claims and demands for personal injury or property damage asserted against the company, and growing out of the sampling operation.
- (d) The director of public works and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement, for the purposes of:
 - (1) Inspection, observation, measurement, sampling or repair;
 - (2) Maintenance of any portion of the sewer system lying within the easements; and
 - (3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

- (e) No person acting under authority of this provision may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1978, § 26-109)

Sec. 98-168. - Authority to disconnect service.

- (a) The city may terminate water and wastewater disposal service, and disconnect any industrial customer from the system, when:
 - (1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
 - (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated, or requires treatment that is not provided by the city as normal domestic treatment; or
- (3) The industrial customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
 - b. Discharges wastewater at an uncontrolled, variable rate, in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - c. Fails to pay monthly bills for water and sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers.
- (b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:
 - (1) Disconnect the customer;
 - (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
 - (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(Code 1978, § 26-110)

Sec. 98-169. - Notice of violation required.

The city shall serve persons discharging in violation of this division with written notice stating the nature of the violation, and providing a reasonable time limit for satisfactory compliance.

(Code 1978, § 26-111)

Sec. 98-170. - Continuing violation after notice.

No person may continue discharging in violation of this division beyond the time limit provided in the notice.

(Code 1978, § 26-112)

Sec. 98-171. - Remedies for violations.

- (a) A person who continues prohibited discharging is guilty of a misdemeanor, and upon conviction, is punishable as provided in section 1-11 of this Code, for each act of violation, and for each day of violation.
- (b) In addition to proceeding under authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

(Code 1978, § 26-113)

Sec. 98-172. - Failure to pay for service.

In addition to sanctions provided for by this division, the city is entitled to exercise sanctions provided for by the other ordinances of the city, for failure to pay the bill for water and sanitary sewer service when due.

(Code 1978, § 26-114)

Secs. 98-173—98-195. - Reserved.

DIVISION 3. - LIQUID SEWAGE WASTES

Sec. 98-196. - Fees.

Fees shall be applied to all Texas Natural Resource Conservation Commission registered and licensed vacuum trucks that dispose of liquid sewage waste into the city's wastewater collection and treatment system. The fees are set by annual City Council resolution and delineated in Appendix A: Section V:

(Code 1978, § 26-121; Ord. No. 2015-05-02, 6-16-2015)

Sec. 98-197. - Transporter documentation.

A trip ticket or vacuum truck manifest provided by the city shall be used by all vacuum truck transporters to document the type and quantity of sewage waste being delivered. The trip ticket should be presented to the site operator for verification before the disposal of waste. Failure to present a trip ticket or properly prepared trip ticket will be cause for the refusal of waste. Repeated failures to comply with the trip ticket documentation requirements will be cause for revocation of the authorization to dispose of wastes.

(Code 1978, § 26-122)

Sec. 98-198. - Time and place for acceptance and disposal of wastes.

Sewage wastes shall be accepted Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 10:00 a.m., at a location at, or near, the wastewater treatment plant, as designated by the city manager. Transporters shall call city hall and arrange a time and place for disposal to ensure that the treatment plant operator is present to inspect and receive the waste. No waste is to be disposed of without the presence of the treatment plant operator. Disposal of waste in violation of this section will result in revocation of waste disposal authorization.

(Code 1978, § 26-123)

Sec. 98-199. - Refusal of unacceptable waste.

The wastewater treatment plant operator or his designated representative will have the option to refuse any sewage waste presented for disposal if such waste would cause an adverse effect on the operations of the wastewater treatment plant.

(Code 1978, § 26-124)

Sec. 98-200. - Collection of spillage.

- (a) *Cleanup at disposal point.* The transporter shall provide for prompt cleanup of all spillages caused by the disposal operation at the disposal location.

- (b) *Cleanup along route.* The transporter shall not discharge, or allow the discharge of, sewage waste from the vehicle enroute to the disposal location. If a discharge of waste occurs during transportation, the transporter shall take action to contain the waste and shall cleanup and remove the discharged waste to an approved facility.

(Code 1978, § 26-125)

Sec. 98-201. - Disposition other than into city wastewater collection and treatment system prohibited.

Disposition of liquid sewage waste, other than as prescribed by section 98-198, is prohibited.

(Code 1978, § 26-126)

Secs. 98-202—98-250. - Reserved.

ARTICLE V. - MODEL SUBDIVISION RULES³

Footnotes:

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Editor's note— Ord. No. 2008-02-01, § 2 (Exh. A), adopted March 5, 2008, did not specifically amend the Code; hence, inclusion herein as Article V was at the discretion of the editor. See also the Code Comparative Table. The rules codified herein are adopted under the authority of V.T.C.A., Water Code §§ 6.101 and 16.343, which require the board and to adopt rules necessary to carry out the powers and duties of the board and to adopt model subdivision rules. The appendices and §§ 364.80, 364.81, 364.90 and 364.91 as referenced in this article are not set out at length herein, but are on file in the offices of the city.

Cross reference— Health and Sanitation, Chapter 54.

Note— Appendix 1A (Figure 31 TAC §364.54)—Appendix 2B (Figure: 31 TAC § 364.54(c)(3)) are not included herein, but are on file in the city's office.

DIVISION 1. - GENERAL AND ADMINISTRATIVE PROVISIONS

These rules are adopted under the authority of the V.T.C.A. Texas Water Code, § 6.101 and § 16.343, which require the board to adopt rules necessary to carry out the powers and duties of the board and to adopt model subdivision rules.

(Ord. No. 2008-02-01, § 2 (Exh. A), 3-5-08)

Sec. 98-251. - Authority and scope of rules.

These rules are adopted by the City of Alpine, Texas, under the authority of V.T.C.A., Local Government Code Ch. 212 and V.T.C.A., Water Code § 16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.1)), 3-5-08)

Sec. 98-252. - Purpose.

It is the purpose of these rules to promote the public health of the city residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this city, and to apply the minimum state standards for water and wastewater facilities to these subdivisions.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.2)), 3-5-08)

Sec. 98-253. - Effective date.

These rules become effective on the 13th day of March, 2008.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.3)), 3-5-08)

Sec. 98-254. - Repealer.

All previous subdivision ordinances are hereby repealed, except as to such sections which are retained herein.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.4)), 3-5-08)

Sec. 98-255. - Plat required.

- (a) The owner of a tract of land located inside the corporate limits or extraterritorial jurisdiction of the city that divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- (b) No subdivided land shall be sold or conveyed until the subdivider:
 - (1) Has received approval of a final plat of the tract; and
 - (2) Has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.
- (c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.5)), 3-5-08)

Sec. 98-256. - Supersession.

These rules supersede any conflicting regulations of the city.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.6)), 3-5-08)

Sec. 98-257. - Severability.

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The city council hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.7)), 3-5-08)

Sec. 98-258. - Definitions.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

City means the City of Alpine, Texas.

City council (or council) means the City Council of Alpine, Texas.

Commission means the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

Drinking water means all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

Engineer means a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

Final plat means a map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.

Lot means an undivided tract or parcel of land.

Non-public water system means any water system supplying water for domestic purposes which is not a public water system.

OSSF means on-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.

Platted means recorded with the county in an official plat record.

Public water system means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

Purchaser shall include purchasers under executory contracts for conveyance of real property.

Retail public utility means any entity meeting the definition of a retail public utility as defined in V.T.C.A., Water Code § 13.002.

Sewerage facilities means the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

Subdivider means any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

Subdivision means any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.

TAC means Texas Administrative Code, as compiled by the Texas Secretary of State.

Water facilities means any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.8)), 3-5-08)

Secs. 98-259—270. - Reserved.

DIVISION 2. - MINIMUM STANDARDS

Sec. 98-271. - Scope of standards.

The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this division is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.1)), 3-5-08)

Sec. 98-272. - Water facilities development.

(a) *Public water systems.*

(1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat. Figure: 31 TAC § 364.32(a)(1).

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a certificate of convenience and necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38-290.51 and §§ 290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for new public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) *Non-public water systems.* Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§ 290.104, 290.106, 290.108 and 290.109, either:

(1) Without any treatment to the water; or

- (2) With treatment by an identified and commercially available water treatment system.
- (c) *Transportation of potable water.* The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.2)), 3-5-08)

Sec. 98-273. - Wastewater disposal.

(a) *Organized sewerage facilities.*

- (1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.
- (2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC § 364.33(a)(2).

(b) *On-site sewerage facilities.*

- (1) On-site facilities which serve single-family or multifamily residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
- (2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
- (3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the V.T.C.A., Health and Safety Code Ch. 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30—285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.3)), 3-5-08)

Sec. 98-274. - Greywater systems for reuse of treated wastewater.

- (a) *Organized or municipal sewerage systems.* Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.
- (b) *On-site sewerage facilities.* Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.4)), 3-5-08)

Sec. 98-275. - Sludge disposal.

The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.5)), 3-5-08)

Sec. 98-276. - Setbacks.

In areas that lack a nationally recognized fire code as listed in V.T.C.A., Local Government Code § 233.062(c) and lack waterlines sized for fire protection, setbacks from roads and rights-of-way shall be a minimum of ten feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.6)), 3-5-08)

Sec. 98-277. - Number of dwellings per lot.

No more than one single-family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multifamily residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.7)), 3-5-08)

Secs. 98-278—98-290. - Reserved.

DIVISION 3. - PLAT APPROVAL

Sec. 98-291. - Applications for plat approval.

- (a) *Owner representation.* An application for approval of a plat shall be filed with the city by the record owner of the property to be subdivided or the duly authorized agent of the record owner.
- (b) *Standards.* Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of division 2 and the requirements of division 3 of this article.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.1)), 3-5-08)

Sec. 98-292. - Final engineering report.

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under [Figure: 31 TAC] § 364.54, the schedule shall include the start dates and completion dates.

(a) *Public water systems.*

- (1) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in [Figure: 31 TAC] § 364.32(a)(1). Before final plat approval, plans and specifications for the proposed water facilities shall have

been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

- (2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.
- (b) *Non-public water systems.* Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with [Figure: 31 TAC] § 364.32. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to section 98-272(b) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.
- (c) *Organized sewerage facilities.*
 - (1) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in section 98-273(a)(2). Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
 - (2) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.
- (d) *On-site sewerage facilities.* Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the county's OSSF order.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.2)), 3-5-08)

Sec. 98-293. - Additional information.

The city requires that the following information be submitted to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be limited to:

- (1) Layout of proposed street and drainage work;
- (2) Legal description of the property;
- (3) Existing area features;
- (4) Topography;
- (5) Floodplains;
- (6) Description of existing easements;
- (7) Layout of other utilities;
- (8) Notation of deed restrictions;
- (9) Public use areas; or
- (10) Proposed area features.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.3), 3-5-08)

Sec. 98-294. - Financial guarantees for improvements.

- (a) *Applicability.* If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the city council shall require the owner of the subdivided tract to execute an agreement with the city in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below. Figure: 31 TAC § 3.4(a).
- (b) *Bonds.* A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements:
 - (1) The bond or financial guarantee shall be payable to the mayor of the city, in his official capacity, or the mayor's successor in office.
 - (2) The bond or financial guarantee shall be in an amount determined by the city council to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.
 - (3) The bond shall be executed with sureties as may be approved by the city council. The city shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:
 - a. Registration with the Secretary of State and be authorized to do business in Texas;
 - b. Authorization to issue bonds in the amount required by the commissioners court; and
 - c. Rating of at least "B" from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the small business administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria

contained in the rules and regulations promulgated by the United States Department of Treasury.

- (4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by division 2 of this article and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the city council.
- (c) *Letter of credit.* A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements:
 - (1) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000.00 and less than \$250,000.00 must be from financial institutions which meet the following qualifications:
 - a. Bank qualifications:
 - i. Must be federally insured;
 - ii. Sheshunoff rating must be ten or better and primary capital must be at least six percent of total assets; and
 - iii. Total assets must be at least \$25,000,000.00.
 - b. Savings and loan association qualifications:
 - i. Must be federally insured;
 - ii. Tangible capital must be at least one and one-half percent of total assets and total assets must be greater than \$25,000,000.00 or tangible capital must be at least three percent of total assets if total assets are less than \$25,000,000.00; and
 - iii. Sheshunoff rating must be 30 or better.
 - c. Other financial institutions qualifications:
 - i. The letter of credit must be 110 percent collateralized by an investment instrument that would meet the qualifications for a county investment; and
 - ii. The investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.
 - (2) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000.00 must be from financial institutions which meet the following qualifications:
 - a. Bank qualifications:
 - i. Must be federally insured;
 - ii. Sheshunoff rating must be 30 or better and primary capital must be at least seven percent of total assets; and
 - iii. Total assets must be at least \$75,000,000.00.
 - b. Savings and loan association qualifications:
 - i. Must be federally insured;
 - ii. Tangible capital must be at least three percent of total assets and total assets must be greater than \$75,000,000.00 or tangible capital must be at least five percent of total assets if total assets are less than \$75,000,000.00; and
 - iii. Sheshunoff rating must be 30 or better.
 - c. Other financial institutions qualifications:
 - i. The letter of credit must be 110 percent collateralized by an investment instrument that would meet the qualifications for a county investment; and

- ii. The investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.
- (3) The letter of credit shall list as sole beneficiary the mayor of the city, in his official capacity, or the mayor's successor in office, and must be approved by the mayor of the city. The form of the letter of credit shall be modeled after the form attached in Appendix 2B. Figure: 31 TAC § 364.54(c)(3).
- (4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under division 2 of this article and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.
- (d) *Financial guarantee.* The city will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.
- (e) *Alternative to city accepting a financial guarantee.* The city may approve a final plat under this section without receiving a financial guarantee in the name of the city if:
 - (1) The property being subdivided lies wholly within the jurisdiction of the county;
 - (2) The municipality has executed an interlocal agreement with the county that imposes the obligation on the county to:
 - a. Accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
 - b. Execute the construction agreement with the subdivider; and
 - c. Assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.4), 3-5-08)

Sec. 98-295. - Review and approval of final plats.

- (a) *Scope of review.* The city will review the final plat to determine whether it meets the standards of division 2 and the requirements of division 3 of this article.
- (b) *Disapproval authority.* The city council shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.
- (c) *Prerequisites to approval.* Final plat approval shall not be granted unless the subdivider has accomplished the following:
 - (1) All plans and specifications for water, sewer, streets and drainage shall be reviewed and approved by the city engineer to assure that the plans and specifications meet minimum state and city standards for those improvements. In the event that there is a difference between the city and state standards the more stringent shall apply. The city engineer shall file a report signed and sealed by the city engineer with the city prior to the construction of any improvements; and
 - (2) Dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and
 - (3) Provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the commission of the plans and specifications for such construction, including any change orders filed with these agencies; or
 - (4) Obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in division 3 of this article.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.5), 3-5-08)

Sec. 98-296. - Time extensions for providing facilities.

- (a) *Reasonableness.* The city council may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:
 - (1) Any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with section 98-294 are submitted which will be effective for the period of the extension; and
 - (2) The city finds the extension is reasonable and not contrary to the public interest.
- (b) *Timeliness.* If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
- (c) *Unreasonableness.* An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of division 2 of this article.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.6), 3-5-08)

Sec. 98-297. - Criteria for subdivisions that occurred prior to September 1, 1989.

- (a) *Authority and scope.* This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the city to grant a delay or variance pursuant to V.T.C.A., Local Government Code § 232.043 or a rule of the city adopted pursuant to such provision.
- (b) *Purpose.* It is the purpose of this section to promote the public health of the city residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this city, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.
- (c) *Special criteria.* The city council may approve the plat of a residential lot which does not comply with the provisions of sections, 98-276 (setbacks), 98-277 (number of dwellings per lot), 98-292 (final engineer report), and 98-294 (financial guarantees for improvements) [these regulations] as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.
 - (1) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.
 - (2) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the city council may request to support the application, including:
 - a. A copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;
 - b. The name and address of the original subdivider or the subdivider's authorized agent, if known;
 - c. A survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and
 - d. A deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
 - (3) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the city council that:

- a. The lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider;
 - b. A plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;
 - c. An existing, currently occupied residential dwelling is located on the lot;
 - d. Existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and
 - e. The request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.
- (d) *Final determination.* The city council shall make the final decision on an application for a waiver, following review and recommendation by the city planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.7)), 3-5-08)

Secs. 98-298—98-310. - Reserved.

DIVISION 4. - ENFORCEMENT

Sec. 98-311. - Oversight.

The owner, by submitting a plat, acknowledges the authority of the city and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

(Ord. No. 2008-02-01, § 2 (Exh. A(4.1)), 3-5-08)

Sec. 98-312. - General enforcement authority of city.

The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including V.T.C.A., Water Code Ch. 7 and §§ 16.352, 16.353, 16.3535, 16.354, and 16.3545, and V.T.C.A., Local Government Code § 212.0175 and § 212.018.

(Ord. No. 2008-02-01, § 2 (Exh. A(4.2)), 3-5-08)

Sec. 98-313—98-330. - Reserved.

ARTICLE VI. - GAS SERVICE⁽⁴⁾

Footnotes:

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Editor's note— Ord. No. 2011-08-01, §§ 1—8, adopted Oct. 6, 2011; Ord. No. 2011-10-01, §§ 1-8, adopted Nov. 1, 2011; and Ord. No. 2011-11-01, adopted Dec. 6, 2011; provided for the transfer of the city's gas system to the City of Alpine from Southwest Texas Municipal Gas Corporation.

Cross reference— Gas franchise, App. A, Art. IV.

Sec. 98-331. - Application for service required.

Written application, disconnects, and transfers will be required of all gas consumers desiring to be connected to the city mains. Applications shall be made to the utility billing department.

Sec. 98-332. – Generally.

(a) All gas rents, rates and charges will be due and payable on the 1st day of each month at the office of the utility billing department.

(b) Budget billing and payment will continue with gas usage, customer average determination will be determined in March of every year.

~~(c) Primary customer of record is the owner of property.~~

(c) No fee will be charged to locate gas lines on private residential properties.

Sec. 98-333. - Gas rates, deposits and penalties.

(a) Gas rates are set by annual City Council resolution and are delineated in Appendix A: Section VI.

(b) Deposits are set by annual City Council resolution and delineated in Appendix A: Section VI.

(c) Penalties, disconnect, reconnect, and other miscellaneous service fees are set by annual City Council resolution and delineated in Appendix A: Section VI.

Sec. 98-334. – Tampering with system; violations.

Anyone tampering with the city gas system or any gas meter in any manner calculated to injure them, or who shall violate any of the provisions of this article, or fail to comply with any order or regulation made under this article, shall be deemed to be guilty of a misdemeanor. A tampering fee, delineated in Appendix A: Section VI and set by annual City Council resolution, plus damages will be charged if the city finds that a meter has been tampered with.

Sec. 98-335. – Gas tap fees.

Gas tap fees are set by annual City Council resolution and are delineated in Appendix A: Section VI.

(Ord. No. 2012-03-02, §§ 1—6, 4-3-12; Ord. No. 98-331, 7-15-14; Ord. No. 2017-06-01, 6-20-17)

EXHIBIT "B"**ARTICLE VII. - APPENDIX A: UTILITIES FEES**

APPENDIX A			
SECTION	DESCRIPTION	CODE SECTION	FEE
I.	Franchise Application	Sec. 98-2	
	Franchise Application Fee		\$250.00
	Security Deposit Fees	Sec. 98-4	
	Residential water, sewer, and sanitation		\$200.00
	Small Commercial water, sewer, and sanitation		\$250.00
	Laundromats, recreational vehicle parks, washaterias, and any small business franchise		\$500.00
	Housing units, industrial and/or agricultural users, motels, and concrete plants		\$1,500.00
II.	Water and Sewer Extensions	Sec. 98-49	
	1" or less Water extension of front footage, per linear foot		\$25.00
	Greater than 1" water extension of front footage, per linear foot		At Cost
	Water extension of front footage, per linear foot outside CCR		At Cost
	4" Sewer extension of front footage, per linear foot		\$25.00
	Greater than 4" sewer extension of front footage, per linear foot		At Cost
	Sewer extension of front footage outside CCR		At Cost
	Water Taps and Meter Settings	Sec. 98-49	
	¾ inch tap		\$1,000.00
	1 inch tap		\$1,200.00
	1½ inch tap		\$1,500.00 or AT COST
	2 inch tap		\$2,000.00 or AT COST
	Greater than 2 inch tap		AT COST
	Water tap Impact fee		\$500.00 / Each street cut required
	Residential 4 inch sewer tap		\$1,200.00
	All other sewer taps		AT COST

	Sewer tap Impact fee		\$500.00 / Each street cut required
III.	Meter and Cutoff	Sec. 98-82	
	5/8 - inch meter		\$80.00
	3/4 - inch meter		\$80.00
	(a) Minimum charges for metered accounts - Residential Rates	Sec. 98-93	
	¾-inch		\$6.00
	1-inch		\$9.00
	1½-inch		\$14.00
	2-inch		\$18.00
	Minimum charges for metered accounts - Commercial and Sul Ross State University Rates	Sec. 98-93 (a)	
	¾-inch		\$7.00
	1-inch		\$10.00
	1½-inch		\$15.00
	2-inch		\$19.00
	3-inch		\$32.00
	4-inch		\$41.00
	6-inch		\$56.00
	8-inch		\$67.00
	(b) Residential and Commercial water rates per meter	Sec. 98-93 (b)	
	Minimum for the first 2,000 gallons		\$8.57
	For every 1,000 gallons over 2,000 gallons		\$3.30
	For every 1,000 gallons over 5,000 gallons		\$3.35
	For every 1,000 gallons over 12,000 gallons		\$3.40
	For every 1,000 gallons over 25,000 gallons		\$3.50
	For every 1,000 gallons over 100,000 gallons		\$3.60
	(c) Bulk water rates	Sec. 98-93 (c)	
	For first 1,000 gallons		\$50.00
	For the next 1,000 gallons and thereafter/per 1,000		\$45.00
	Effluent bulk water		?

IV.	Delinquency	Sec. 98-86	
	Disconnect Fee		\$35.00
	Reconnect Fee		\$35.00
	Meter re-read after 1st re-read within 1 year of service		\$25.00
	Vacation fee		\$25.00
	Meter testing fee		At Cost
	Faulted Meters		Expense of the City
	Non-Faulted meters		Expense of the customer at cost
	Tampering Fee	Sec. 98-89	\$150 + Damages
V.	(a) Sewer rates	Sec. 98-123	
	(1) Residential flat rate		\$15.50
	(2) Commercial		
	Minimum rates for the first 4,000 gallons on the average water consumption of the previous 12 months		\$14.55
	Minimum rates for every 1,000 gallons over 4,000		\$2.78
	Liquid sewage wastes fees	Sec. 98-196	
	0 to 300 gallons		\$50.00
	Spillage cleanup fee		\$100.00
VI.	Gas rates, deposits, and penalties	Sec. 98-333	
	(a) Gas rates		
	Billing will be adjusted monthly according to the spot market billing from WTG (West Texas Gas, Inc.). Example: Spot Market (WAHA Index) WTG Billings = \$3.73 MMBTU		
	Cost of gas 5% allowance for losses, $\$3.73 \times 1.05 = \3.92		
	Plus cost of service, City of Alpine		\$8.50
	Total cost of gas for April billing		\$12.18
	Excess flow valve (EFV) in gas distribution systems: Effective June 20, 2017	Sec. 98-333	
	Poly Services		\$250.00
	Steel Services		\$750.00

	(b) Deposits	Sec. 98-333	
	Residential deposits		\$200.00
	Small commercial to include but not be limited to grocery stores, shops, storages, automatic laundry, automobile parking lots, bakery, bank, barber and beauty shops, billiard or pool hall, cafeteria, clinic, cleaning and pressing shops, drug store, filling station, florists shop, ice retail distributing, mortuaries, picture theater, office, radio repair and sales, real estate office, restaurants, taverns, radio studio, shoe repair, stores and shops for the sale of products at retail, stores and shops for custom work or the making of articles to be sold at retail on the premises, and studios (art, music, photo, etc.)		\$250.00
	Laundromats, recreational vehicle parks, washaterias and any small business franchise		\$500.00
	Housing units, industrial and/or agricultural users, motels and concrete plants		\$1,500.00
	(c) Penalties, disconnect, reconnect, and other miscellaneous service fees	Sec. 98-333	
	Meter re-read after first re-read within one year of service		\$25.00
	Vacation fee		\$25.00
	Customers with 500 MCF'S and over shall receive a \$3.00 per MMBTU discount.		
	Tampering fee	Sec. 98-334	\$150.00 + Damages
	Gas tap fees	Sec. 98-335	
	Retirement of gas tap		\$375.00
	1" gas tap		\$1,000.00
	Over 1" gas tap		At Cost
	Gas tap Impact fee...\$500.00 each cut required		\$500.00 each cut required

8. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-05, an ordinance amending Chapter 23 - City Council, Article II - Rules of Procedure to the Alpine Code of Ordinances. (C. Rodriguez, City Council)

**STATE OF TEXAS
CITY OF ALPINE**

COUNTY OF BREWSTER

ORDINANCE 2021-04-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 23 – CITY COUNCIL, ARTICLE II – RULES OF PROCEDURE 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 its legislative pursuit to amend the rules and procedures that govern open meetings of the City Council; and

WHEREAS, the current ordinance for governing rules and procedure requires an update to better align with values of the City; and

WHEREAS, it is deemed by the City Council of the City of Alpine to be in the public interest to update and enhance regulations regarding City Council meeting Rules & Procedures.

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 here to 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 20th DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

APRIL 6, 2021

SECOND AND FINAL READING

APRIL 20, 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"

Secs. 23-1—23-20. - Reserved.

ARTICLE II. - RULES OF PROCEDURE^u

Footnotes:

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Editor's note— Ord. No. 2015-7-01, adopted Sept. 1, 2015, amended former Art. II, §§ 23-21, 23-22, in its entirety to read as herein set out. Former Art. II pertained to similar subject matter and derived from Ord. No. 2003-7-11, 9-15-03; Ord. No. 2004-9-4, 9-20-04; Ord. No. 2005-9-25, 11-1-05; Ord. No. 2006-6-7, 7-18-06; Ord. No. 2006-6-8, 7-18-06; Ord. No. 2007-06-01, Exh. A, 7-3-07; Ord. No. 2008-07-01, Exh. A, 7-15-08; Ord. No. 2009-11-03, Exh. A, 12-8-09; Ord. No. 2012-01-01, Exh. A, 2-14-12; Ord. No. 2014-8-01, 9-2-14.

Sec. 23-21. - Meetings.

- (a) All regular city council ("council") meetings ("meeting(s)") shall normally be held at **2:00** ~~5:30~~ p.m. at Council Chambers, 803 W. Holland, Alpine, Texas on the first and third Tuesdays of every month, except December when only a first Tuesday meeting shall be held. Special council meetings may be held when necessary for the transaction of the business of the city, shall normally be held at **2:00** ~~5:30~~ p.m. at Council Chambers as above, and may only be called by written request from the mayor or three councilmembers, using the form adopted by resolution, if possible; this request may be circulated by any councilmember. Posting proper notice may change the location or time, or part or all of any meeting. All unfinished meetings shall recess no later than completion of the agenda item pending at 9:00 p.m., unless by motion and majority vote the council decides to continue the meeting; meetings shall be recessed under the following conditions:
- (1) If any of the five councilmembers present cannot attend the next day to reconvene, the meeting must adjourn, unless all the councilmembers who cannot attend the next day give permission to recess.
 - (2) If recessed, the meeting shall be reconvened in the same place, at the same time, and on the next day, unless by motion and majority vote the council decides to set a different time and/or place.
- (b) The mayor shall, with three councilmembers, constitute a quorum; if the mayor is absent, four councilmembers shall constitute a quorum. All rulings from the mayor or mayor pro tem on procedural or substantive matters shall be subject to appeal and reversal by motion and majority vote of council at any time. The mayor or the mayor pro tem may vote only in the case of a tie, on any meeting agenda ("agenda") item ("item(s)").
- (c) In order to ensure clarity about the position of each councilmember during a vote, the mayor or mayor pro tem shall ask for a positive statement for those in favor of a motion by stating "aye" or raising of their hand, those not in favor of a motion by stating "nay" or raising of their hand, and those who abstain from voting by stating "abstain" or raising of their hand.
- (d) The mayor or mayor pro tem shall preside with fairness and impart maintaining absolute neutrality by posture, demeanor, action and language during all meetings. The mayor shall not:
- (1) Restrict orderly speech, in any way, of any councilmember's or city manager's presentation of any item.
 - (2) Restrict orderly speech, in any way, of any councilmember's or city manager's discussion of any item.
 - (3) At the written request of any councilmember or the mayor, the department heads of finance, public works, ~~gas~~ and utilities, along with the police chief, shall attend meetings until dismissed by a majority vote of the council under Item B or any subsequent item in the order of business, or until the meeting is adjourned. The specific topic the department head needs to address should be included in the written request. Citizens or anyone attending a meeting shall be given an opportunity to ask questions on the specific topic before city staff are dismissed.
- (e) The mayor, any councilmember, or the city manager ("manager") may place items on any meeting agenda ("agenda"), ~~using the form adopted by resolution if possible~~ **by submitting their request in writing to the city**

manager or city secretary. All resolutions or ordinances require sponsorship by a councilmember or the city manager. The manager is responsible for the preparation of the agenda, but may not alter submitted items without permission of the submitter. The submission deadline for all meetings is 5:00 p.m. The last submission day is Wednesday before regular meetings, or the sixth day before special meetings.

- (1) Items shall indicate the requestor's name and sufficient explanation so that any citizen can understand the substance of the item.
 - (2) Presentations to be made during: presentations, public hearings, information and discussion/action items must meet the submission deadline listed above. The only exceptions to this are the: city mayor, city attorney, city manager and city staff reports.
 - (3) Any item requiring financial expenditure by the city must identify the line item of the budget the expenditure will come from or the financing strategy to be utilized by the city or the future budget requirements. The city manager will be available (and make staff available) to help ~~pull~~ assemble the back-up information together at the elected official's request.
 - (4) Information packets with back-up materials will be delivered to the mayor and city council members by 5:00 p.m. on the Friday prior to the council meeting.
 - (5) A redacted version of the packets, redacting all personnel or legal materials, will be available on the city website at least 24 hours prior to the scheduled meeting.
 - (f) Meetings are held pursuant to the provision of the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551). Citizens desiring to address the city council, or express their opinion about a particular meeting agenda action item are limited to three minutes.
 - (g) Before a vote is taken on any item, the city secretary or designee shall read the written motion, and then shall ask whoever made the motion if the motion is correctly stated.
 - (h) Robert's Rules of Order may be generally followed for procedural matters. The council may adopt or revoke any specific rules of procedure at any time by resolution. Presiding officer of meeting must adhere to meeting rules/procedures. Councilmembers are allowed to call a point of order to facilitate the running of the meeting.
 - (i) Citizen comments after the meeting can be directed to their individual councilmember or the city manager.
 - (j) Written minutes, audio recordings, and video recordings shall be made of all meetings. The official minutes should reflect what was done, not everything that was said; and as a minimum shall include:
 - (1) The text of all main motions, as amended;
 - (2) The text of all "points of order" and "appeals", along with the reason given by the mayor or mayor pro tem for the ruling of them;
 - (3) The results of the vote, both as whether the motion was "adopted" or "lost" and as the way each councilmember voted.
 - (k) The council and the city attorney shall determine who may or may not attend executive sessions.
 - (l) In all matters before the council, including a vote to hire or to terminate a city manager, the mayor may only vote in the event of a tie owing to one or more absences and/or vacancies and/or abstentions.
 - (1) The term "full city council" means the five city council members who may vote.
 - (2) Any matter requiring "a majority vote of the full city council" means such matter requires a vote of three members of the council in favor of said matter.
 - (3) No supermajority, of four votes out of five on the city council permitted to vote, in favor of hiring or terminating a city manager, is allowed by the Charter or is required.
- (Ord. No. 2015-7-01, 9-1-15; Ord. No. 2019-08-01, §§ 1—4, 9-17-19; Ord. No. 2019-12-03, 1-7-20)

Sec. 23-22. - Order of business.

The order of business for city council meetings ("meetings") is listed below, and all items shall be listed on all regular or special meeting agendas, even if not needed for a given meeting.

CITY OF ALPINE
REGULAR CITY COUNCIL MEETING
ANY DATE, ~~5:30~~ 2:00 P.M.

Notice is hereby given that the City Council of the City of Alpine, Texas will hold a meeting at ~~5:30~~ 2:00 P.M. on any date in the City Council Chambers at 803 West Holland and via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at www.cityofalpine.com for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act (~~V.T.C.A., the Government Code~~ § Section 551.043, Texas Government Code).

~~PUBLIC NOTICE—THE USE OF CELLULAR PHONES AND SOUND-ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.~~

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 guidelines and procedures may be found on the city website. Remarks will be limited to a total of 3 minutes per person. Please speak into the microphone located at the podium and state your name and address for in person attendance. When addressing the Council, please introduce yourself by first and last name and state aloud the Ward that you reside in or have business interest in. For public comments made by virtual attendance, please email your name and the Ward that you reside in or have business interest in to the meeting moderator at email@ci.alpine.tx.us. If you do not live or own property in the City please state that in your email. If you have a petition or other information pertaining to your subject, please ~~present~~ email it to the City Secretary beforehand at city.secretary@ci.alpine.tx.us. 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 or meeting disruptions. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred ~~from speaking at future meetings.~~

AGENDA

1. Call to Order, ~~Invocation~~ and Pledge of Allegiance ~~to the Flag.~~
2. Determination of quorum and proof of notice of the meeting.
3. Public Comments (Limited to 3 Minutes ~~for each individual~~ per person).
4. Presentations, Recognitions and Proclamations.
5. Reports:
 - City Mayor's report.
 - City Attorney Report
 - City Manager report.
 - City Staff Updates.
6. Public hearings.
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 councilmember, 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.

8. Information ~~of~~ or discussion items.
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.
10. Council members, comments and answers.
11. Executive session.
12. Action—Executive session.
13. Adjournment.

(Ord. No. 2015-7-01, 9-1-15; Ord. No. 2019-12-03, 1-7-20)

9. Discuss, consider, and take appropriate action approving the Joint Election Service Agreement Contract between the City of Alpine and Brewster County for the May 1, 2021 City of Alpine Elections. (E. Zimmer, City Manager)

**ELECTION AGREEMENT BETWEEN THE CITY OF ALPINE AND
BREWSTER COUNTY ELECTIONS ADMINISTRATOR FOR
ELECTION EQUIPMENT AND ELECTION SERVICES**

WHEREAS, City of Alpine, is holding a Regular Election on May 1, 2021.

WHEREAS, the City of Alpine desires to enter into an election agreement for the purpose of leasing election equipment, and to obtain the services of Lora Nussbaum, Brewster County Election's Administrator, to assist the City of Alpine, City Secretary, in her designated capacity as Elections Officer, in holding the 2021 Regular Election for the City of Alpine.

NOW, THEREFORE, the CITY OF ALPINE AND BREWSTER COUNTY ELECTIONS ADMINISTRATOR enters into this Election Agreement under the terms that follow:

I. Scope of the Election Agreement

City of Alpine and Brewster County Elections Administrator enter into this Election Agreement ("Agreement") for election services and assistance (as set forth herein) in connection with the City of Alpine Regular Election to be held on May 1, 2021 in conjunction with AISD.

II. Election Officer

The City of Alpine appoints the City Secretary, as the Election Officer to perform or supervise the performance of the duties and responsibilities involved in conducting the Election covered by this agreement. County Elections Administrator, Lora Nussbaum, is also asked to assist the elections officer in the performance of the duties and responsibilities involved in conducting the Election covered by this Agreement.

Early Voting and Election Day

Early Voting and Election Day voting shall be held at times and dates and location designated by the City of Alpine.

1. County Responsibilities

1. Brewster County Elections Administrator shall provide one (1) Express Vote Ballot Writer machine to be used for Early Voting and Election Day at the same location. Brewster County Elections Administrator shall also provide two Poll Pads, used for voter check-in, one will be used for conducting early voting and one will be used for Election Day. Brewster County Election Administrator is also asked to provide five (5) cardboard voting booths from Brewster County as well as 1 metal "vote here" sign for the Election.
2. The Brewster County Elections Administrator will post all notices for the testing of the Express Vote Ballot Writer machines, and will conduct the appropriate tests.

3. Brewster County Elections Administrator will also provide voter registration lists, obtained from the Brewster County Voter Registrar (as provided by law) to the election judges and clerks.
4. Brewster County Elections Administrator will conduct training for the election officials.

2. Responsibility of City of Alpine

City of Alpine appoints the City Secretary to serve as Early Voting Clerk.

1. The Early Voting Clerk shall receive requests for applications for Early Voting to be voted by mail. The Early Voting Clerk is responsible for all procedures to conduct the City of Alpine's Early Voting by mail. The City Secretary for the City of Alpine, with the assistance of the Brewster County Elections Administrator, is also responsible for all procedures in conducting the Election during Early Voting by Personal Appearance and on Election Day. The City Secretary is also responsible for posting and publishing all notices for the Election in English and Spanish.
2. The City Secretary is the Custodian of Records for the City of Alpine and will act as the Custodian of Records for the City of Alpine for the duties imposed by the Election Code.
3. The City of Alpine will be responsible for ordering election kits, ballots, and other supplies needed for election.

III. Election Day

A. County Responsibilities

1. Brewster County Elections Administrator shall provide one (1) Express Vote Ballot Writer machine to be used for Early Voting and Election Day at the same location. Brewster County Elections Administrator shall also provide two Poll Pads, used for voter check-in, one will be used for conducting early voting and one will be used for Election Day. Brewster County Election Administrator is also asked to provide five (5) cardboard voting booths from Brewster County as well as 1 metal "vote here" sign for the Election.
2. Brewster County Elections Administrator shall assist the City Secretary for Alpine in coordinating election judges and clerks to serve as election officials for the Election. Brewster County Elections Administrator will also assist the City Secretary in

coordinating the Early Voting Ballot Board and help in tabulating the election results along with the City Secretary.

The Brewster County Elections Administrator will file a copy of this agreement with the Brewster County Auditor and the Brewster County Treasurer per 31.099 of the Election Code.

B. Election Night

1. The City of Alpine Secretary, will assist the Brewster County Elections Administrator with all duties on Election Night, receiving totals from the Early Voting Ballot Board and finalizing the count from Election Day Voters.

IV. Election Cost; Payment

- The City of Alpine will be responsible for the costs incurred with the election, pertaining to printing of ballots, rental of voting equipment and necessary supplies, cost for workers, and any other incidental costs.
- Brewster County will submit an itemized bill to the City of Alpine immediately following completion of the election for payment.
- In the event of a recount, the expense of the recount shall be borne by the City of Alpine.
- In the event the City of Alpine cancels the Election under Subchapter C of Title 1 of the Texas Election Code, the City of Alpine shall be responsible for expenses incurred through the date that the Election is canceled based on the formula reflected by the Cost Estimate adjusted for the actual expense incurred by the Brewster County on the date of the cancellation.

V. General Provisions

A. Legal Notices

The City of Alpine will be responsible for the preparation of the election orders, resolutions, notices and other pertinent documents for adoption or execution by its governing board and all expenses related thereto. The City of Alpine will be responsible for obtaining appropriate preclearance, if necessary, from the United States Department of Justice. The City of Alpine shall be responsible for posting or publication of election notices and all expenses related thereto.

B. Communication

Throughout the term of this Agreement, the City of Alpine will engage in ongoing communication concerning the conduct of the Election; and when necessary, the County

Elections Administrator shall meet with the designated representative of the City of Alpine to discuss and resolve any problems which might arise regarding the Election.

C. Custodian

Robert Martin, Chief of Alpine Police Department, shall serve as the custodian of the keys to the ballot boxes for voted ballots in the Election.

D. Effective Date

This Agreement takes effect upon the approval and execution of this Agreement by the parties named below. This Agreement shall continue until the Election has been held and the City of Alpine pays Brewster County the total costs it has incurred in connection with providing assistance and equipment and materials for the Election. The obligation of the City of Alpine to the County under this Agreement shall not end until such sums are paid.

E. Miscellaneous Provisions

Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect, whatsoever, except by a further Agreement in writing, duly executed by the parties hereto.

IN TESTIMONY HEREOF, this Agreement has been executed on behalf of the Parties hereto as follows, to-wit:

(1) It has on the ____ day of _____, 2021 been executed by Brewster County pursuant to the Texas Elections code so authorizing;

(2) It has on the ____ day of _____, 2021 been executed on behalf of the City of Alpine, Texas pursuant to an action of the City of Alpine City Council.

Eleazar Cano
Brewster County Judge

Lora Nussbaum
Brewster County Elections Administrator

Seal

ACCEPTED AND AGREED TO BY POLITICAL SUBDIVISION:

Andres "Andy" Ramos, Mayor – City of Alpine

Brewster County

107 West Ave E #3
Phone: 432.837.6230
Fax: 432.837.4430

INVOICE

INVOICE #111
DATE: 3/19/2021

TO:

City of Alpine
100 North 13th Street
Alpine, TX 79830
Phone: 432-837-3301

City of Alpine
Early Voting – April 19 – 27, 2021
Election Day – May 1, 2021

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
	COST ESTIMATE ONLY!!!		
1	Public Notice of Testing in Alpine Avalanche (Split with Alpine ISD)	200.00	200.00
1	Rental of Express Vote Ballot Writer Machine (Early Voting & Election Day)	200.00	200.00
2	Rental of Poll Pad Voter Check-in Machines (Early Voting & Election Day)	200.00	400.00
5	Cardboard Voting Booth	10.00	50.00
1	Metal "Vote Here" Sign	10.00	10.00
HOURS	Payroll for County Elections Administrator Early Voting & Election Day	\$28.00 p/h	
		SUBTOTAL	
		TOTAL DUE	

Make all checks payable to Brewster County
If you have any questions concerning this invoice, contact:
Lora Nussbaum, (432)837-6230, election.admin@co.brewster.tx.us

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

11. Executive Session -

1. Update with attorney on Parkhill, Smith, & Cooper Contract. (E. Zimmer, City Manager)
2. Update with attorney on Union Pacific. (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development.)

12. Action – Executive Session

1. Discuss, consider, and take appropriate action, if necessary, regarding the update with attorney on Parkhill, Smith, & Cooper Contract. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action, if necessary, regarding the update from the attorney regarding Union Pacific. (E. Zimmer, City Manager)