

# ***City of Alpine***

## ***Regular City Council Meeting***

**Tuesday, May 4, 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, May 4, 2021 at City Council Chambers located at 803 W. Holland Avenue and via Zoom Conference, in the City of Alpine, Texas.** Meeting login details may be found at **[www.cityofalpine.com](http://www.cityofalpine.com)** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

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

## Agenda

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

City Mayor's Report – None

City Attorney's Report -

- STR Implications
- City Street Abandonment
- AISD Hot Tap

City Manager Report

- Coronavirus Update
- Noise Language in CoA Code of Ordinances
- Performance Bonds for large dollar projects

City Staff Update

- Environmental Services by Adelina Beall
- Animal Services by Jennifer Stewart

6. Public Hearings
  - Public Hearing to obtain citizen views and comments on Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances.
  - Public Hearing to obtain citizen views and comments on Short Term Rental Special Use Permit Applications.
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 April 20, 2021. (E. Zimmer, City Manager)

8. Information or Discussion items –

1. Brewster County Appraisal District readout. (R. Stephens, City Council)
2. Short-Term Rental Ordinance and Ordinance requirements for Zoning. (R. Stephens, City Council)

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

1. Discuss, consider, and take appropriate action on the acceptance of Audit readout from Gibson, Ruddock, and Patterson LLC. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on the recommendation from Planning & Zoning concerning a Conditional Use Permit application for the establishment of an ice manufacturing plant. Property is located at 106 S. Harrison Street. Record owner is Manuel Salcido. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the recommendation from Planning & Zoning concerning a Conditional Use Permit application for the establishment of a dirt work, septic service, and accessory retail business office. Property is located at 2210 N. Highway 118. Record owner is Charles Sanders. (E. Zimmer, City Manager)

5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-05-02, an ordinance amending Chapter 74 - Parks and Recreation, Article I - In General, to the Alpine Code of Ordinances. (E. Zimmer, City Manager) (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action on Resolution 2021-05-07, a resolution on Pool Admission and Pass Rates for Summer 2021, Alpine Municipal Pool. (E. Zimmer, City Manager)
7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-05-03, an ordinance amending Chapter 10 - Animals, establishing regulations concerning feral cat colonies to the Alpine Code of Ordinances. (M. Curry, City Council)
8. Discuss, consider, and take appropriate action to approve Special Use Permit Application for: (E. Zimmer, City Manager)
  - a. Short-Term Rental Special Use Permit for 602 N. Cockrell. Owner of record is Danny Ginn & Monica Quiroga.
  - b. Short Term Rental Special Use Permit for 210 ½ W Ave E. Owner of record is Jennifer Hatch.
  - c. Short Term Rental Special Use Permit for 1108 W Del Rio St. Owner of record is Alberto Cavazos.
  - d. Short Term Rental Special Use Permit for 604 E Ave I. Owner of record is Elaine Peters.
  - e. Short Term Rental Special Use Permit for 206 & 208 E Ave E. Owner of record is Vacation Rentals LLC.
  - f. Short Term Rental Special Use Permit for 101 W. Stockton/1303 N 5th St. Owner of record is Matthew & Rebecca Roggow.
  - g. Short Term Rental Special Use Permit for 110 W Murphy St. Owner of record is Cave Mesa Properties LLC.
  - h. Short Term Rental Special Use Permit for 1107 N 5th Apt A. Owner of record is Jennifer Hatch.
  - i. Short Term Rental Special Use Permit for 1009 N Bird St. Owner of record is Adam Brant.
  - j. Short Term Rental Special Use Permit for 906 N 8th St. Owner of record is Ryan & Emma Zent.
  - k. Short Term Rental Special Use Permit for 2400 US Hwy 90 SP#13. Owner of record is Valerie Coggins.

- l. Short Term Rental Special Use Permit for 704 E Sul Ross. Owner of record is Adam Rothey & Linda Piedad.
  - m. Short Term Rental Special Use Permit for 207 N Harrison. Owner of record is Bombero 18 LLC.
  - n. Short Term Rental Special Use Permit for 302 W Ave B. Owner of record is William & Rachael Hurst.
10. City Council member Comments and Answers – No discussion or action may take place.
11. Executive Session - None

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

12. Action – Executive Session - None

I certify that this notice was posted at 2:00 P. M. on April 30, 2021, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email [city.secretary@ci.alpine.tx.us](mailto:city.secretary@ci.alpine.tx.us) for further information.



Cynthia Salas, City Secretary  
City of Alpine

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

## 5. Reports -

City Mayor's Report – None

City Attorney's Report -

- STR Implications
- City Street Abandonment
- AISD Hot Tap

City Manager Report

- Coronavirus Update
- Noise Language in CoA Code of Ordinances
- Performance Bonds for large dollar projects

City Staff Update

- Environmental Services by Adelina Beall
- Animal Services by Jennifer Stewart

City Attorney's Report -

- STR Implications
- City Street Abandonment
- AISD Hot Tap

PROPERTY NAME	ADDRESS	ZONE	OWNERS RESIDE ON PROPERTY	APPLIED FOR PERMIT	STATUS	Hearing Date
EL NOPAL CASITA	704 E SUL ROSS	R-1	NO	YES	IN PROGRESS	5/4/2021
PURPLE DOOR GUESTHOUSE	1108 W DEL RIO ST	R-1	NO	YES	IN PROGRESS	5/4/2021
HUMMINGBIRD COTTAGE	1107 N 5TH APT A	R-1	NO	YES	IN PROGRESS	5/4/2021
COZY CITY APARTMENT STAY	708 NORTH WALKER ST	R-1				
PEACH HOUSE	1615 W UVALDE	R-1	NO			
EL NIDO (THE NEST)	1007 N 8TH	R-1	YES	YES	APPROVED	4/20/2021
BEACH HOUSE	906 N. 8TH ST	R-1	NO	YES	IN PROGRESS	5/4/2021
EL VIEJO ADOBE	207 N. HARRISON	R-1	NO	YES	IN PROGRESS	5/4/2021
MATTHEW ROGGOW	101 W. STOCKTON ST	R-1	NO			
CASA OCOTILLO	101 W. STOCKTON ST	R-1				
BIRD'S NEST WITH A VIEW	1009 N BIRD ST	R-1	YES	YES	APPROVED	4/20/2021
CASA BLANCA	406, 408 PHELPS / 702, 704 AVE B	R-1	YES	YES	IN PROGRESS	5/4/2021
ALPINE COUNTRY CLUB LOFTS	802 N COCKRELL	R-1	YES	YES	IN PROGRESS	5/4/2021
HANCOCK HOUSE	803 E SUL ROSS AVE	R-1	YES	YES	IN PROGRESS	5/4/2021
WHITE HOUSE INN	2003 FT DAVIS HIGHWAY		YES			
THE SILVER CASITA	304 1/2 E AVE B	R-2	NO			
CASA VIDA	804 E GALLEGO	R-2	YES			
WAYFARER'S, CANDELILA	401 E AVE A	R-2	YES			
NONE (EMILY ALEXANDER)(19TH HOLE B&C SUITES	502 E BROWN	R-2	YES			
ALPINE VACATION	502 N 8TH ST	R-2				
CASA ACERO	907 W. EAGLE PASS ST	R-2	NO	YES	APPROVED	4/20/2021
ALPINE BED AND BREAKFAST	403 N. 8TH ST	R-2	YES			
LA CAJITA VERDE	506 E LOCKHART AVE	R-2	YES	YES	APPROVED	4/20/2021
ADOBE VISTA	604 E AVE I	R-1	NO	YES	IN PROGRESS	5/4/2021
ALPINE SUNSET RETREAT	509 S 5TH ST	R-3				
COMFY ADOBE CASITA	509 S 5TH ST	R-3	YES			
2 LIVING AREAS, BAR, POOL TABLE, FIREPIT, WIFI/DISH	512 S 8TH ST	R-3				
CASA DE LOS ABUELOS	301 S 6TH ST	R-3				
. SMART TV/WIFI/DISH	510 S 8TH ST	R-3				
BIRD'S EYE VIEW	601 N BIRD	R-3				
ALPINE WINDMILL HOUSE	302 W AVE B	R-2	NO			
THE DESERT FLAMINGO	708 S CACTUS ST, #1	R-4	NO	YES	IN PROGRESS	5/4/2021
ALPINE HOUSE	902 E AVE J	R-4		YES		
BOTTLE HOUSE BnB	110 WEST MURPHY ST	C-1	NO	YES	IN PROGRESS	5/4/2021
THE VILLA	2400 E HIGHWAY 90 SP#13	C-1	NO	YES	IN PROGRESS	5/4/2021
LOCKHART HACIENDA	105B EAST LOCKHART AVE	R-2	YES			
ALPINE CREEK COTTAGE	409 N 5TH ST	C-1	NO			
ALPINE GUEST QUARTERS	206 & 208 E AVE E	C-2	YES	YES	IN PROGRESS	5/4/2021
DRAGONFLY COTTAGE / BACK ROOM	210 1/2 WAVE E	C-2	YES	YES	IN PROGRESS	5/4/2021
LANGRIDGE LODGE	801 E AVE E	C-2	YES			
BIG BEND BIKER HOTEL	101 W AVE E	C-2	NO			
ALPINE GUEST LOFTS	117 N 6TH ST	C-2	NO			
6TH ST. SUITE	110 N. 6TH ST	C-2				
SUE CASA (NEW)	504 TIPPET	C-2	NO			
LUXURY FARMHOUSE	202 E LOCKHART AVE	C-2	NO			

PROPERTY NAME	ADDRESS	ZONE	OWNERS RESIDE ON PROPERTY	APPLIED FOR PERMIT	STATUS	Hearing Date
EL NIDO	1007 N 8TH	R-1	YES	YES	APPROVED	
BIRDS EYE VIEW	801 N BIRD	R-1	YES	YES	IN PROGRESS	5/4/2021
CASA BLANCA	406, 408 PHELPS / 702, 704 AVE B	R-1	YES / OFFICE	YES	IN PROGRESS	5/18/2021
ALPINE COUNTRY CLUB LOFTS	602 N COCKRELL	R-1	YES	YES	TABLED	4/20/2021
HANCOCK HOUSE	803 E SUL ROSS AVE	R-1	YES	NO		
EL NOPAL CASITA	704 E SUL ROSS	R-1	NO	YES	IN PROGRESS	5/4/2021
CASA OCOTILLO	902 N BIRD ST	R-1	?	YES	APPROVED	4/20/2021
COZY CITY APARTMENT STAY	708 NORTH WALKER ST	R-1	?			
CASA VIDA	604 E GALLEGO	R-2	YES	NO		
WAYFARER'S, CANDELILA	401 E AVE A	R-2	YES	NO		
NONE (EMILY ALEXANDER)(19TH HOLE B&C SUITES	502 E BROWN	R-2	YES	YES		
ALPINE BED AND BREAKFAST	403 N. 8TH ST	R-2	YES	B&B - already has approved CLUP		
LA CAJITA VERDE	506 E LOCKHART AVE	R-2	YES	YES	APPROVED	4/20/2021
ALPINE VACATION	502 N 8TH ST	R-2	?			

### City Staff Update

- Environmental Services by Adelina Beall
- Animal Services by Jennifer Stewart

- **Environmental Services by Adelina Beall**



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

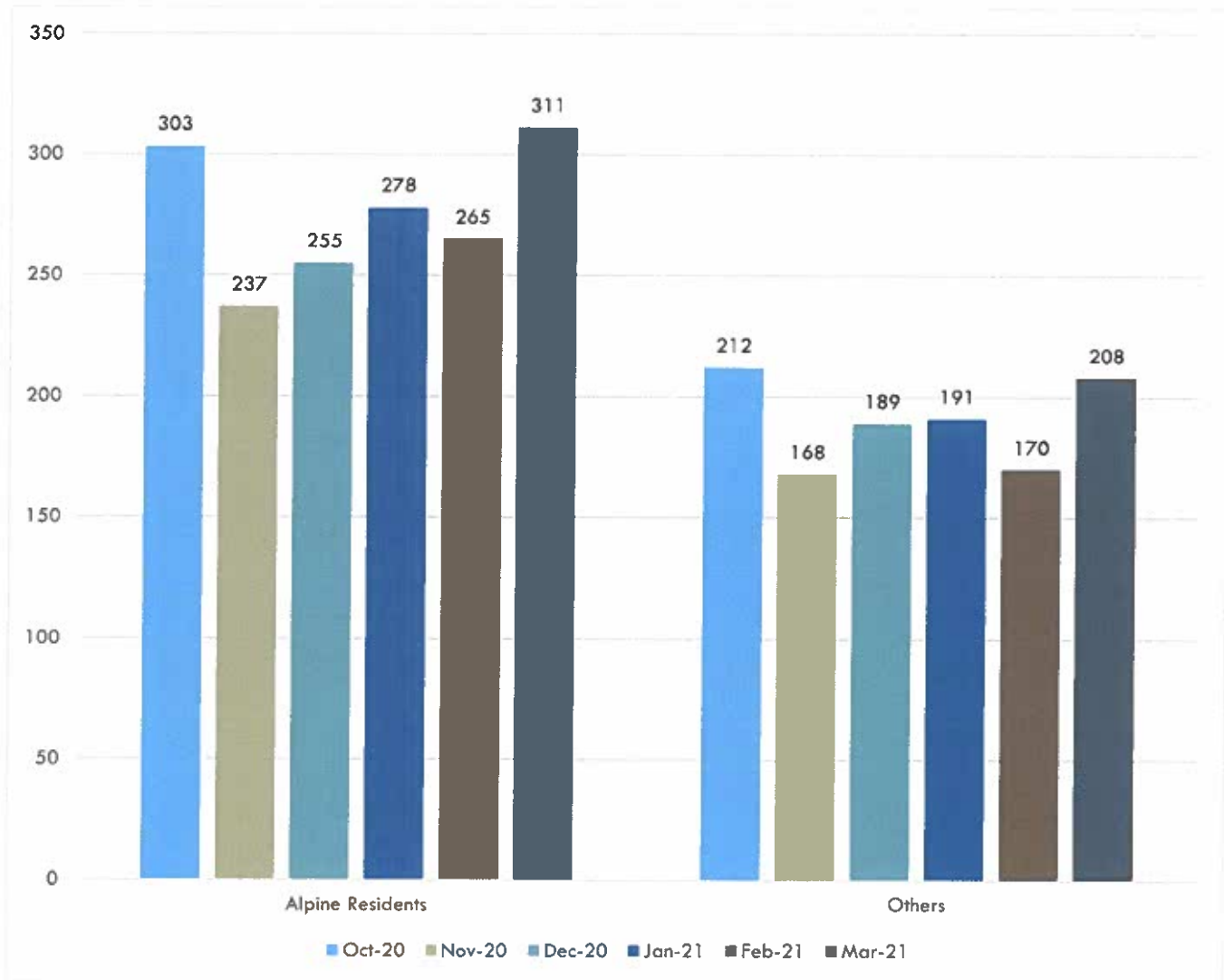
# HAL FLANDERS RECYCLING CENTER



05/04/2021

Recycling Report

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



### FY 20-21 Total

Alpine Residents = 1649 (59%)      Others = 1138 (41%)

### FY 20-21 Monthly Average

Alpine Residents = 275      Others = 190

## Hal Flanders Recycling Center: FY 20-21

<b>Material</b>	<b>Oct. 2020 – Mar. 2021 Drop Offs</b>
Mixed paper	2073
Newspaper	575
Plastic	2081
Cardboard	1750
Aluminum cans	1481
Glass	1610
Tin	1463
Brush	126
Scrap Metal	70
Bulky	34
Used Oil	60

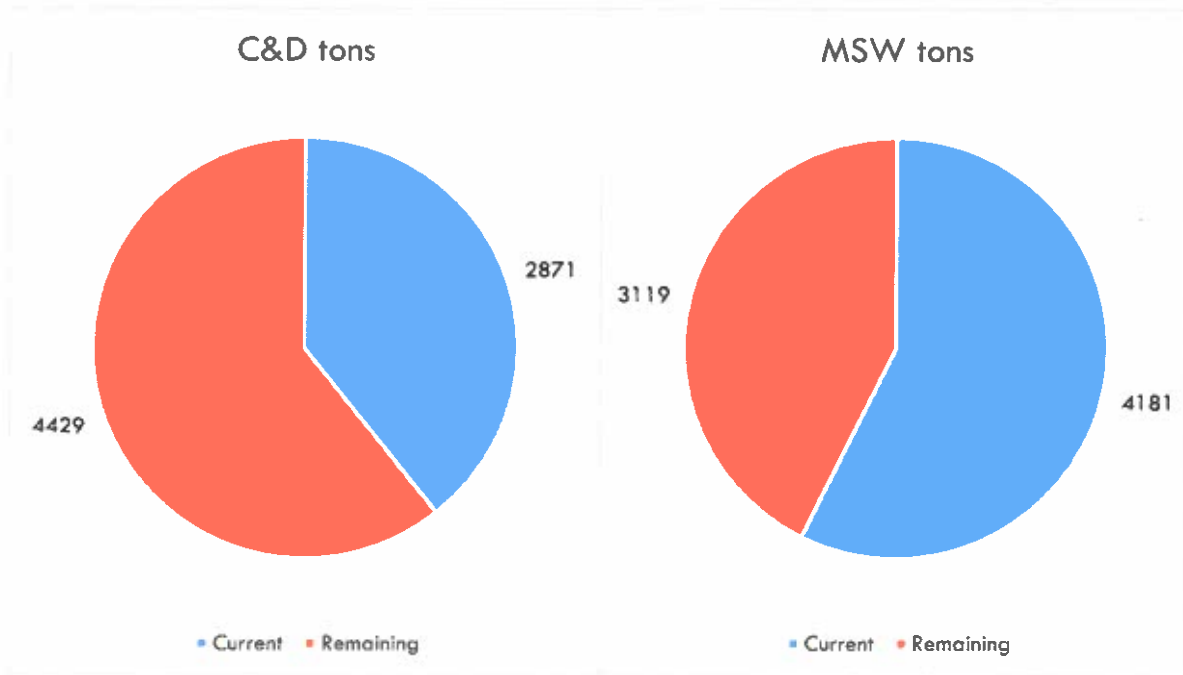
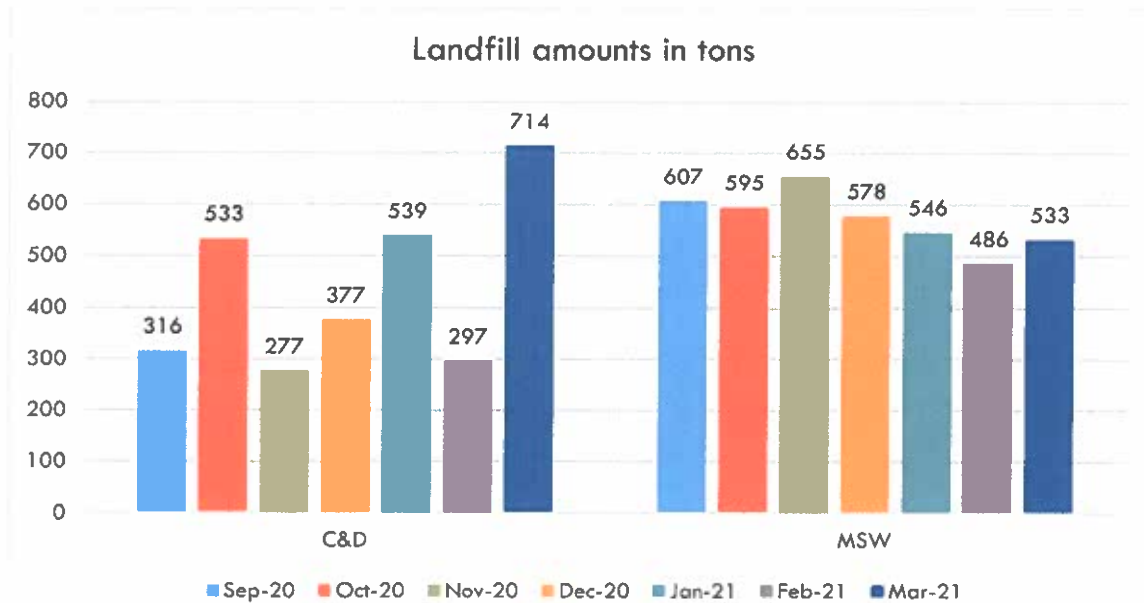
**Staffing:** One tech position filled (as of 4/11/2021)  
Recycling Technician job posted on the city website.

### 2021 Quarterly Bulk Pick- Up Totals:

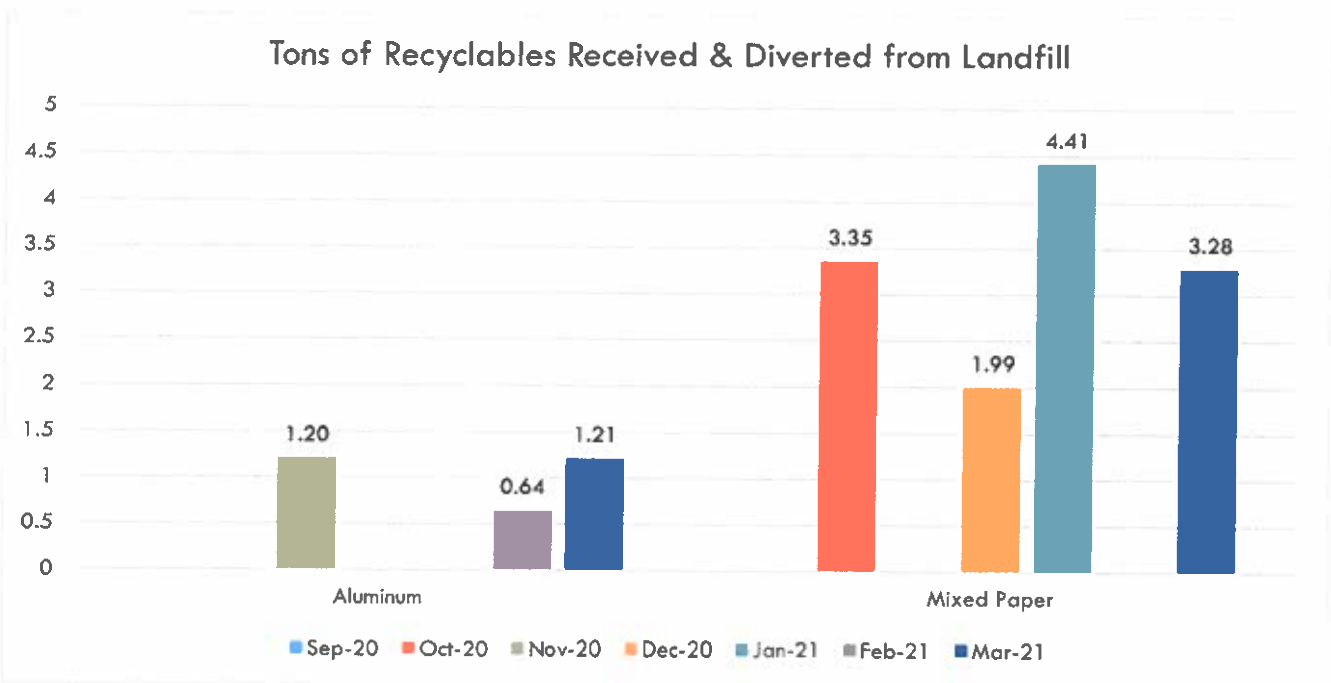
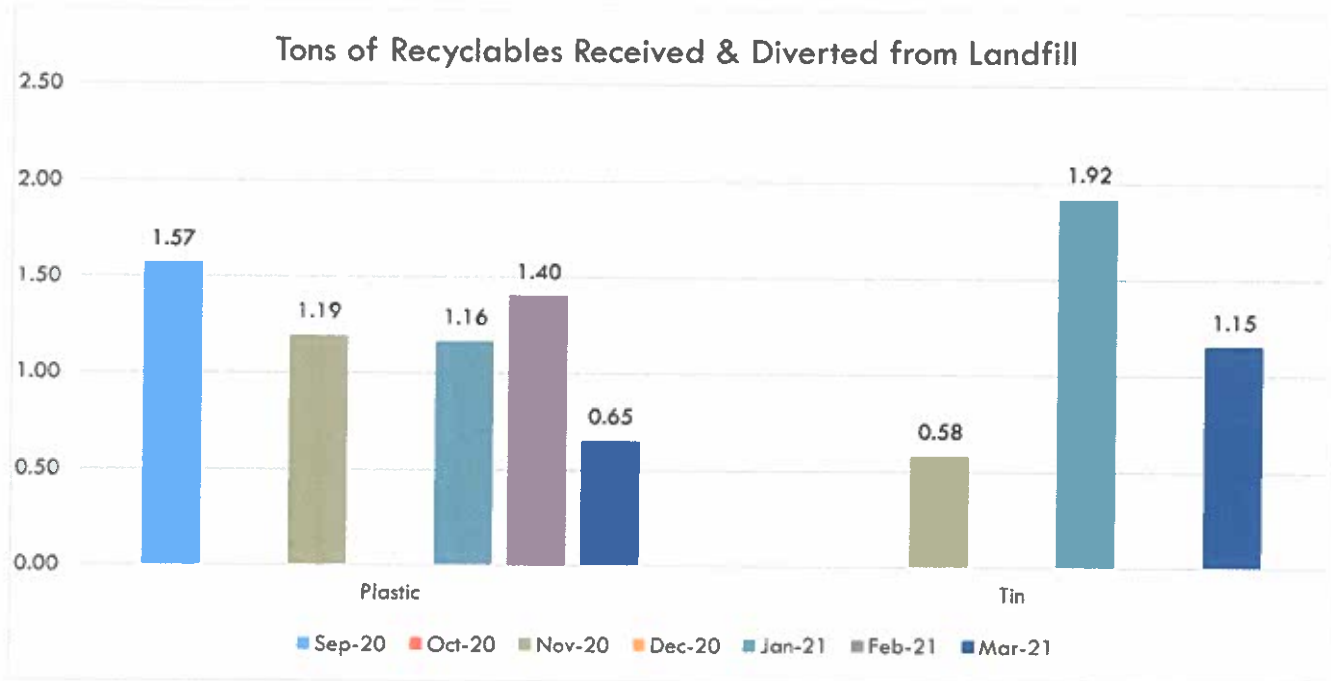
<b>January 2021:</b>	
<i>Bulky Trash:</i>	<i>Metal:</i>
8.56	1.87
<b>April 2021:</b>	
<i>Bulky Trash:</i>	<i>Metal:</i>
14.13	4.84
<b>July 2021:</b>	
<i>Bulky Trash:</i>	<i>Metal:</i>
<b>October 2021:</b>	
<i>Bulky Trash:</i>	<i>Metal:</i>
<b>2021 Total Tons</b>	
<i>Bulky Trash:</i>	<i>Metal:</i>
22.69	6.71

## Part 2: City of Alpine Landfill:

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

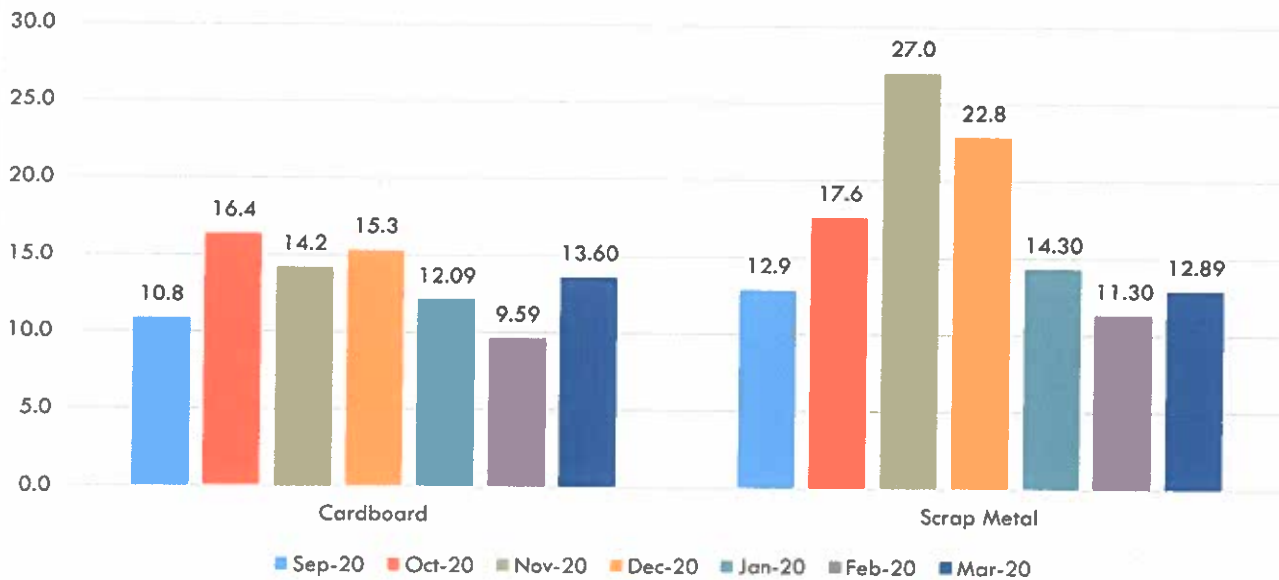


## Recycling received & diverted from landfill – including Hal Flanders contributions:

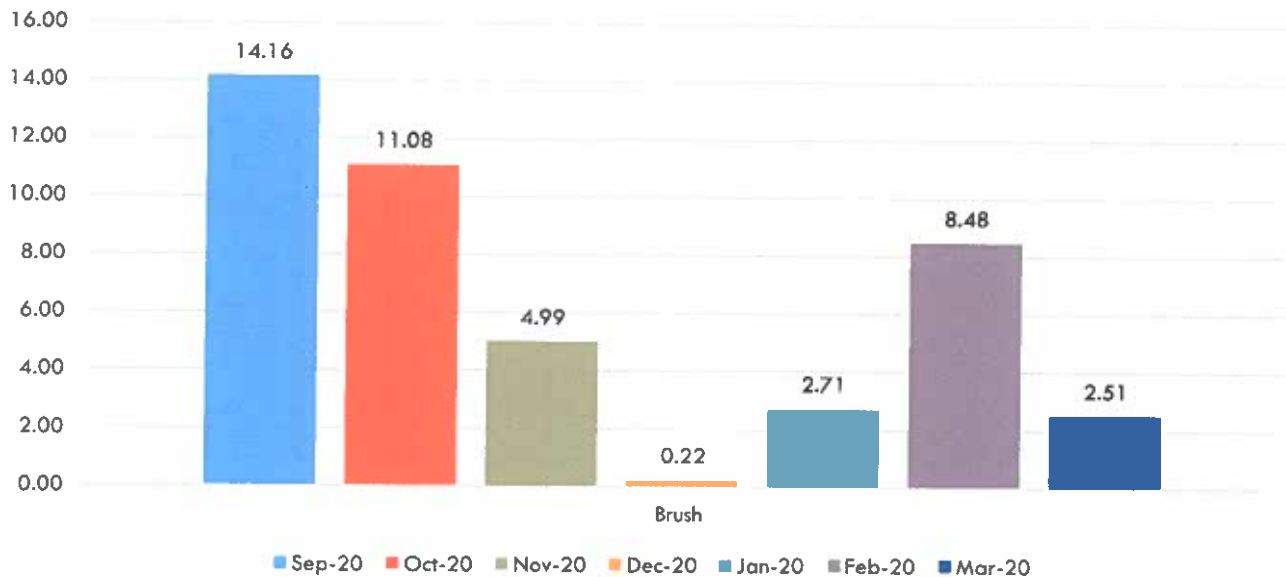


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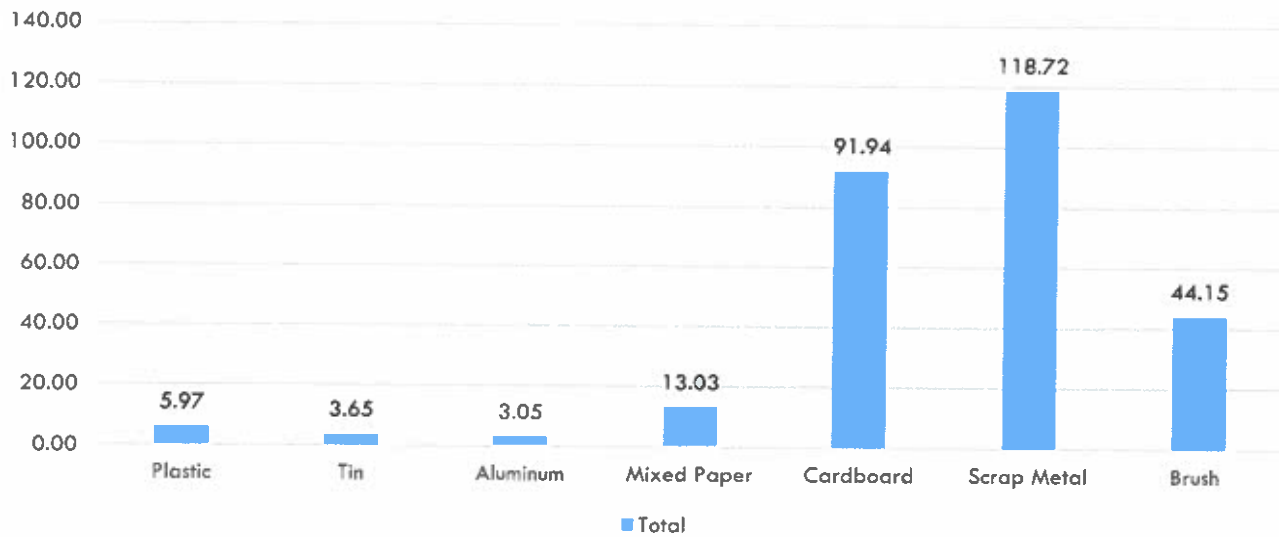
Tons of Recyclables Received & Diverted from Landfill



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


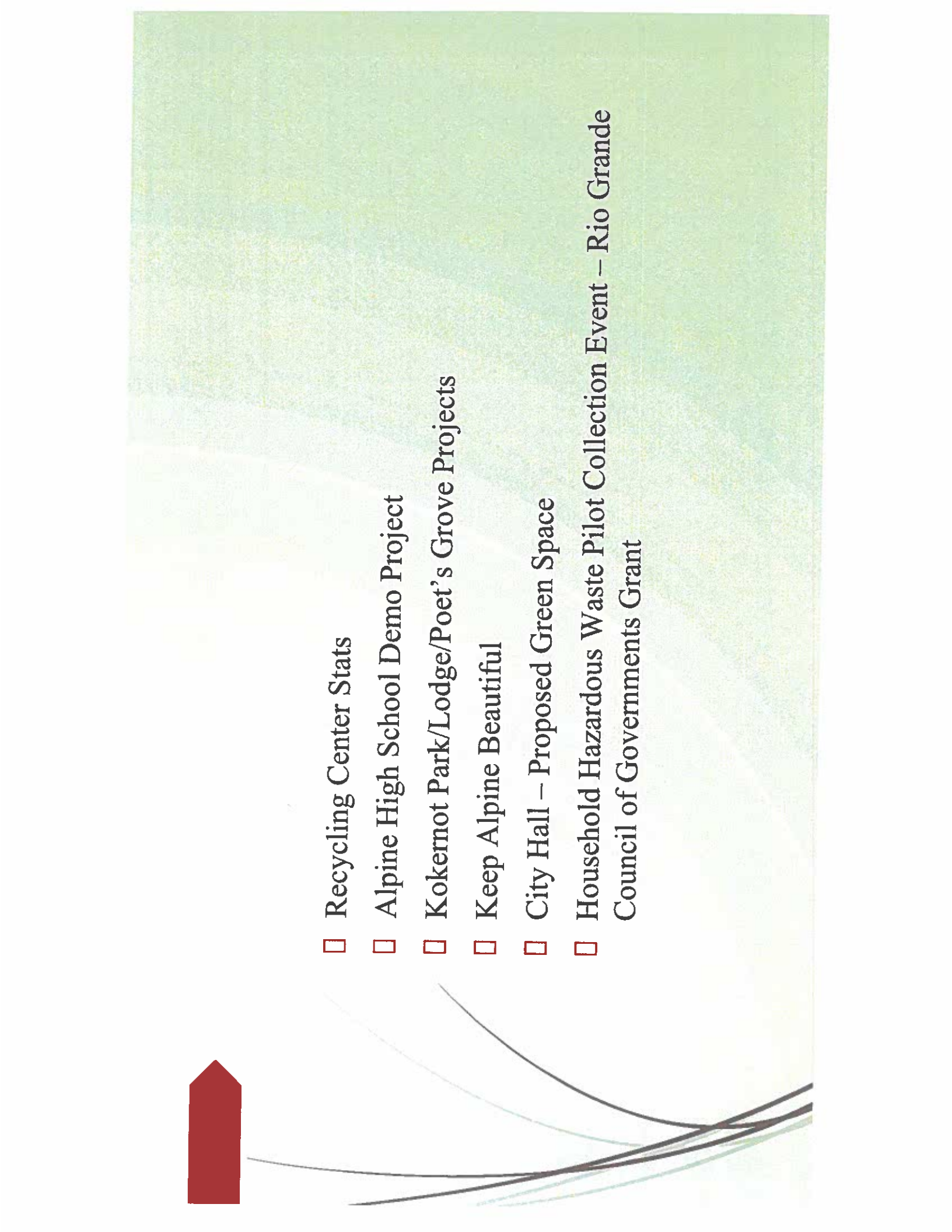


***Total Recycled***  
***280.51 US Tons***

# Environmental Services Update

Adelina Beall



- 
- 
- ☐ Recycling Center Stats
  - ☐ Alpine High School Demo Project
  - ☐ Kokernot Park/Lodge/Poet's Grove Projects
  - ☐ Keep Alpine Beautiful
  - ☐ City Hall – Proposed Green Space
  - ☐ Household Hazardous Waste Pilot Collection Event – Rio Grande Council of Governments Grant



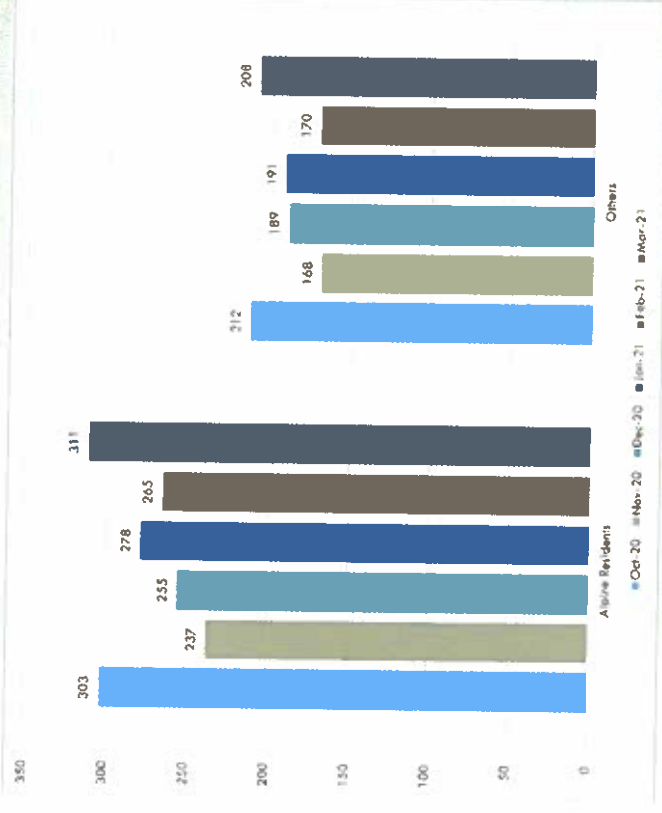
# Recycling Center Stats



## HAL FLANDERS RECYCLING CENTER



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



### FY 20-21 Total

Alpine Residents = 1649 (59%)    Others = 1138 (41%)

### FY 20-21 Monthly Average

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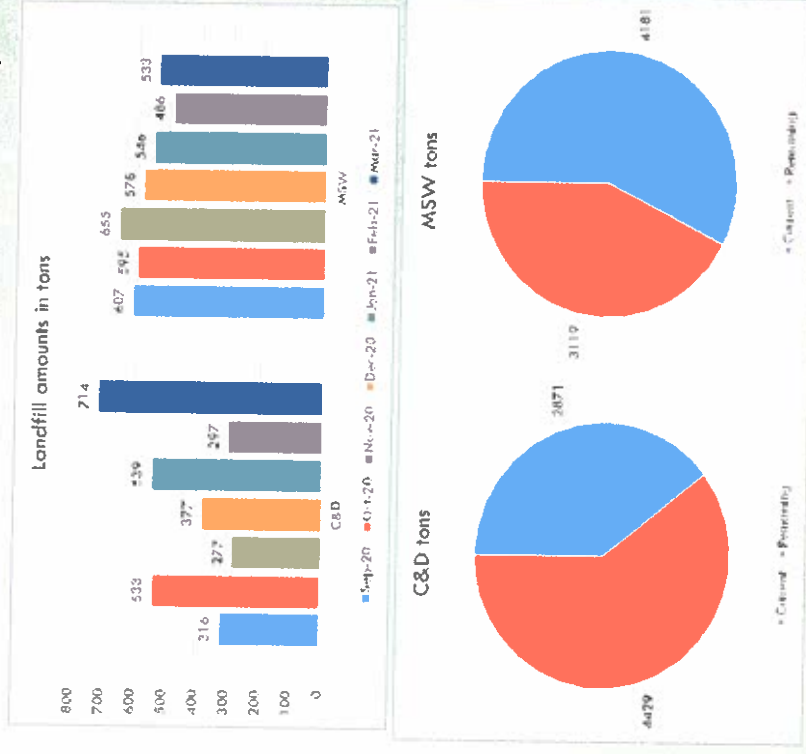
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### 2021 Quarterly Bulk Pick-Up Totals

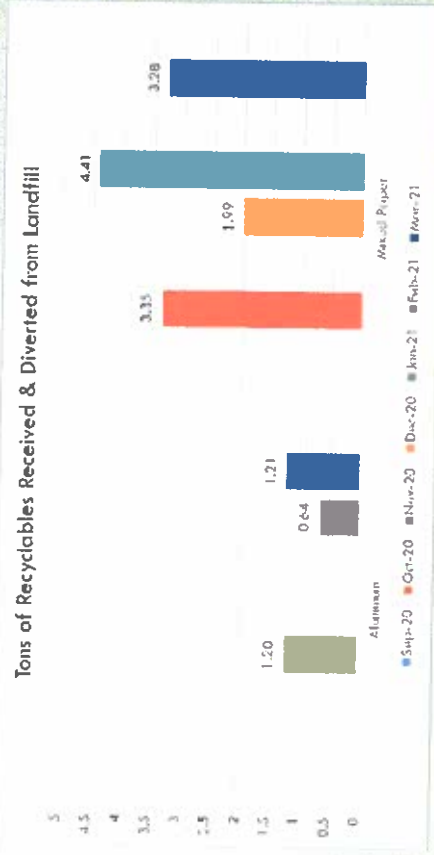
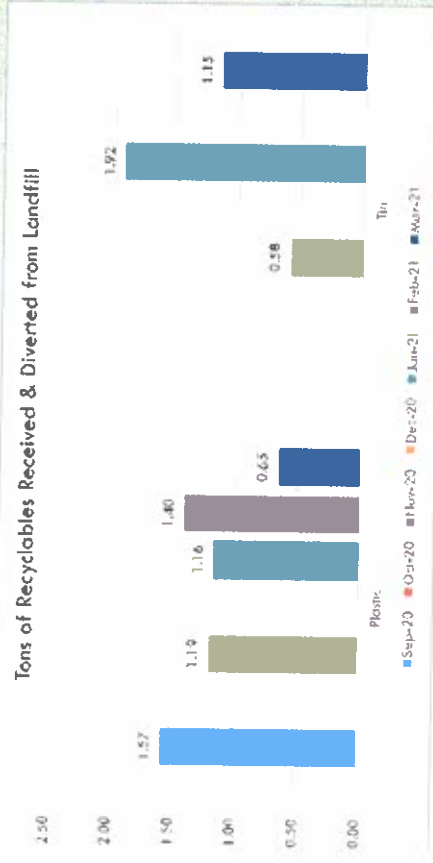
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<b>2021 Total Tons</b>	
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Metal	6.71

## Part 2: City of Alpine Landfill:

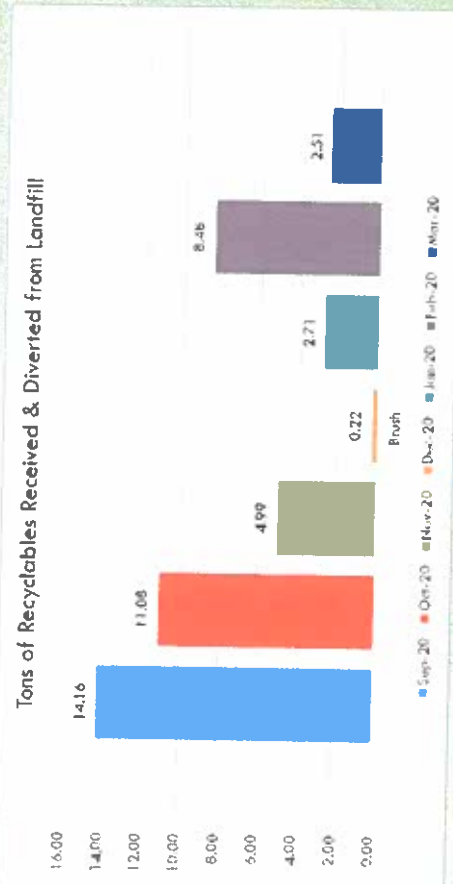
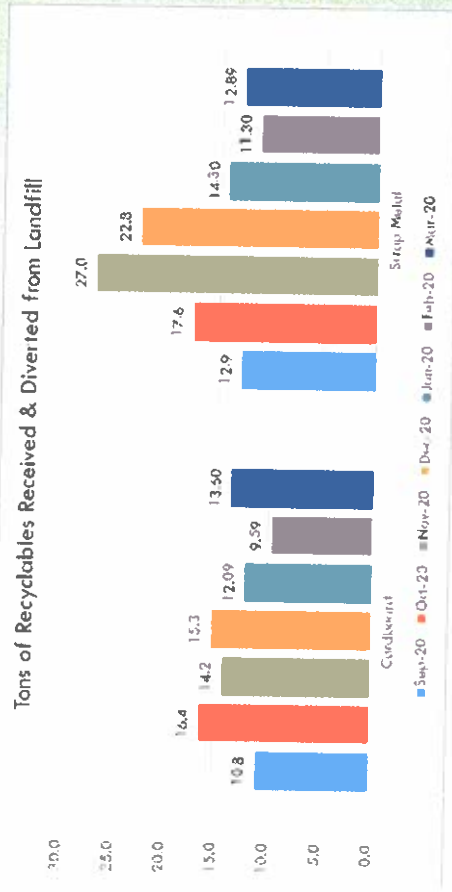
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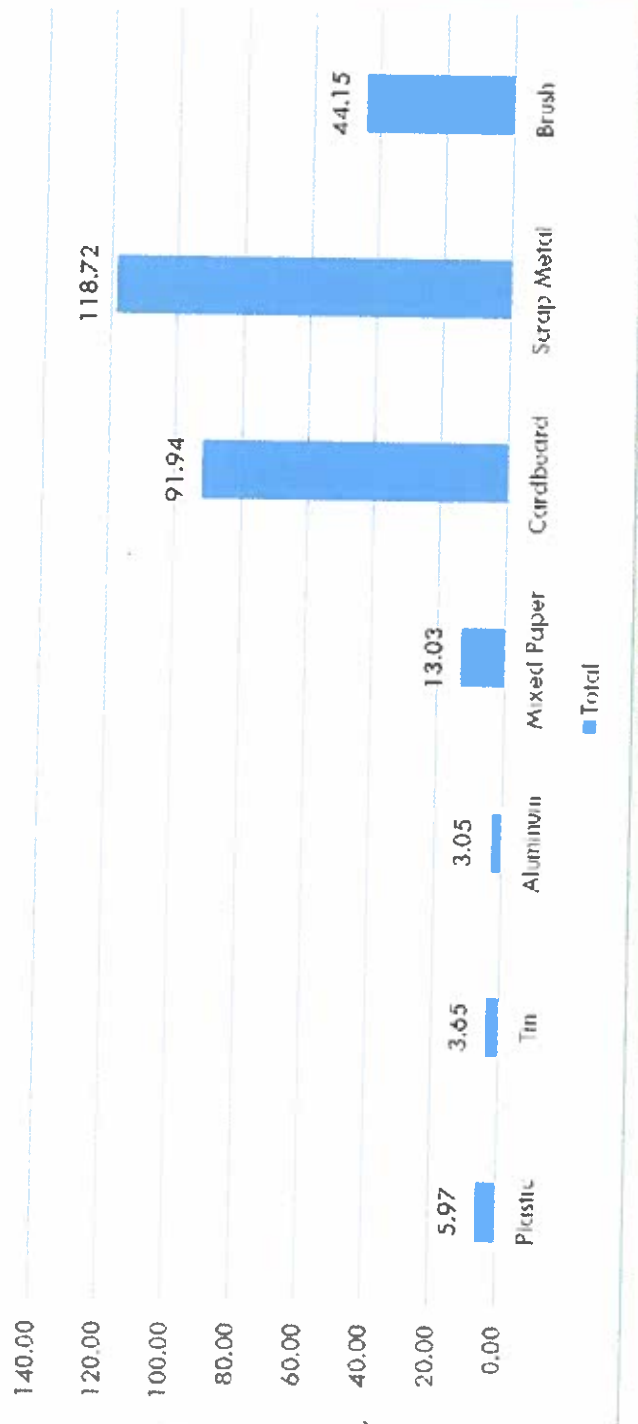
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## Recycling received & diverted from landfill – including Hal Flanders contributions



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



*Total Recycled*  
**280.51 US Tons**

# Alpine High School Demo Project

▣ AISD Robles Construction

ROBLES CONSTRUCTION			
2020-21	C&D	BRUSH	METAL
SEPT '20			
OCT '20			
NOV '20	103,280	87,660	20,540
DEC '20	25,840		
JAN '21	9,840		
FEB '21	9,880		
MAR '21	29440		
APR '21			
MAY '21			
JUN '21			
JUL '21			
AUG '21			
SEPT '20			
OCT '21			
NOV '21			
DEC '21			
TOTAL LBS:	178,280	87,660	20,540
TOTAL TONS:	89.14	43.83	10.27

▣ AISD Imperial Construction

IMPERIAL CONSTRUCTION			
2020-21	C&D	BRUSH	METAL
SEPT '20			
OCT '20			
NOV '20			
DEC '20	7,420		
JAN '21	15,940		
FEB '21	5,820		
MAR '21	10500		
APR '21			
MAY '21			
JUN '21			
JUL '21			
AUG '21			
SEPT '20			
OCT '21			
NOV '21			
DEC '21			
TOTAL LBS:	39,680	0	0
TOTAL TONS:	19.84	0	0



# Kokernot Park/Lodge/Poet's Grove Projects

- ☐ Rain Gardens
  - ☐ Water Fountain (Hendryx Loop)
  - ☐ Wild flower seeding
- ☐ Interlocal Agreements with SRSU
  - ☐ Verbal Agreement – 2/5/2021
- ☐ Pilot Project – Ponds East of Kokernot Lodge
  - ☐ Started Cleanup 3/27/21
  - ☐ Effluent Pipe (May – June 2021)
- ☐ Grassland Restoration
  - ☐ Completed planning 5/4/2021
- ☐ Next Partner Meeting – 5/6/2021

# Kokernot Park/Lodge/Poet's Grove Projects - Timeline

Task #	Dec 2020/Jan 2021	Feb-21	Mar-21	Apr-Jun 2021	July-Dec 2021	Jan-June 2022	July-Dec 2022	Jan-June 2023	July-Dec 2023
1	MOU/JLA (Feb. 5th, 2021)								
2	TCEQ 30 TAC 210 Authorization								
3				Pilot Project (ASAP) - COA					
4	TPWD Grant App. Phase I due: Jan 2021		TWDB Grant App. Due Mar 2021						
5				Grassland Restoration - Seeding (RGJV)					
6									
7					TPWD Grant - Phase I Educational signage	TPWD Grant App. Phase II due: Jan 2022			
8							TPWD Grant - Phase II Extension Trail system	TPWD Grant App. Phase III due: Jan 2021	
9									TPWD Grant - Phase III Creek Restoration/Installation Bird Blinds



## Keep Alpine Beautiful

- Recognized as Gold Star Affiliate by Keep Texas Beautiful
- Received Keep Texas Beautiful - 2021 Governor's Community Achievement Awards. Category 3  
Population 5,501 – 9,000 - 3<sup>rd</sup> Place





# City Hall – Proposed Green Space



Water Catchment

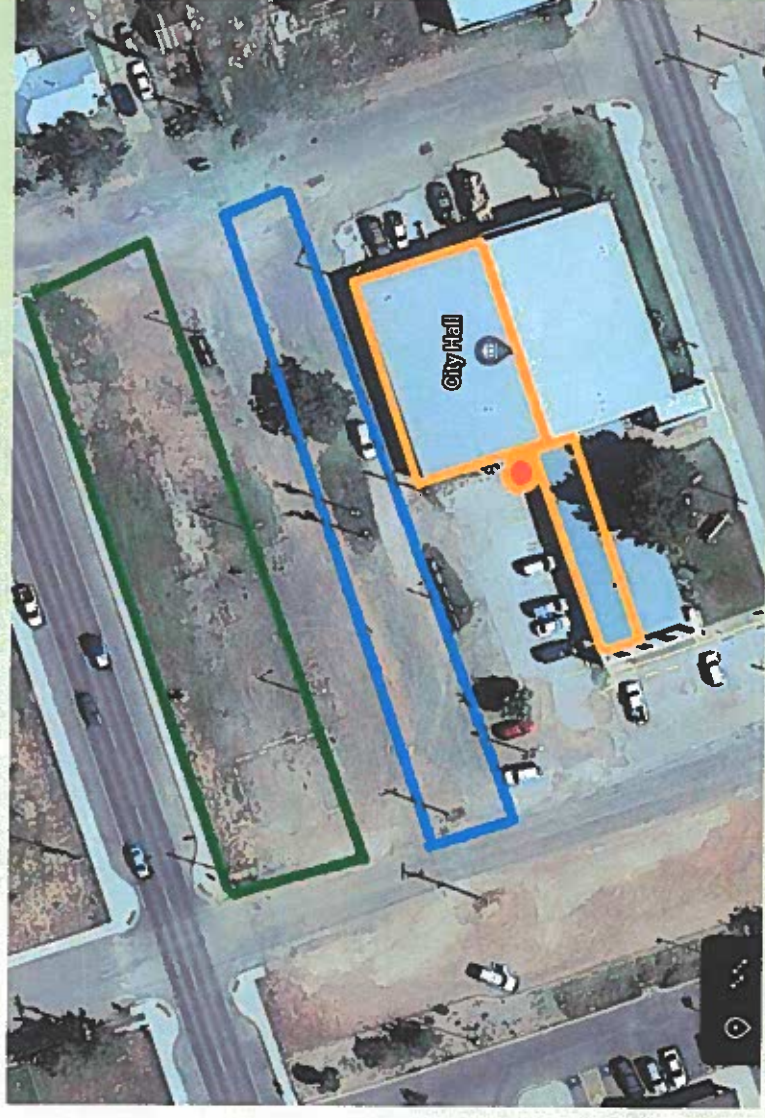


Esplanade



Green Space

• Apache Tree Grant – 50 Trees



# Household Hazardous Waste Pilot Collection Event

## – Rio Grande COG Grant



### Household Hazardous Waste (HHW) Pilot Collection Event



#### By Appointment ONLY

Contact the Environmental Services Coordinator to schedule of drop off:

Phone: (432) 294-3183

Email: [environmental.services@ci.alpine.tx.us](mailto:environmental.services@ci.alpine.tx.us)

**Saturday May 8th, 2021 9:00am-1:00pm**

Hal Flanders Recycling Center, 305 Cemetery Rd. Alpine, TX 79830

#### Accepted Items

No more than approximately ten (10) HHW items can be accepted per appointment, per car, or what could fit in an office box (roughly 12"x17"). We will accept limited amounts of:



Batteries - single-use (AA, AAA, C, D, etc)	Solvents
Sprays	Antifreeze
Aerosols	Pesticides
	Oil-based paint

#### Restricted Items

No explosive materials accepted. No ammunition, compressed gas cylinders, commercial quantities, drums, or agricultural waste or products.  
No sharps or medical waste. No RX prescription drugs or medicines accepted.  
No smoke detectors accepted. Smoke detectors have small amounts of radioactive materials.  
No commercial quantities accepted. Household products only.

**Do not leave your vehicle. Only our certified HHW professionals will be allowed to unload vehicles**

Questions?



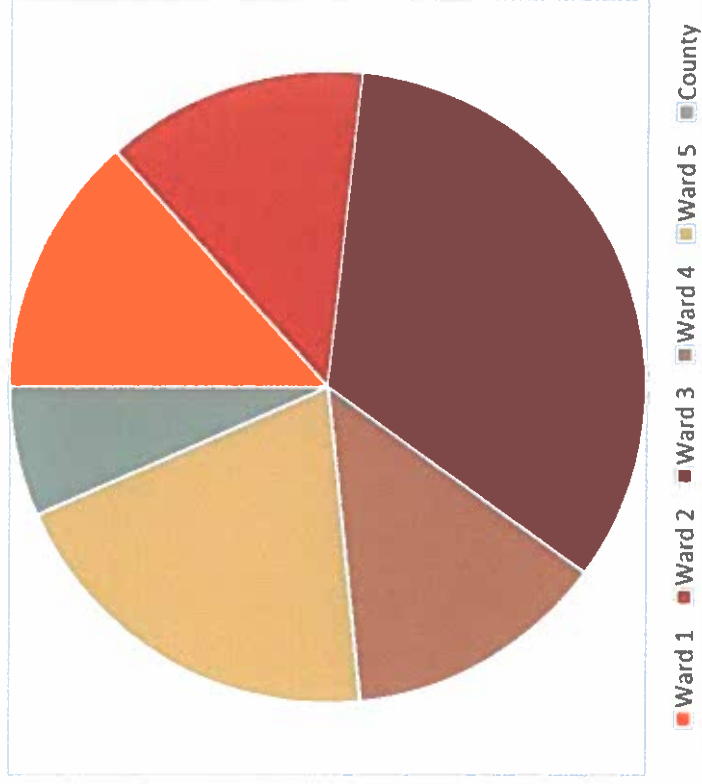
- **Animal Services by Jennifer Stewart**

Animal  
Services 1<sup>st</sup>  
Quarterly  
Report 2021

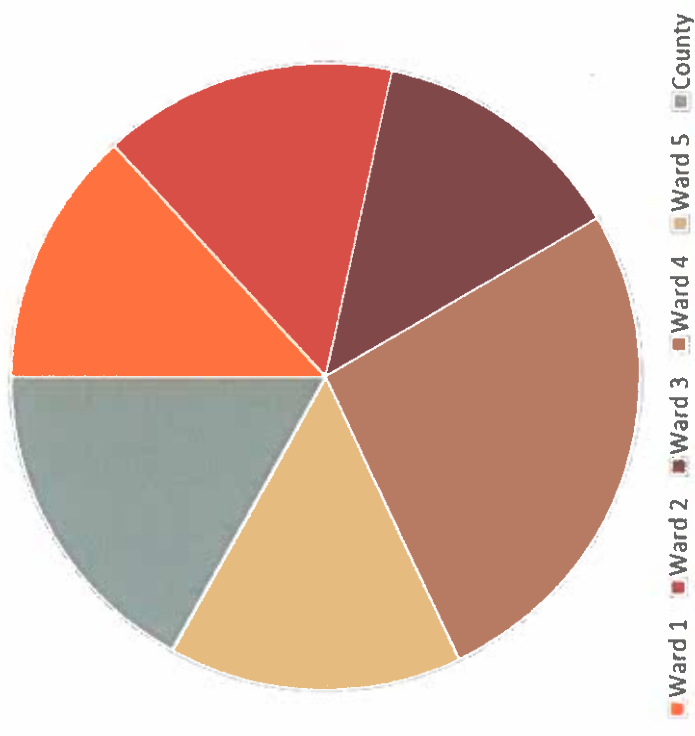


# Stray intakes

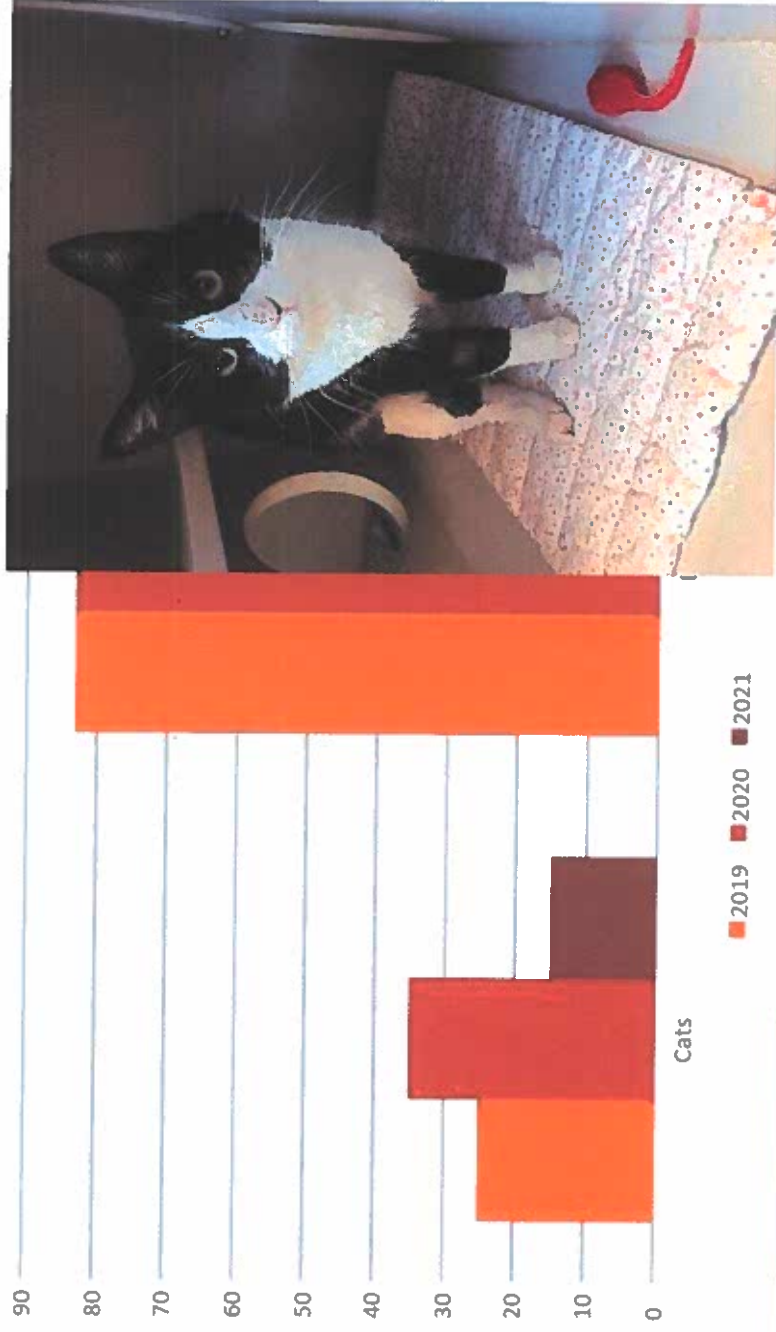
Cats



Dogs

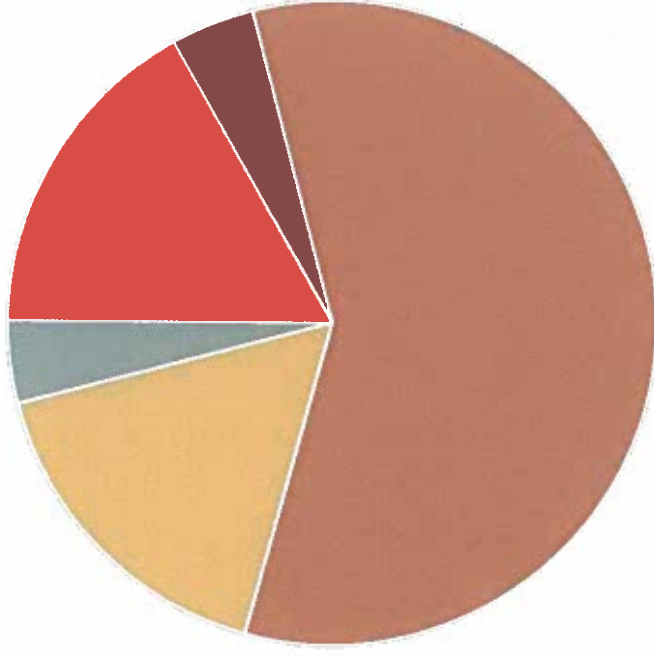


# 2019, 2020 and 2021 1<sup>st</sup> quarterly stay intake reports compared



# Feral Cat intake

By Ward

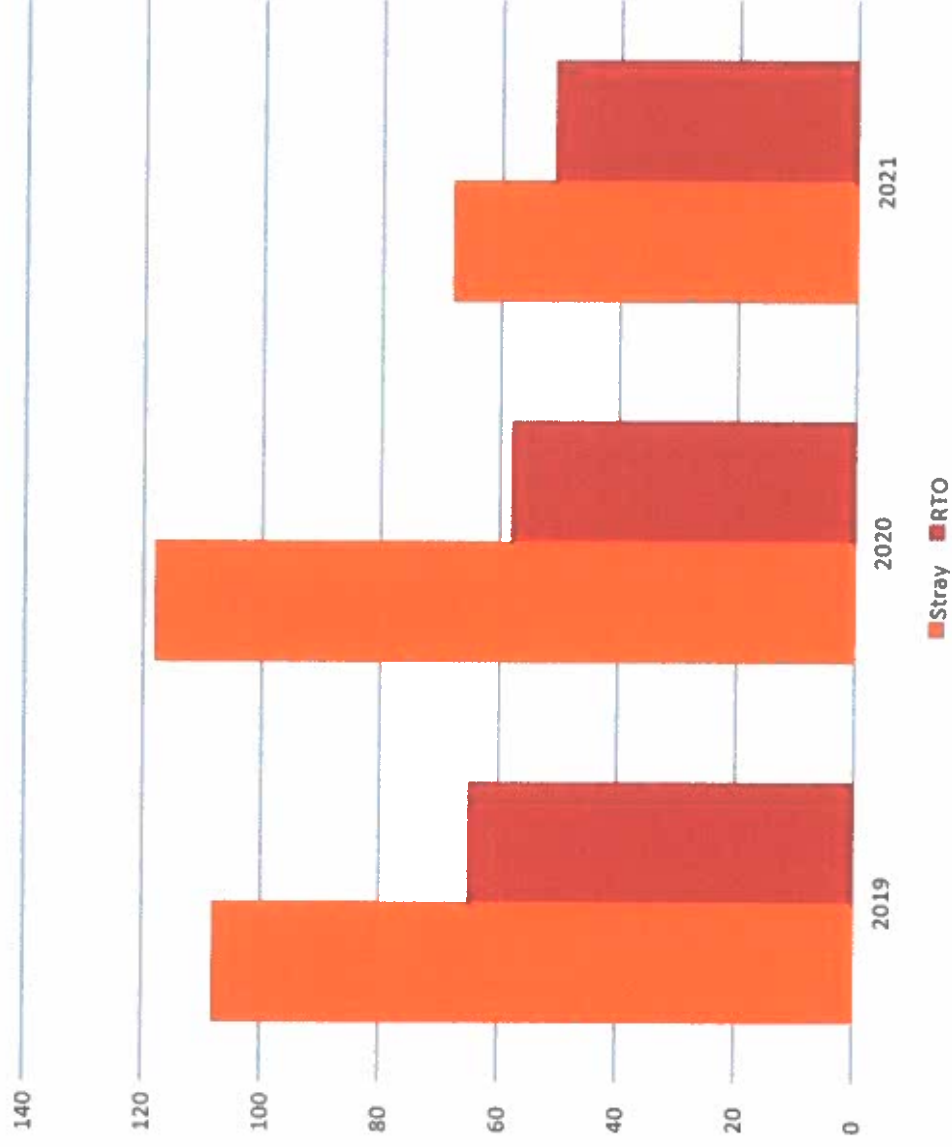


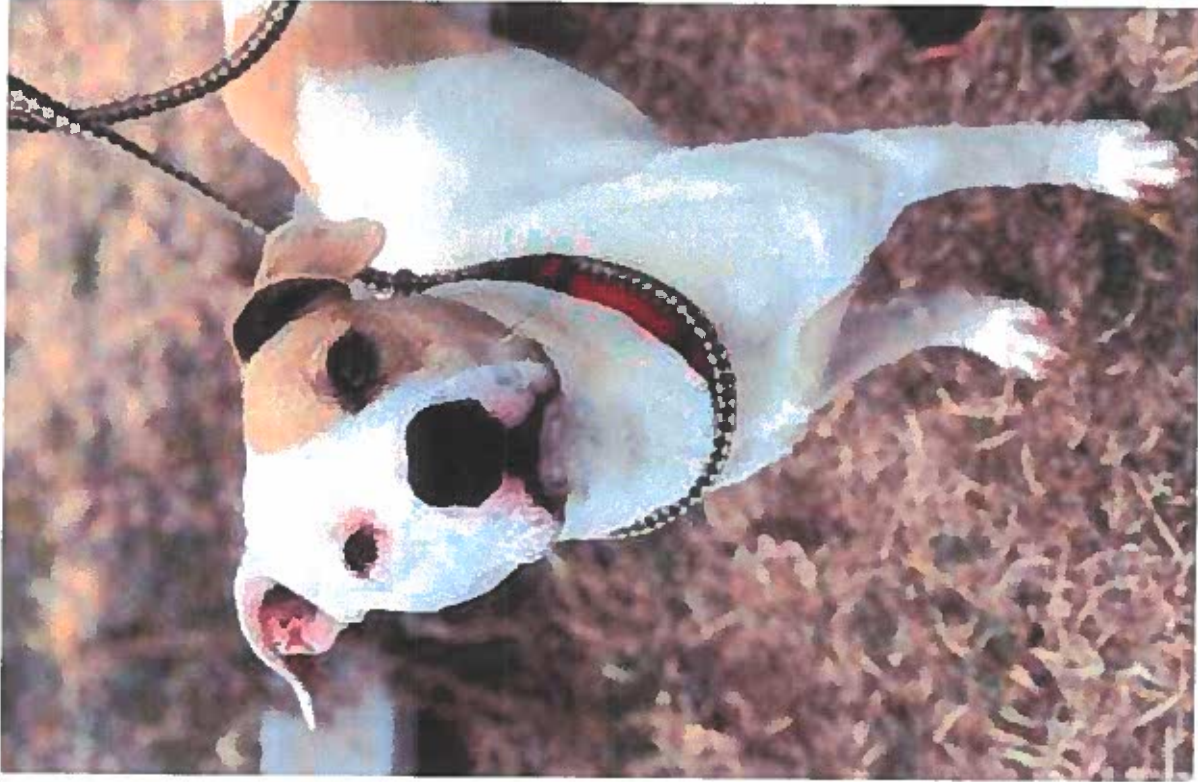
Ward 1 Ward 2 Ward 3 Ward 4 Ward 5 County



# Returned to Owner

Amount of animals RTO compared to stray intake 2019, 2020, 2021





# Surrenders

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1 cat surrender

10 dog surrenders

3 dog surrenders in January were due to bite incidents and were euthanized

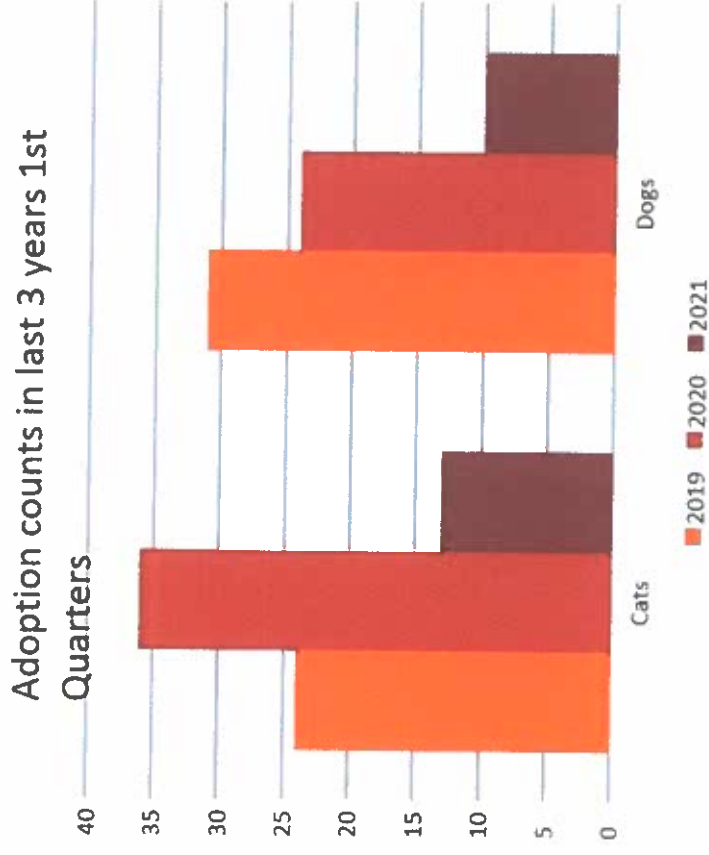
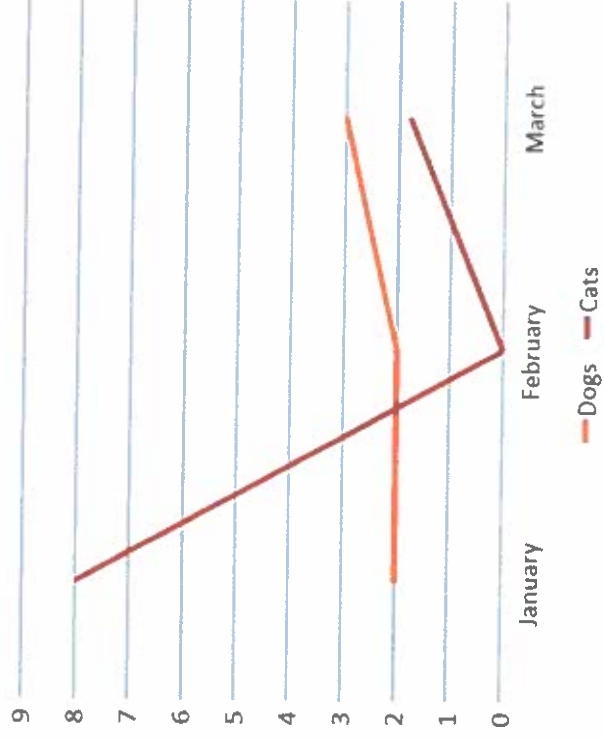
## Other intakes

- Brought in due to an arrest: 4 dogs, all returned to owner or relative
- Brought in due to death of owner: 2 dogs, both released to relative
- Brought in for quarantine at shelter: 2 dogs, 1 from county
- Brought in for holding during a search warrant: 5 dogs



# Adoptions

13 cats and 10 dogs were Adopted!



# Transports

25 animals were transported to other rescues!

3 cats and 22 dogs were sent to other rescues

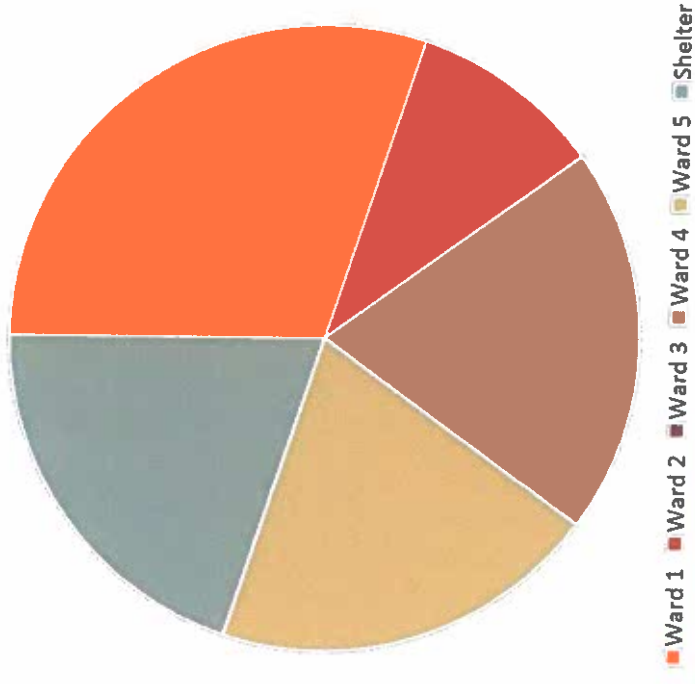
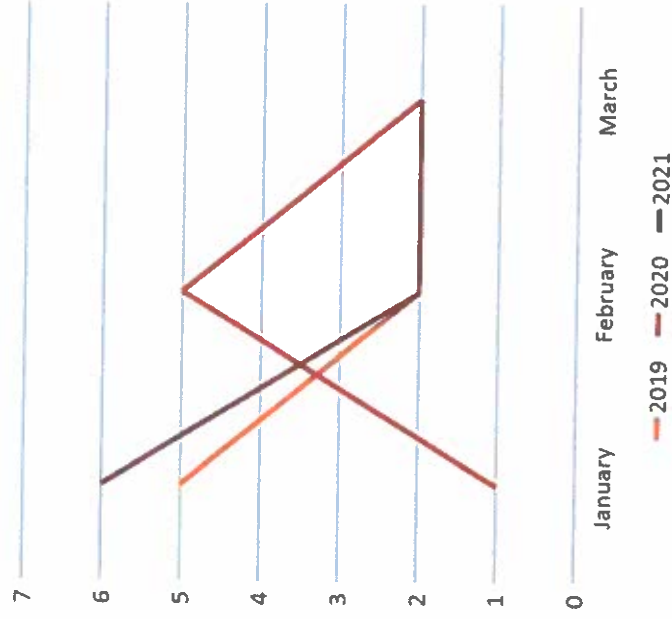
March 9<sup>th</sup>, the first flight out of our Alpine Airport, Austin Pets Alive picked up and transported 1 dog and 14 cats.  
11 of the cats were from the Marathon shelter.



# Animal Bites

10 animal bites reported

Ward where bites occurred



# Microchipping

We placed 7 microchips for the public  
1 cat and 6 dogs

Microchipping can be done at  
the Animal Shelter for \$15

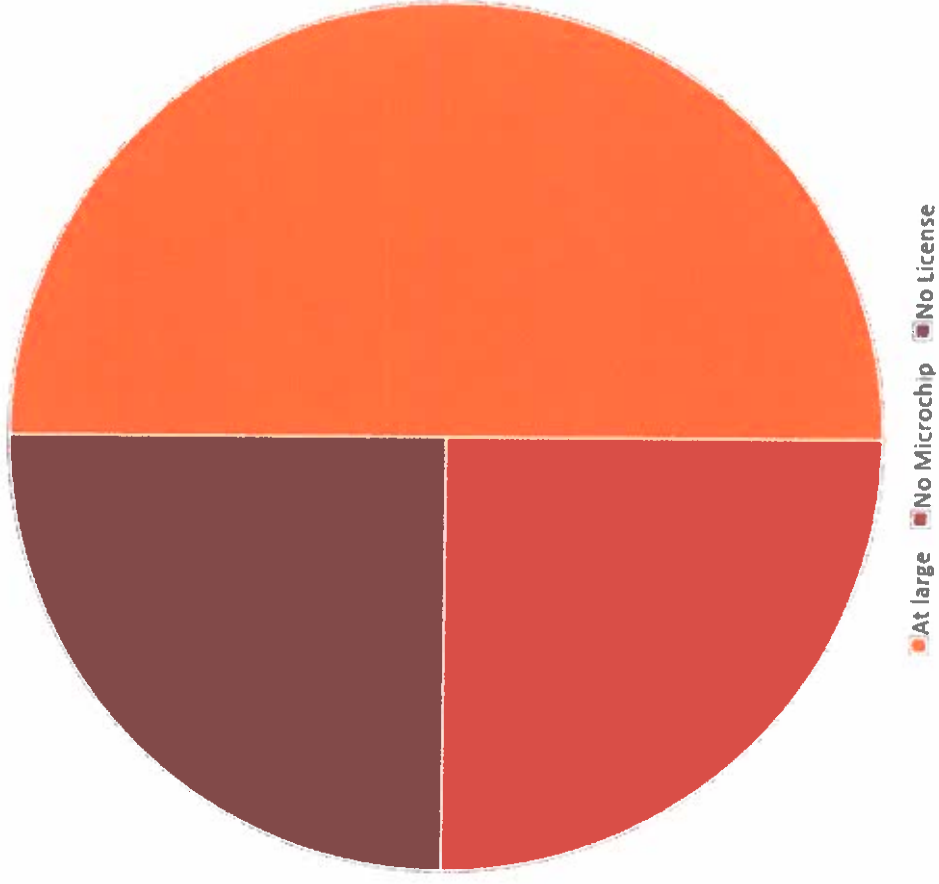


# Citations issued

Animals at large: 8

No Microchip: 4

No City License: 4



# Monthly PSAs

January, we focused on animal bites and prevention

February, was all about the importance of vaccinating your pet

March, was what to know about keeping your animals outdoors

Coming soon, April- Emergency plans for pets, May- Kitten Season

Thank you Chris Ruggia for helping with the aesthetics of the PSAs!

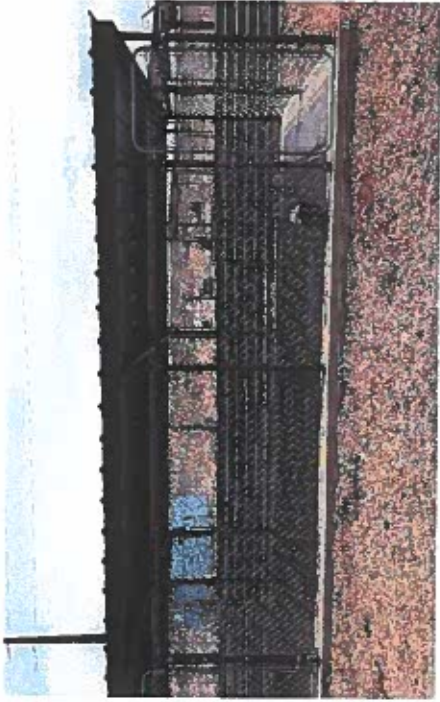


## AND GENERAL INFORMATION

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

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

1. Stay away from all unknown animals, both wild and domestic
2. Never leave small children unsupervised in the presence of an animal
3. Don't disturb an animal that is eating, sleeping or caring for its young or is exhibiting signs of illness
4. Avoid running past a dog as they like to chase things
5. Never reach through or enter a fence or home unannounced as dogs may be protective of their territory and may feel you are a threat
6. Never touch a sick, injured, trapped or dead animal, call Animal Services to handle the animal instead
7. Do not let your pets (dogs and cats) run at large, it is against city ordinance
8. Do not feed wild animals
9. Vaccinate your cats and dogs against rabies, it is the law in the State of Texas



# Shade Structures at the shelter

In March U Construction began building the new outdoor shade structures

pictures taken 4/15/21



# Old fencing

I would like to propose the old fencing at the shelter be donated to the Alpine Humane Society for either use as they deem necessary or sale at their Thrift Store.





# Questions?

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6. Public Hearings

- Public Hearing to obtain citizen views and comments on Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances.
- Public Hearing to obtain citizen views and comments on Short Term Rental Special Use Permit Applications.

- Public Hearing to obtain citizen views and comments on Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances.

To the City Council and Mayor –

Why does a city want businesses?

- To enhance the city:
  - Because the services or products offered by the business benefits the citizens and make the city a better place to live, raise children, have more to offer locals and well as visitors
- To generate jobs:
  - Businesses that can offer jobs to citizens are more beneficial to the city when there are many good jobs on offer
- To maintain a healthy economy:
  - More reasons to shop locally, attracting tourists that benefit hotels, restaurants, galleries, etc.
  - To encourage commerce that benefits other businesses and consumers to have more and better choices to buy close to home and draw people to the city

What do coin operated gaming centers have to offer Alpine

- They do not enhance the city
- They do not generate jobs (how many people can work in a coin operated business?)
- They do not help maintain a healthy economy

Why would we want them in Alpine?

Please do not issue permits for gaming centers in Alpine.

Dallas Baxter

N. 7<sup>th</sup> St, Ward 1



Geo Calderon <g.calderon@ci.alpine.tx.us>

**thanks in advance for reading my letter in opposition to adding more gaming parlors/rooms in alpine...**

**Sibley Liz** <sibley1@me.com>

Thu, Apr 22, 2021 at 12:08 PM

To: Geo Calderon <g.calderon@ci.alpine.tx.us>

Dear City Council members,

Thank-you for all you do to help steer our community in the "right" direction.

As an Alpine resident of almost 40 years, I have watched our community steadily grow and diversify in a healthy manner.

My understanding is that we have 2 game parlors already in our tiny community of Alpine. I do not believe that adding more game parlors is a "healthy" direction for our community. Surely 2 is enough ?

Please vote to put a limit of 1 - max 2, on these game parlors.

Sincerely,

Liz Sibley  
432 386 3549  
1 Las Auras Alpine, Texas 79830  
[alpinetexasbnb.com](http://alpinetexasbnb.com)

Aerial Overview  
<https://vimeo.com/354147215/04d4ca6c46>

Walk through videos:  
The Historic Bottle House BnB  
<https://www.facebook.com/alpinetexasbnb/videos/1228583763984246/>



Geo Calderon <g.calderon@ci.alpine.tx.us>

**Re: I will be traveling to austin monday but I wholeheartedly agree that 1 (max 2 ) are plenty for our wee town : Coin-Operated Machines - Permits City of Alpine**

**Christopher Ruggia** <chris@visitalpinetx.com>

Thu, Apr 22, 2021 at 11:44 AM

To: Liz Sibley <sibley1@me.com>

Cc: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>, Geo Calderon <g.calderon@ci.alpine.tx.us>

Hi Liz,

You can send your comment to Geo Calderon (cc'd) and he will queue it up to be read to Council at the meeting.

Chris Ruggia  
Director of Tourism, City of Alpine  
office: (432) 837-9008  
cell: (432) 386-5916  
[visitalpinetx.com](http://visitalpinetx.com)

On Apr 22, 2021, at 11:15 AM, Sibley Liz <[sibley1@me.com](mailto:sibley1@me.com)> wrote:

Can I send in written input beforehand?

Thanks,

Liz Sibley

All,

There is a city council meeting on Monday night to get public comments about coin-operated machines centers (like slot machines). These are NOT locals and I'm highly against these type of establishments. I believe they will devalue properties and be a center for crime-related activity. They want to open 4 new locations in Alpine.

Last year, two asian men drove from Midland in a dinged-up black mercedes visited my building and asked if they could rent it for a coin-operated business. I could barely understand them. They appeared sleezy and I did not feel comfortable around them.

If you have time, please log onto Zoom at 5:30 Monday night and make a public comment against these.

Sarah

--

**Sarah Sibley**  
Attorney  
Sibley Anderson  
PO Box 60  
Alpine, Texas 79831  
432-230-2735  
[sarahsibleylaw@gmail.com](mailto:sarahsibleylaw@gmail.com)

<Agenda 4-26-21 City of Alpine.pdf>

**STATE OF TEXAS**  
**CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-04-06**

**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 6<sup>th</sup> DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**  
**APRIL 20, 2021**

**SECOND AND FINAL READING**  
**MAY 4, 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~~ ~~\$4,000.00~~ 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 skilled 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, other city ordinance or state law at any time shall result in the revocation of the city permit for 6 months. More than four violations of this article, other city ordinance or state law at any time shall result in the permanent revocation of a license/and or permit by any person, business owner, or manager violating any portion of this 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)

- Public Hearing to obtain citizen views and comments on Short Term Rental Special Use Permit Applications.

809 E. Ave. A  
Alpine, TX 79830  
April 28, 2021

Mayor Andres 'Andy' Ramos  
Alpine City Council  
c/o Geo Calderon, City of Alpine Administration  
100 N. 13th St.  
Alpine, TX 79830

Re: STR application for 602 N. Cockrell

Dear Mr. Mayor and Alpine City Council,

This is a follow up letter to one I sent on April 7 concerning the STR request at 602 N. Cockrell. My husband and I purchased the house next door to this property (at 809 E. Ave A) in 2015 and spent a year repairing and renovating before moving into the house in 2016.

I would like it noted that 16 guests at a time have routinely occupied this small hotel since the owners (who also own a 17-room hotel in a designated commercial part of Alpine) began advertising. Contrary to testimony by the applicant at the last council meeting and to her letter to the Council, the courtyard is NOT private, and her visitors can and DO look right into our bedroom, at times even pointing up at us. We don't have central air in our old house, so being able to open our windows at night is important to us, but with the noise, the cigarette smoke (not allowed inside the rooms but very apparent in the courtyard), the parties, the motorcycles, and the flood lights, we retreat behind blackout curtains to the extent possible and swelter on summer nights. As I previously wrote to outgoing Councilman Stephens, our lives have forever changed with the noise, the lights, the intrusive behavior of the guests. Even the dumpster behind our house is so often full that we effectively can't use it but have to walk to the next block. Yet we pay \$60/month for their privilege to fill it up.

I would also like to note per the applicant's testimony at the previous meeting, I know there has been more than one noise complaint. I don't know why my complaint was not logged, but I do know that nobody ever showed up. When Councilman Stephens asked the applicant about how she enforced noise, she replied that she's always on site and always responsible to call out unruly guests. I am copying here a user review from her airbnb listing for this property to prove neighbors' allegations that this is hardly the case:



**Swamy**  
December 2020

Very spacious with a large courtyard, very helpful and wonderful hosts. Monica is extremely prompt in her response. Check-in time was 4:00 PM, but we arrived a couple of hours earlier and Monica was very kind to accommodate us. We had wood and fuel for the fireplace in the courtyard that we lit and enjoyed during our stay. Anyone who intends to visit Big Bend national park and do not mind a little bit of drive to the park entrance, I would strongly recommend this property. We had quite a few excited teenagers who could be loud at times laughing and joking around, but the hosts let us enjoy our stay with no restrictions.

The applicant also stated that because her rentals have no kitchen, they cannot be considered family apartments. But her advertising clearly states the use of the courtyard kitchen plus the courtyard bathroom, and I can assure you they are used frequently. (User reviews indicate many if not most of the guests do use the outdoor kitchen.)

Because they operate a “biker bar” in downtown Alpine, the spillover also arrives in our R-1 neighborhood, and motorcycles often fill the alley behind my house rendering our backyard unusable to us as we do not have a privacy fence.

The applicant fosters dogs regularly yet welcomes dogs to these rentals. It appears that her dogs and their dogs do not always get along, and this presents yet another source of noise that we have been unable to screen.

Because her establishment is also advertised as “event space” for large groups, the noisy beer parties, the lights, and music in the courtyard late into the night on a regular basis invade our home to the point we are unable to sleep. A flood light pointed directly at our bedroom window is on until the last guest finally retires to a room, and at that point the motion sensors kick into gear lighting up yet another part of our house. On one occasion prior to barricading ourselves in our own house, her guests pointed and laughed at us as we moved to shut our windows.

In short, the courtyard which she claims is completely private IS NOT PRIVATE BY ANY STRETCH.

I want to acknowledge that when we are on vacation, we too enjoy bonfires, outdoor parties and music, taking part in fun events. But when this happens where you live 2-3x a week, week after week, it is not fun. It’s a violation of our rights. **The wonderful tourists who come to Alpine to party or go to the parks return to their homes and are able to go back to their sleep routines... but for us, new tourists arrive night after night and we become unwitting party guests, miserable and damaged from lack of sleep.**

Finally, we appreciate the revenue the City may get in these tough times from people all over Alpine renting out extra rooms. This property, however, was knowingly purchased to be used as a small hotel despite its location in an R-1 neighborhood. This is completely unfair to the people who have lived here for many years. We purchased in 2015 so we are the newcomers. We are willing to compromise to allow for a single room rental like so many others in Alpine, but we did not sign up for a hotel next door. We retired to Alpine for its quiet and clean air and dark skies and intentionally sought R-1 for its distance away from the commercial part of town. My family would appreciate it very much if their hotel rooms would be restricted to the business district.

I would like to note that our family strongly believes in the rights of property owners. As a famous Texan once said, “Property rights are great ... as long as they’re yours.” But when those rights infringe upon the rights of others with little to no regard for people who must live in close proximity, quality of life is destroyed for those who follow all the rules and try to be good taxpaying citizens.

We respectfully request that this permit be denied.

Cindy and Nick Symington  
next door to 602 N. Cockrell



Geo Calderon <g.calderon@ci.alpine.tx.us>

## Fwd: From Judy Freeman

Judy Freeman <judyhfreeman@gmail.com>  
To: g.calderon@ci.alpine.tx.us

Fri, Apr 23, 2021 at 3:52 PM

Geo,

Please see that all the city council members are sent this email. And, could you please send me the transcript of the portion of the council meeting that had no sound.

Thank you.

Judy Freeman

Sent from my iPhone

Begin forwarded message:

**From:** Judy Freeman <Judyhfreeman@gmail.com>  
**Date:** April 23, 2021 at 3:47:48 PM CDT  
**To:** Rick Stephens <ward5.stephens@ci.alpine.tx.us>  
**Cc:** Cindy Symington <sonbyrd@yahoo.com>, Rozolen <rozolens@hotmail.com>  
**Subject:** From Judy Freeman

Dear Rick,

Is there a way for us to get the transcript for what happened at the City Council mtg after the sound went off?

I think focusing on the R 1 zoning status is all the leg we, the neighbors, need to stand on. **They chose to buy a single-family home with nine bedrooms.** By law, they were advised of the R1 zoning when they bought the property.

The noise and the vehicles and the lights and the trash are all things that have developed as a direct result of them having people in those "rooms". Whether you call the complex four apartments are two apartments, there are still four bedrooms with at least four large beds. Probably more. Which can translate into **8 to 15 or more people at any given time.**

What happened to all the four other letters that were sent? Were they read by the other council members? Why were they not read at the meeting?

The police were not called more often because of fear of reprisal and not wanting to be confrontational — especially not with this particular person, who plays the victim, but is in fact the bully. Now I feel as if I have a target on my back and I am worried that the council is inclined to rule in her favor over five single-family residences.

I respectfully request the the city counsel rule against their being allowed to use their single-family home as rental property; and that they confine their hospitality business to their hotel downtown.

Sincerely,

Judy Freeman

Sent from my iPhone



Geo Calderon <g.calderon@ci.alpine.tx.us>

## Airbnb 602 N. Cockerel

Janice Moss-Wren <janicejmoss@gmail.com>  
To: Geo Calderon <g.calderon@ci.alpine.tx.us>

Tue, Apr 20, 2021 at 7:04 PM

Dear Mayor Ramos,

My mother, Julia Moss, lives at 810 East Avenue A in Ward 1. The home at 602 N. Cockerel is built such that anything that goes on in the backyard of 602 N. Cockerel is heard by the people who live on Avenue A. People who are on vacation are not quiet!

I do not support short term rentals in my mother's neighborhood. It is a nuisance.

The home at 602 N. Cockerel has never been vacant for very long because it is in a nice neighborhood.

Because Julia is 99 years old, I spend quite a bit of time in her home. As my bedroom has been on the front of the house since it has been built I get full force of noise, traffic and light at night. And don't forget the people who just find it inconvenient to park in the parking spaces park on the street in front of other people's homes.

Janice Moss-Wren

809 E. Ave. A  
Alpine, TX 79830  
April 7, 2021

Alpine City Council  
City of Alpine Administration  
100 N. 13th St.  
Alpine, TX 79830

Dear Mr. Calderon and Alpine City Council,

I am writing in response to a letter I received from the Alpine City Secretary informing my family that a permit application has been made for a short term rental to be established at the house right next door to us (602 N. Cockrell). Because I am unable to attend the meeting, I am submitting this letter to express our objection to a permit being issued in our residential neighborhood.

We purchased our house in 2015 hoping to retire in Alpine in a quiet small town neighborhood, enjoy cool summer nights with open windows, get to know our neighbors and settle into small town life away from the big city where we had spent our entire working lives. Indeed we enjoyed every moment we spent there the first couple years of owning our property. The large house next door at 602 N. Cockrell was sold to its current owners not long afterward and was immediately put to use as a short term rental (Airbnb showed 3 nightly rentals available at that location in 2018). The large courtyard in the center of the lot is directly adjacent to both of our bedrooms, and the noise from late night parties along with the bright lights that are on all night immediately affected our ability to sleep. We could no longer leave windows open because of the noise from the partying, dogs barking, music playing til late night on the weekends - and occasionally during the week as well. We also bought blackout curtains so our house was not lit up like a Christmas tree at night (which have been only marginally successful at curbing the intrusive lights from next door). We were never approached by the new owners either by way of introducing themselves or apologizing for the inconvenience of a couple of the late nights that involved quite a lot of drinking as evidenced by the beer cans in the street the next morning. We were disillusioned to say the least and put our house on the market. It did not sell, and our son has been living there the past year and a half. Clearly this past year has been plagued by shutdowns and lack of tourism, so the year 2020 was a quiet one by way of covid. But also because of the lockdowns which resulted in our decreased income, we returned to work in the City. There's nothing we would like more than to re-retire to the house we thought we bought back in 2015 now that (hopefully) life is starting to return to normal for all of us. I'm told the owners of this house are also opening a boutique hotel at 5th and Ave E. My family would appreciate it very much if their rental business would be restricted to the business district.

I would like to note that our family strongly believes in the rights of property owners. But when those rights infringe upon the rights of others with little to no regard for people who must live in close proximity, quality of life is severely diminished for the innocent.

Thank you for considering my comments.

Cindy and Nick Symington

Rozolen Stanford  
Denis Foley  
601 N. Cockrell Street  
P.O. Box 1106  
Alpine TX 79831

April 12, 2021

Dear Cynthia Salas : City of Alpine Secretary

We live at 601 North Cockrell across the street from Danny Ginn and Monica Quiroga. This letter is in response to an application of a special use permit to allow a Short-Term Rental to be established at 602 N Cockrell.

The Foley Family built our home in this neighborhood in 1967 over 50 years ago. Our family has continuously lived in this home for all those years. Denis and I bought this house from Elizabeth Foley's estate four years ago keeping it in the family. The Hancock Neighborhood surrounding our home is mostly retired people. It is a quiet neighborhood. We get a bit of pass through traffic in front of the house but for the most part it has been a neighborhood where you will see people walking their dogs and riding bikes.

We do not really know Danny and Monica very well. What we do know of them is that they are very industrious and creative. The establishment of their biker bar and hotel downtown has brought tourists to Alpine. What a great idea to provide a hotel and parking for motorcyclists.

I am afraid that the short term rentals behind their house will bring more traffic noise, congestion in the alleyway, noise in general and litter to the street. If it was one unit perhaps these issues could be monitored. I believe there are 3-4 places (that is a motel) to rent in the alley behind their house. This is a residential neighborhood where a few of our neighbors do have single casitas in their backyard. But I do not believe a motel type business belongs on a residential street. I was actually surprised to receive this letter from the city because there have been renters in and out of these units for well over a year. We have seen an increase of traffic. I have picked up trash and cigarette butts off the front curb of my house left by the people staying there. I have been disturbed by the startup of about 5 motorcycles at one time right in front of my house. I have heard my neighbors complain of excess noise coming from the backyard where guests congregate. We have experienced what these short-term rentals would bring to our neighborhood.

I applaud the Ginn/Quiroga contributions to the vitality of downtown Alpine. I kindly request that you not permit a multi-room motel in our R-1 zoned quiet residential neighborhood.

Sincerely,



Rozolen Stanford  
Denis Foley

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 April 20, 2021. (E. Zimmer, City Manager)

City of Alpine  
Regular City Council Meeting  
Tuesday, April 20, 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 Big Bend Telephone Conference Room 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 Curry, Councilor Rodriguez, Councilor Sandate, and Councilor Stephens attended at Big Bend Telephone Conference Room. Mayor Ramos, Councilor Betty Fitzgerald attended via zoom. City Secretary, Cynthia Salas reported that the agenda was posted at 2:00 P.M. on April 16, 2021. City Manager Erik Zimmer attended at Big Bend Telephone Conference Room. City Secretary Cynthia Salas and City Attorney Sandy Wilson attended via zoom.
3. Public Comments (limited to 3 minutes per person) –
4. Presentation, Recognitions, and Proclamations – (A. Ramos, Mayor) - None
5. Reports – Copies of the charts presented during the meeting are posted on the City website at [www.cityofalpine.com/cmreports](http://www.cityofalpine.com/cmreports).

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

City Attorney's Report –

- Update on Brewster County Jail MOU (Memorandum of Understanding)
- Update on Coin Operated Businesses Ordinance preparation

City Manager Report –

- Coronavirus Update
- Dark Skies Ordinance Update – Workshop 3 on Thursday April 8, 2021
- Old Schoolhouse (aka Sunshine House) Renovation Update
- Review US Representative Tony Gonzales request for Community Program Funding

City Staff Updates –

- Tourism and Visitor Center Updates by Chris Ruggia and Heather Yadon
- Utilities Update by Scott Perry

6. Public Hearing –

Public Hearing to obtain citizen's views and comments on Ordinance 2021-04-01, an ordinance amending Chapter 22 – Business, Article III – Peddlers to the Alpine Code of Ordinance.

Public Hearing to obtain citizen's views and comments on Ordinance 2021-04-03, an ordinance amending Hotel Occupancy Tax Budget.

Public Hearing to obtain citizen's views and comments on Ordinance 2021-04-04, an ordinance amending Chapter 98 – Utilities to the Alpine Code of Ordinances.

Council minutes: 04-20-2021

Approved: 05-04-2021

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 April 6, 2021. (E. Zimmer, City Manager)
2. Approval of Abbey Ward Branch for Planning & Zoning Commission Ward 4 position. (M. Sandate, City Council)
3. Approval of Estella Vega for Parks & Recreation Advisory Board Ward 4 position. (M. Sandate, City Council)

Motion was made by Councilor Stephens, by Resolution 2021-04-20 to approve the consent agenda as written. Motion was seconded by Councilor Curry. Motion unanimously carried.

8. Information or Discussion items – None

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

1. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-01, an ordinance amending Chapter 22 – Business, Article III – Peddlers to the Alpine Code of Ordinance. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-04-21 to approve the second and final reading on Ordinance 2021-04-01, an ordinance amending Chapter 22 – Business, Article III – Peddlers to the Alpine Code of Ordinance. Motion was seconded by Councilor Curry. Motion unanimously carried.
2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-04-22 to approve the second and final reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. Motion was seconded by Councilor Rodriguez. Motion unanimously carried.
3. Discuss, consider, and take appropriate action on approving the second and final reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 – Utilities to the Alpine Code of Ordinance. (R. Stephens, City Council) – Motion was made by Councilor Stephens, by Resolution 2021-04-23 to approve the second and final reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 – Utilities to the Alpine Code of Ordinance. Motion was seconded by Councilor Curry. Motion unanimously carried.
4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 – Article IV – Coin Operated Establishment to the Alpine Code of Ordinances. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-04-24, to approve the first reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 – Article IV – Coin Operated Establishment to the Alpine Code of Ordinance. Motion was seconded by Curry. Motion unanimously carried 4 to 0.

5. Discuss, consider, and take appropriate action to approve Resolution 2021-04-19, a water cost reduction process for those impacted by Texas Freeze of February 2021. (E. Zimmer, City Manager)  
- Motion was made by Councilor Stephens, by Resolution 2021-04-25 to approve Resolution 2021-04-19, a water cost reduction process for those impacted by Texas Freeze of February 2021. Motion was seconded by Councilor Curry. Motion unanimously.

6. Discuss, consider, and take appropriate action to approve Special Use Permit Application for: (E. Zimmer, City Manager) –

- a. Short-Term Rental Special Use Permit for 1007 N. 8<sup>th</sup> Street. Owner of record is Sandra Pratt.
- b. Short-Term Rental Special Use Permit for 902 N. Bird. Owner of record is Grant & Karen Harpold.
- c. Short-Term Rental Use Permit for 602 N. Cockrell. Owner of record is Danny Ginn & Monica Quiroga.
- d. Short-Term Rental Special Use Permit for 506 E. Lockhart Ave. Owner of record is Erika Blecha
- e. Short-Term Rental Special Use Permit for 907 W. Eagle Pass. Owner of record is Fiftythree 50 Holding, LLC.

Motion was made by Councilor Stephens, by Resolution 2021-04-26 to approve Special Use Permit Applications as listed. Motion was seconded by Councilor Curry. Motion was amended by Councilor Stephens to approve a,b,d,e and not approve application c and immediately start a discussion that includes the applicants and the neighbors to agree on a proposal to present to the City. Motion was seconded Councilor Curry. Motion unanimously carried.

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

11. Executive Session - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. – None

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

12. Action – Executive Session – None

I certify that this notice was posted at 2:00 P.M. on April 16, 2021, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

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Andres "Andy" Ramos, Mayor

Attest:

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Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 2:00 P.M. on April 16, 2021, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Cynthia Salas, City Secretary

8. Information or Discussion items –

1. Brewster County Appraisal District readout. (R. Stephens, City Council)
2. Short-Term Rental Ordinance and Ordinance requirements for Zoning. (R. Stephens, City Council)

1. Brewster County Appraisal District readout. (R. Stephens, City Council)

2. Short-Term Rental Ordinance and Ordinance requirements for Zoning. (R. Stephens, City Council)

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## Short term rental zoning issues

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Adam R <adamrothey@gmail.com>

To: ward5.stephens@ci.alpine.tx.us

Thu, Apr 29, 2021 at 7:59 PM

Cc: g.calderon@ci.alpine.tx.us, ICE Linda Rothey <lindarothey@gmail.com>

Dear Councilman Stephens,

I am writing to you in response to a letter I received from the City this week regarding plans to consider possible zoning changes that might affect short term rentals (STRs). My wife and I own a small property at [704 E Sul Ross Avenue](#) (El Nopal Casita) that operates as an STR. It is my understanding that the present complaints and concerns regarding STRs have arisen in large part, if not completely, because of the actions of a very small number of STR owners. To undertake or impose wholesale zoning revisions or restrictions on all STRs based on the actions of a few would unduly penalize conscientious STR owners who contribute more to the city than they take.

As some background, my family were Alpine residents from 2016 to 2019. We loved our time there so much, we bought El Nopal Casita to serve as an anchor for us to the Alpine community and allow us to return and visit friends and the beautiful Big Bend area regularly. To facilitate that dream, we decided leasing El Nopal Casita as a STR made the most sense since it would allow us to share our home with others while preserving regular opportunities for us to return to the City with our kids. In the year we have been in operation, the plan has worked to perfection.

In operating El Nopal Casita as an STR, we have been grateful to be contributing to the local economy even as we are now living hundreds of miles away. We employ individuals locally to clean, maintain, and manage the property. We pay property taxes as well as occupancy taxes to the City, that we know are put to good use to support the local government and services it provides to its citizens. We were extremely grateful to have been able to offer El Nopal Casita to a local family during the February freeze who was stranded without power. We did so at no cost to that family, other than the cleaning fee that goes directly and entirely to another local resident who struggled through the emergency. As an STR, we have that flexibility to help individuals in a variety of situations that we could not do were we restricted from operation as an STR.

You can take a look at the reviews of people staying in El Nopal Casita on Airbnb. We currently have a 4.92 out of 5 rating, and it seems people are really enjoying the home as they visit Alpine and contribute to the local economy through their tourist dollars. As best as I can tell, we have had no complaints from our neighbors about the operation of El Nopal Casita. It is a small home, with only two bedrooms, and a limited capacity. We have a driveway that accommodates off-street parking, and we make every effort to keep the property in clean condition both inside and out so that it remains an asset to the community.

As I mentioned, it is my understanding that there have been recent complaints about the operation of a small number of STRs in Alpine in residential neighborhoods. I understand there have been issues related to noise, disorderly conduct, and parking. It is unfortunate that these issues have arisen and I understand the difficult position issues like this put the City in. But very recent case law, supported by briefing by the Texas Attorney General, suggests that while the City is within its power to curtail unwanted conduct like noise violations, disorderly conduct, and parking violations through enforcement of its current ordinances, to restrict the ability of property owners to operate their homes as STRs violates the Texas Constitution and constitutes an illegal taking of property. See *Zaatari v. City of Austin*, 615 S.W.3d 172 (Tex. App.—Austin 2020). As a result, any effort by the City to alter zoning laws to restrict the ability of property owners to operate STRs would likely be struck down based on recent precedent.

I thank you for taking the time to read this letter. As I said, we love the City and have many friends there who we stay in regular contact with. We are extremely proud to be contributing to the City through our operation of El Nopal Casita and hope to be able to continue doing so. We are saddened to hear that the actions of a few are placing the City in this difficult position. We sincerely hope, however, that the City allows operators like us to continue providing a benefit and service to the City through our little home. I look forward to the council meeting next week and would like to make my voice heard during public comment.

Sincerely,

Adam & Linda Rothey



Geo Calderon <g.calderon@ci.alpine.tx.us>

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## Short term rental zoning issues

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**Rick Stephens** <ward5.stephens@ci.alpine.tx.us>

Thu, Apr 29, 2021 at 8:31 PM

To: Adam R <adamrothey@gmail.com>

Cc: Geo Calderon <g.calderon@ci.alpine.tx.us>, ICE Linda Rothey <lindarothey@gmail.com>, Erik & Dee Dee Zimmer & Family <erik.zimmer@ci.alpine.tx.us>

Good Evening Adam -

Thanks very much for your email. I am not aware of any wholesale actions aimed at restricting STRs. Like you, I am fully supportive of property owner rights, and expect most everyone agrees to protect the rights of other property owners. Noise has been a concern raised by some about STRs near their property where noise has been an issue. My sense is those cases are the minority and can be worked through.

Where there is an issue is lack of compliance to existing residential zoning. Someone who owns an R-1 property and rents it out either for long or short term rental, and does not live on that property, complies with the R-1 zoning. If however, someone owns an R-1 property and rents out another building on that property, then they are not compliant to the R-1 zoning. That would be considered R-2.

At the last Council meeting, one of the requests that was put on hold is for a R-1 property that wants to rent out rooms for short term rental. It is a large home, but none the less is in an R-1 zone and as was pointed out be a resident, would not comply with the R-1 zoning requirements.

Like you, there are many owners in Alpine who have provided excellent service for STRs and manage them well, to the point that most would not know the STR existed. What City Council has been asked to address is those cases where granting an STR conditional use permit would violate the zoning requirements. As was put to me by a Ward 5 resident, "I don't want a multi-room hotel as one of my neighbors in an R-1 area". In my view that's a reasonable concern.

You will see me recommend that STR conditional use permits that comply with the existing zoning in the City move forward. You'll also see me recommend that the City work on a noise ordinance that is reasonable and protects our quiet time expectations. And at the next City Council meeting, you'll see that I put on the agenda an information and discussion topic about how to move forward regarding STR applications that don't meet the current zoning requirements.

My hope is that there are a number of property owners and residents who are willing to spend time on the topic so that we can develop and adopt solutions for all. I hope you and Linda might be willing to help.

You're welcome to call me on my cell number at 714-262-5089 to discuss this more if you like.

I look forward to seeing you next Tuesday.....Rick

[Quoted text hidden]



Geo Calderon <g.calderon@ci.alpine.tx.us>

## short-term rentals

1 message

Kim Langridge <langridgefamily@gmail.com>  
To: g.calderon@ci.alpine.tx.us

Tue, Apr 27, 2021 at 10:33 AM

27 April 2021  
Alpine, Texas

Hello Mr. Calderon:

We are advised by Ms. Keyla Stanford to contact you regarding City of Alpine policies regarding short-term rentals in the city.

We have converted a very small apartment into a short-term rental. I feel compelled to tell people who do not know this business, that this process is lengthy, expensive and very hard work, which we did ourselves. There are rules, standards and regulations which apply to EVERYTHING, and without perfect compliance great risk is involved. The work of maintaining this short-term rental is unceasing - it must be at all times CLEAN, landscaped, up to code in every particular, and furnished with every convenience including spotless linens and plentiful toiletries, etc. Compared with the work required, the remuneration is moderate to minimal.

You may be able to see why communications from the City of Alpine, which invariably involve yet another scheme to charge taxes, fees, require yet another license, etc., are met with dread. It seems to us that the people who run our city see short-term rentals as a looming cash cow, a source of infinite possibilities to extract yet more revenue.

Have you ever read estimates of how much short-term rentals contribute to local economies? The money spent in restaurants and shops, on gasoline and supplies from local vendors, is **huge**. This does not take into account the increased use of water and electricity reflected in higher bills paid by the short-term rentals, **TO THE CITY!** Why would the City of Alpine disincentivize this business, which brings money **FLOWING** into the city's coffers? Why would the City of Alpine choose to punish, rather than reward, this business?

All over town you can see properties, formerly derelict and unsightly, spruced up and painted and landscaped and **GREATLY IMPROVED**, because someone recognized the possibility of using that property as a short-term rental. This business is **GOOD FOR ALPINE**; it makes Alpine a prettier, more prosperous, much more pleasant place to live.

And it brings in enormous revenues - to the city, not to the owners. How much better it would be if you would **LEAVE US ALONE**, to use our modest revenues to further improve our properties, making them more popular and thus still more profitable - to Alpine!

No, we do not wish to attend this or any other meeting. Perhaps you can imagine how discouraging it is to listen to all of you, who know little or nothing about this business, planning and devising another, and another, means of taxing, regulating, zoning and fee-ing this business into oblivion, **to the great detriment of Alpine**. We know three individuals who have abandoned their airbnbs; we are considering doing the same.

By the way, the cities with the most vibrant economies in the U.S. have **the fewest zoning restrictions**: e.g., Houston!

Thank you for reading this; I hope - we in this business hope - you will think about what we have said.

Yours sincerely,

Kim and Cornelia Langridge  
Langridge Lodge  
Alpine, Texas



# Alpine Short Term Rental Discussion

## May 4, 2021



## Background

- Initial Short Term Rental requirements established in 2016
  - Conditional use permit requirements
  - Compliance with HOT funding regulations
  - Approval recommended by Planning and Zoning Commission
- Updated requirements in 2017
  - Annual fee established at \$350 per year
- Updated requirements in Ordinance 2021-01-01
  - Required because of lack of compliance to ordinance
  - Section 120 added to Chapter 90 of Alpine Municipal Code
  - Updated fees, fire inspection, permits, and approval of conditional use permit
- Excellent follow-up across the city to new requirements

## Key Issues

1. Concerns over Noise
2. Multiple Short Term Rentals on R-1 Property
3. Multiple rentals on R-1 Property



# Discussion



1. **Concern over Noise**
  - Easily addressable by owners
  - City needs to update noise ordinance requirements
2. **Multiple Short Term Rentals on R-1 Property**
  - R-1 – A detached residential dwelling unit, other than a mobile home, designed for an occupied by one family only
  - R-2 – A detached residential building containing two dwelling units, designed for occupancy by not more than two families
  - Five R-1 properties have short term rentals where owner lives on property
    - Does not comply with zoning requirements
  - Five R-2 properties have short term rentals where owner lives on property with multiple units
    - May not comply with zoning requirements
  - 35 other STR properties that comply with R-1, R-2, R-3, R-4, C1, and C-2 requirements
3. **Multiple R-1 Properties with long term rentals with separate buildings**
  - Inventory underway
  - Do not comply with zoning requirements

# Going Forward Thoughts and Recommendations



## Actions Now

1. Noise Concern— City update ordinance to include noise requirements for residential and commercial area
2. Current STR Applications Compliant to Zoning – Recommend approval
3. STR Applications Non-Compliant to Zoning - ??

## Near Term Actions

1. Complete inventory of R-1 & R-2 Properties not compliant with zoning
2. Conduct city workshop to discuss alternatives
3. Proposed Ground Rules:
  - Existing building remain in place
  - Do not allow construction that violates R-1 and R-2 requirements
  - Document each property that is out of zoning compliance and basis for noncompliance (date constructed)
  - Require use requirements for future buildings on R-1 and R-2 properties

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

1. Discuss, consider, and take appropriate action on the acceptance of Audit readout from Gibson, Ruddock, and Patterson LLC. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on the recommendation from Planning & Zoning concerning a Conditional Use Permit application for the establishment of an ice manufacturing plant. Property is located at 106 S. Harrison Street. Record owner is Manuel Salcido. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the recommendation from Planning & Zoning concerning a Conditional Use Permit application for the establishment of a dirt work, septic service, and accessory retail business office. Property is located at 2210 N. Highway 118. Record owner is Charles Sanders. (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-05-02, an ordinance amending Chapter 74 - Parks and Recreation, Article I - In General, to the Alpine Code of Ordinances. (E. Zimmer, City Manager) (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action on Resolution 2021-05-07, a resolution on Pool Admission and Pass Rates for Summer 2021, Alpine Municipal Pool. (E. Zimmer, City Manager)
7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-05-03, an ordinance amending Chapter 10 - Animals, establishing regulations concerning feral cat colonies to the Alpine Code of Ordinances. (M. Curry, City Council)
8. Discuss, consider, and take appropriate action to approve Special Use Permit Application for: (E. Zimmer, City Manager)

1. Discuss, consider, and take appropriate action on the acceptance of Audit readout from Gibson, Ruddock, and Patterson LLC. (E. Zimmer, City Manager)

2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)

To the City Council and Mayor –

Why does a city want businesses?

- To enhance the city:
  - Because the services or products offered by the business benefits the citizens and make the city a better place to live, raise children, have more to offer locals and well as visitors
- To generate jobs:
  - Businesses that can offer jobs to citizens are more beneficial to the city when there are many good jobs on offer
- To maintain a healthy economy:
  - More reasons to shop locally, attracting tourists that benefit hotels, restaurants, galleries, etc.
  - To encourage commerce that benefits other businesses and consumers to have more and better choices to buy close to home and draw people to the city

What do coin operated gaming centers have to offer Alpine

- They do not enhance the city
- They do not generate jobs (how many people can work in a coin operated business?)
- They do not help maintain a healthy economy

Why would we want them in Alpine?

Please do not issue permits for gaming centers in Alpine.

Dallas Baxter

N. 7<sup>th</sup> St, Ward 1



Geo Calderon <g.calderon@ci.alpine.tx.us>

---

**thanks in advance for reading my letter in opposition to adding more gaming parlors/rooms in alpine...**

---

Sibley Liz <sibley1@me.com>

To: Geo Calderon <g.calderon@ci.alpine.tx.us>

Thu, Apr 22, 2021 at 12:08 PM

Dear City Council members,

Thank-you for all you do to help steer our community in the "right" direction.

As an Alpine resident of almost 40 years, I have watched our community steadily grow and diversify in a healthy manner.

My understanding is that we have 2 game parlors already in our tiny community of Alpine. I do not believe that adding more game parlors is a "healthy" direction for our community. Surely 2 is enough ?

Please vote to put a limit of 1 - max 2, on these game parlors.

Sincerely,

Liz Sibley  
432 386 3549  
1 Las Auras Alpine, Texas 79830  
[alpinetexasbnb.com](http://alpinetexasbnb.com)

Aerial Overview  
<https://vimeo.com/354147215/04d4ca6c46>

Walk through videos:  
The Historic Bottle House BnB  
<https://www.facebook.com/alpinetexasbnb/videos/1228583763984246/>



Geo Calderon <g.calderon@ci.alpine.tx.us>

## Re: I will be traveling to austin monday but I wholeheartedly agree that 1 (max 2 ) are plenty for our wee town : Coin-Operated Machines - Permits City of Alpine

Christopher Ruggia <chris@visitalpinetx.com>

Thu, Apr 22, 2021 at 11:44 AM

To: Liz Sibley <sibley1@me.com>

Cc: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>, Geo Calderon <g.calderon@ci.alpine.tx.us>

Hi Liz,

You can send your comment to Geo Calderon (cc'd) and he will queue it up to be read to Council at the meeting.

Chris Ruggia  
Director of Tourism, City of Alpine  
office: (432) 837-9008  
cell: (432) 386-5916  
[visitalpinetx.com](http://visitalpinetx.com)

On Apr 22, 2021, at 11:15 AM, Sibley Liz <sibley1@me.com> wrote:

Can I send in written input beforehand?

Thanks,

Liz Sibley

All,

There is a city council meeting on Monday night to get public comments about coin-operated machines centers (like slot machines). These are NOT locals and I'm highly against these type of establishments. I believe they will devalue properties and be a center for crime-related activity. They want to open 4 new locations in Alpine.

Last year, two asian men drove from Midland in a dinged-up black mercedes visited my building and asked if they could rent it for a coin-operated business. I could barely understand them. They appeared sleezy and I did not feel comfortable around them.

If you have time, please log onto Zoom at 5:30 Monday night and make a public comment against these.

Sarah

--

**Sarah Sibley**  
*Attorney*  
Sibley Anderson  
PO Box 60  
Alpine, Texas 79831  
432-230-2735  
[sarahsibleylaw@gmail.com](mailto:sarahsibleylaw@gmail.com)

<Agenda 4-26-21 City of Alpine.pdf>

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

**ORDINANCE 2021-04-06**

**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 6<sup>th</sup> DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING  
APRIL 20, 2021**

**SECOND AND FINAL READING  
MAY 4, 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 skilled 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, other city ordinance or state law at any time shall result in the revocation of the city permit for 6 months. More than four violations of this article, other city ordinance or state law at any time shall result in the permanent revocation of a license/and or permit by any person, business owner, or manager violating any portion of this 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)

3. Discuss, consider, and take appropriate action on the recommendation from Planning & Zoning concerning a Conditional Use Permit application for the establishment of an ice manufacturing plant. Property is located at 106 S. Harrison Street. Record owner is Manuel Salcido. (E. Zimmer, City Manager)

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

Mr. Manuel Salcido is the applicant for a Conditional Use Permit (CUP).

Address of Property: 106 S. Harrison Street Alpine Texas

Legal Description of Property: Lot 1&2 Block 21 Addition : Hancock

Size of property: 0.4235 acres

Present Zoning Classification: C-1

Proposed Conditional Use Occupancy Classification: C-1

Property is surveyed and shows encroachment of building onto next property.

Mr. Salcido is requesting a conditional use permit to allow Ice manufacturing plant

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

Section 20.09. - Review and evaluation criteria.

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

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

7.Surfacing of parking areas;

8.Special yards, spaces and buffers

9.Regulation of locations of vehicular ingress and egress; and

10.Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.

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

# CITY OF ALPINE CONDITIONAL/SPECIAL USE PERMIT Form A

## PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact

WEST TEXAS ICE → MANUEL SALCIDO 432-290-2128

Street address of applicant/agent

106 S. HARRISON

City/State/Zip Code of applicant / agent

ALPINE TX. 79830

Telephone number of applicant/agents

432-290-2128

Fax number of applicant/agents

Email address of applicant /agent

waterfactory@sbglobal.net

Mobil phone of applicant/agent

432-290-2128

## PART 2. PROPERTY INFORMATION

Street address of public property

106 S. Harrison

Legal description of subject property (metes and bounds must be described on 8 1/2 x 11 sheet)

Lot 1 & 2

Block 21

Addition Hancock

Size of subject property

Square footage

0.4235 Acres

Acres

Present zoning classification

C1

Proposed use of the property

Ice & Water Factory

Zoning ordinance provision requiring a conditional use

ICE MANUFACTURING PLANT

## PART 3. PROPERTY OWNER INFORMATION

Name of current property owner

MANUEL SALCIDO

Street address of property owner

1506 Colpitts St

City/State/Zip code of property owner

Ft. Stockton, TX. 79735

Telephone number of property owner

432-290-2128

Fax number of property owner

waterfactory75@gmail.com

☒ Submit a letter describing the proposed conditional use and note the request on the site plan document  
☐ In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)  
☐ In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood. Also describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.  
☐ Application of site plan approval (Section 20, see attached Form "B")  
☐ The site plan submission shall meet the requirements of Section 20.04 Site Plan Requirements.  
☐ All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled at a later date.  
☐ All public hearings will be opened, and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.  
☐ Any changes to a site plan (no matter how minor or major) approved with a conditional use permit can only be approved by city council the the public hearing process.  
☐ I have read and understood all requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.

**PART 4. SIGANTURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY**

MANUEL SALCIDO M. Salcido  
 Print Applicants Name Applicant Signature

The State of TEXAS  
 County Of BREWSTER

Before ME \_\_\_\_\_ on this day personally appeared \_\_\_\_\_  
 (notary) ( applicant )

Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

\_\_\_\_\_  
 Notary in And for State of Texas

MANUEL SALCIDO  
 Print Property Owners Name Property Owners Signature

The State Of TEXAS  
 County Of BREWSTER

Before Me \_\_\_\_\_ on this day personally appeared \_\_\_\_\_  
 (notary) ( applicant )

Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

\_\_\_\_\_  
 Notary in And for State of Texas

January 26<sup>th</sup>, 2021

**Application for Special use Permit**

City of Alpine  
Building Department  
Attention David Hale

I, Manuel S Salcido, on behalf of West Texas Ice Company am requesting a Special Use Permit. Company started building an ice and water production plant in 2013 when Mr. Polanco was in office (see attached Floor plan), we understand that since then new requirements have been added to the City Code, we are looking forward to work with the City of Alpine and stay within regulations.

Company is located at 106 S Harrison St, Alpine, TX 79830, our hours of operation will be from 8am to 5 pm Monday to Saturday. We will be opening 6 full time positions and five plus part time and seasonal positions.

Ice machine runs overnight to have ice ready to bag in the morning. During the summer season we see an increase in demand and increase our production. While our winter seasons are slower, we focus on stockpile supplies for summer months.

During ice production the compressor of the ice machine makes some noise but it won't be enough to affect employees surrounding neighbors or surrounding businesses. Most ice factories are embedded within city limits and do not disturb surrounding dwellings. Water filtration and bottling equipment will have no drain or overspill issues.

For this factory we have installed oversize footings bigger size bars as recommended and 1 ft squares wire tied all the corners and use the strongest concrete mixture available for subfloor and top floor and loading dock. 5 in insulation in between floors to support cold room. We have installed and insulated ice freezer to store pallets of bagged ice and a large ice bin to store bulk ice for the morning bagging. We have installed the ice machine with big structural support as well as the other components.

What we have left to do is the ice machine enclosure room and large concrete slab across restrooms, to complete electrical meter loop, equipment electrical lines and lighting fixtures.

Sincerely,

Manuel Salcido  
West Texas Ice  
106 S Harrison Alpine, Texas 79830  
(432) 290 2128



4. Discuss, consider, and take appropriate action on the recommendation from Planning & Zoning concerning a Conditional Use Permit application for the establishment of a dirt work, septic service, and accessory retail business office. Property is located at 2210 N. Highway 118. Record owner is Charles Sanders. (E. Zimmer, City Manager)

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

Mr. Charles Sanders is the applicant for a Conditional Use Permit (CUP).

Address of Property: 2210 N Hwy 118 Alpine, Texas

Legal Description of Property: Block 9 Section 98 PT NW1 GSHA ABST 629

Size of property: 1.8778 acres

Present Zoning Classification: C-1

Proposed Conditional Use Occupancy Classification: C-1

Property is surveyed.

Mr. Sanders is requesting a conditional use permit to allow Business Office, Dirt Work business Septic Service business and Accessory retail business

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

Section 20.09. - Review and evaluation criteria.

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

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

7.Surfacing of parking areas;

8.Special yards, spaces and buffers

9.Regulation of locations of vehicular ingress and egress; and

10.Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.

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

# CITY OF ALPINE CONDITIONAL/SPECIAL USE PERMIT Form A

## PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact

Charles Sanders

Street address of applicant/agent

ALPINE 2210 N HWY 118 ALPINE TX 79830

City/State/Zip Code of applicant / agent

432-294-0258

Telephone number of applicant/agents

Fax number of applicant/agents

Email address of applicant /agent

Mobil phone of applicant/agent

## PART 2. PROPERTY INFORMATION

Street address of public property

2210 N HWY 118 ALPINE TX 79830

Legal description of subject property (metes and bounds must be described on 8 1/2 x 11 sheet

Lot

Block

Addition

Size of subject property

Square footage

Acres, 1.8

Present zoning classification

C-2

Proposed use of the property

OFFICE / TRAILOR

Zoning ordinance provision requiring a conditional use

RH DIRTWORK

TRACTOR PARKING STAGING MATERIAL

## PART 3. PROPERTY OWNER INFORMATION

Name of current property owner

Charles Sanders

Street address of property owner

611 S 11TH ST ALPINE TX 79830

City/State/Zip code of property owner

432-294-0258

Telephone number of property owner

Fax number of property owner

A Tract of land situated in the C.H. & S.A. Ry. Co. Survey, Original Grantee, now in the T.O. Murphy Survey, Abstract No. 629, Block 9, Section 629, Brewster County, Texas, being that same tract of land described in a deed to Rebecca Lewis Enterprises, recorded in Book 287, Page 299, Official Public Records, Brewster County, Texas, being more particularly described by metes and bounds as follows:

**Begelman** at a 1/2" capped "balke" Rebar Rod found (Control Monument) for the north corner of said Lewis Tract, being a northwestern corner of a tract of land described in a deed to Vito Horn, and Meredith Horn, recorded in Book 342, Page 330, Official Public Records, Brewster County, Texas, and in the southeast line of a tract of land described in a deed to O6 Ranch, recorded in Document No. 86974, Official Public Records, Brewster County, Texas.

Thence the following calls along common lines between the Lewis Tract, and said Horn Tract: S.27°57'08"E., 278.55 feet, along the northeast line of the Lewis Tract, to a 60-D Nail found, for the east corner of the Lewis Tract;

3.55-57.59 ft., 270.04 feet, along a southeast line of the Lewis Tract, to a 1/2" capped "Walker" Rebar Rod found; S.S.21-31.29 ft., 39.9 feet, continuing along said line, to a P.K. Nail set in washer, in the northeast line of U.S. Highway No. 118, for the south corner of the Lewis Tract. Thence 31.82 feet, along the northeast line of U.S. Highway No. 118, being a southwest line of the Lewis Tract, in a curve to the left, concave to the southwest, whose radius is 1447.70 feet, and chord is N.22-55.59 ft., 31.81 feet, to a 1/2" capped 1993" Rebar Rod set.

Thence N.66°23'15"E., 1.07 feet, to a 1/2" capped "Walker" Rebar Rod found.

the following calls along southwest lines of the Lewis Tract:  
N.16°07'24"W. 120.48 feet, to a 1" Pipe found;  
N.27°48'28"W. 184.32 feet, to a 3/4" Pipe found (Contour Monument); for the west corner of the Lewis Tract, and the south corner of said O6 Ranch Tract;

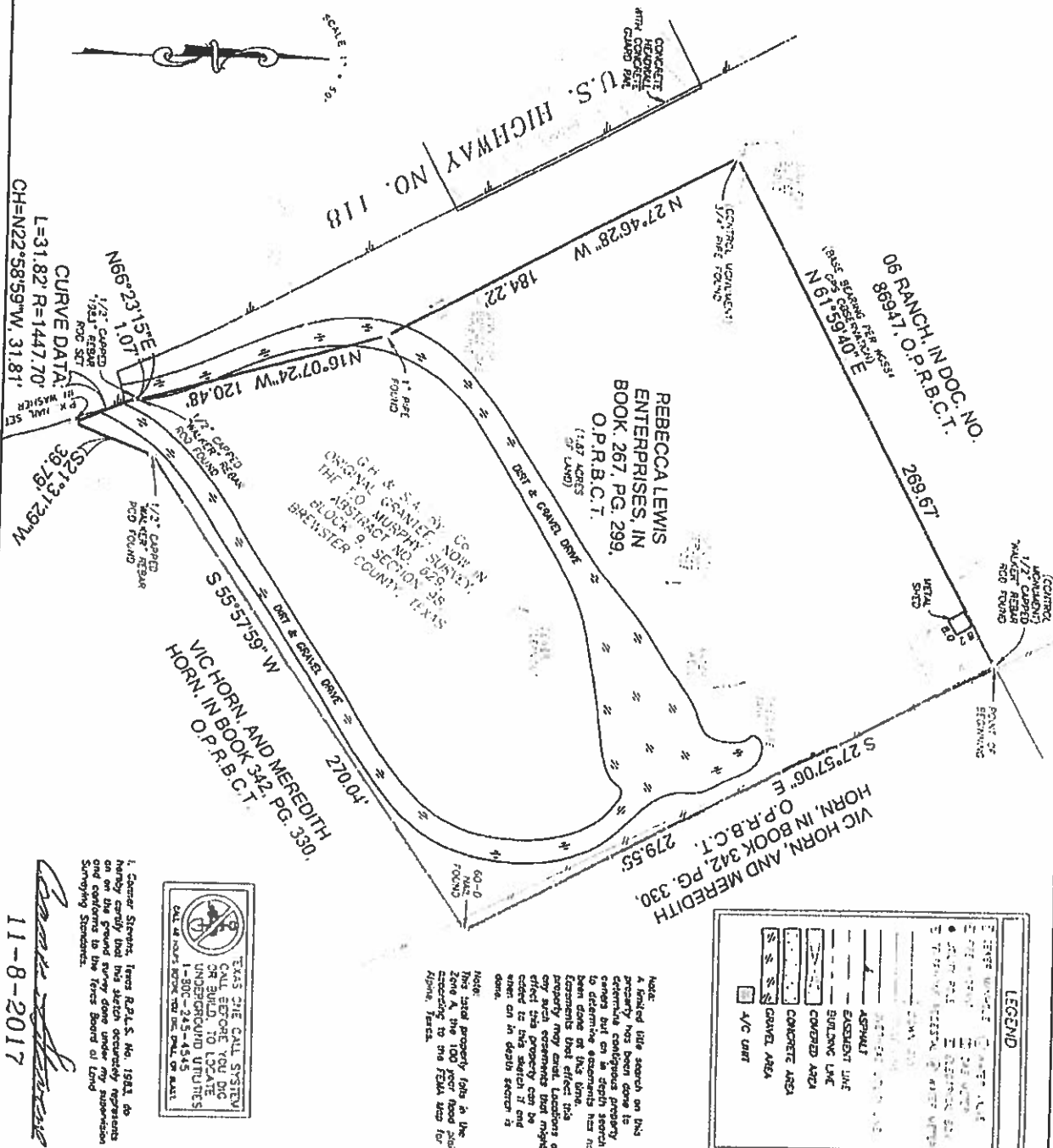
Thence N.81°59'40"E. (Base Bearing per WGS84 GPS observation), 269.67 feet, along the common line between the Lewis Tract, and the Og Ranch Tract, to the point of beginning and containing 1.87 acres of land.

## Surveying

78072 State Highway No. 166  
Fort Davis, Texas 79734  
Phone: 817.924-4005  
email: casidm@jurnal.com  
JCBJ ALPINE CHSA



Carrying out our official duties may be compromised  
by potential Chinese threats.



5. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-05-02, an ordinance amending Chapter 74 - Parks and Recreation, Article I - In General, to the Alpine Code of Ordinances. (E. Zimmer, City Manager) (E. Zimmer, City Manager)

**STATE OF TEXAS**  
**CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-05-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 74 –PARKS AND RECREATION, ARTICLE I – IN GENERAL 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 Parks and Recreation Advisory Board is composed of community members who advise the City Council on plans, projects, and matters relating to City parks; and

**WHEREAS**, the Parks and Recreation Advisory Board has recommended changes to the City Council regarding general rules and regulations of City Parks that will provide additional benefits to citizens; and

**WHEREAS**, it is deemed by the City Council to be in the best interest of the City to amend the current general parks ordinances as recommended by the Parks and Recreation Advisory Board.

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

**SECTION I**  
**FINDINGS OF FACT**

Chapter 74 – Parks and Recreation, Article I – In General, is hereby amended to reflect the changes hereto attached as Exhibit “A.” The premises attached 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 18<sup>TH</sup> DAY OF MAY 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MAY 4, 2021**

**SECOND AND FINAL READING**

**MAY 18, 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 74 - PARKS AND RECREATION<sup>11</sup>

#### Footnotes:

--- (1) ---

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

**State Law reference**— Municipal parks and recreation, Vernon's Ann. Civ. St. art. 1015c et seq.; public improvements, bonds, occupancy tax, Vernon's Ann. Civ. St. art. 1269j-4.1; city parks, Vernon's Ann. Civ. St. art. 6081h et seq.; local parks and other recreational and cultural resources, V.T.C.A., Local Government Code chs. 315, 331 et seq.; lease of land from state parks and wildlife department, V.T.C.A., Parks and Wildlife Code § 13.006; local boating regulations, V.T.C.A., Parks and Wildlife Code § 31.092; safety standards for publicly funded playgrounds, V.T.C.A., Health and Safety Code § 756.061.

### ARTICLE I. - IN GENERAL

#### Sec. 74-1. - Alcoholic beverages generally.

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

*Alcoholic beverages* means spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes or intended for beverage purposes.

- (b) ~~Possession, Consumption, or sale of alcoholic beverages prohibited in certain areas.~~ Except as otherwise provided in this chapter, No person shall possess, consume, or sell any alcoholic beverage while in or upon prohibitive areas defined in this section: within the boundaries of any city park, including any parking areas.

- (c) ~~Sale.~~ It shall be unlawful for any person, firm or corporation to sell alcoholic beverages within the boundaries of Kokernot and Centennial Parks, including the Kokernot Park athletic complex, within the city.

- (d) ~~Alcohol possession, consumption, or sale may be allowed in city parks, or in designated areas of city parks, on a short-term or long-term basis, with approval by the city manager or other city staff member assigned the duty.~~

- (e) ~~Possession and consumption.~~

- (1) It shall be unlawful for any person to consume alcoholic beverages, or to have in his possession an alcoholic beverage, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city.

- (2) It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundary of Centennial Park, in the city.

- (e) ~~(d)~~ *Signs and notices.* Signs shall be posted in appropriate locations stating substantially "No alcoholic beverage may be brought into this park or consumed in this park in violation of city ordinances which are strictly enforced." The signs shall be placed in locations to be visible on entering areas where possession or consumption of alcoholic beverages are prohibited.

(Code 1978, § 19-8(a)—(d))

Sec. 74-2. - Playing of golf and other dangerous sports in certain city parks.

- (a) *Application.* This section shall not apply to the Alpine Municipal Golf Course operated by the Alpine Country Club.
- (b) *Prohibited; signs to be posted.* It shall be unlawful for any person to practice, hit golf balls or play golf in ~~the Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex located within the city.~~ any city park. It shall further be unlawful for any person to carry on any activity for which the park was not specifically designed and the performance of which would constitute a hazard to the health and safety of those lawfully using the park facilities. Signs shall be posted in appropriate locations determined by the city council or the city manager advising citizens of the restricted activities permitted in ~~Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex.~~ any city park.

(Code 1978, § 19-9(a), (b))

Sec. 74-3. - ~~Medina Park.~~ Hours of Operation.

- (a) ~~*Hours of operation.* Medina Park~~ Except as otherwise provided in this chapter, all city parks will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 9:00 p.m. dawn and dusk daily, and closed to the public between the hours of 9:00 p.m. and 8:00 a.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Medina Park during the hours that such park is closed.
- (b) ~~*Alcoholic beverages.* No person shall, at any time, transport to and/or carry upon such park, any alcoholic beverage, whether any of the alcoholic beverage is consumed upon such park or not. It is a violation of this section, and constitutes an illegal association, for any person to knowingly be in the company of any person who are in obvious violation of this section.~~
- (b) The public may be allowed in city parks or designated areas within city parks at other hours for events or other purposes such as dark sky viewing, with approval by the city manager or other city staff member assigned the duty.
- (c) *Violation; penalty.* Any person in violation of the mandates of this section will be prosecuted as criminal trespassers and if found guilty may be assessed the maximum fine that, by law, may be assessed by the municipal court.

(Code 1978, §§ 19-51—19-53)

~~Sec. 74-4. — Baines Park.~~

~~*Hours of operation.* Baines Park will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 10:30 p.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Baines Park during the hours that such park is closed.~~

(Ord. No. 2002-5-4, 7-9-02)

6. Discuss, consider, and take appropriate action on Resolution 2021-05-07, a resolution on Pool Admission and Pass Rates for Summer 2021, Alpine Municipal Pool. (E. Zimmer, City Manager)

The State of Texas

City of Alpine

County of Brewster

**RESOLUTION 2021-05-07**

**A RESOLUTION OF THE CITY COUNCIL THE CITY OF ALPINE, TEXAS  
ADOPTING A SWIMMING POOL FEE SCHEDULE FOR 2021 FOR THE ALPINE  
MUNICIPAL SWIMMING POOL.**

**WHEREAS**, the City Council of the City of Alpine SHALL set a rate to charge for swimmers at the Alpine Municipal Swimming Pool as required by the Code of Ordinances, Sections 74-77; and

**WHEREAS**, the rates of admission per day, yearly pass and pool party for the pool are attached as Exhibit "A" to this resolution.

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

- 1. That the rates of admission for the Alpine Municipal Swimming Pool be set at the rates here to is attached as Exhibit "A" for the calendar year 2021.**
- 2. This resolution shall become effective immediately by the City Council.**

**PASSED BY A MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ON MAY 4, 2021.**

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

Attest:

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

## **EXHIBIT "A"**

We anticipate filling the pool in early May and opening Memorial Day weekend. The following schedule shows the proposed fees for your consideration and approval.

### **Admission Per Day:**

Children- \$2.00

Adults- \$3.00

Non-Swimming Adults- No Charge

### **Yearly Pass:**

Family (up to 5 members)- \$85.00

Family (over 5 members)- \$105.00

### **Pool Party for 2 Hours:**

Fee- \$80.00

Deposit- \$30.00

7. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-05-03, an ordinance amending Chapter 10 - Animals, establishing regulations concerning feral cat colonies to the Alpine Code of Ordinances. (M. Curry, City Council)

**ORDINANCE 2021-05-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 10 – ANIMALS, ESTABLISHING REGULATIONS CONCERNING FERAL CAT COLONIES 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 Animal Advisory Board is composed of community members who advise the City Council on policy decisions that affect the health and safety of animals within the City; and

**WHEREAS**, the Animal Advisory Board has recommended changes to the City Council regarding Feral Cat Colonies that will provide enhanced benefits to animal welfare within the City; and

**WHEREAS**, it is deemed by the City Council to be in the best interest of the City to amend the current animal ordinances as recommended by the Animal Advisory Board.

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

**SECTION I  
FINDINGS OF FACT**

Chapter 10 – Animals is hereby amended to reflect the changes hereto attached as Exhibit “A.” The premises attached 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 18<sup>TH</sup> DAY OF MAY 2021 BY THE CITY COUNCIL OF THE  
CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MAY 4, 2021**

**SECOND AND FINAL READING**

**MAY 18, 2021**

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

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

## EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

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

*Current vaccination* means vaccinated and satisfying the following:

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

*Dangerous animal* means any animal that:

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

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

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

*Dangerous dog* means a dog that:

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

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

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

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

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

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

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

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

*Euthanize* means to kill in a humane manner.

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

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

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

*Feral cat* means a domestic cat who has been born and raised without contact with humans, or a cat who has not had contact with humans for a significant period of time and has become unsocialized. It can also mean a free-roaming domestic cat which is not owned.

*Feral Cat Colony* means any group of feral cats which have a keeper who is maintaining and caring for the Feral Cats by providing food and water and other forms of sustenance.

*Feral Keeper* means any person or organization, harboring, regularly feeding or having in his or her possession any feral cat. A person becomes a "keeper" when any person has possession of or control over the animal and has fed the cat for three or more consecutive days. Also, a "keeper" can be any individual who permits a cat to habitually be or remain on or be lodged or fed within such persons property or premises.

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

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

*Horse* means any member of the equine family.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Swine* means any member of the Suidae species.

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

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

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

*Wild animal* means any non-domestic animal.

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

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

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

**Sec. 10-42. - Public nuisances designated.**

The following shall be considered a public nuisance and unlawful:

- (1) The keeping of any animal which causes continual noise or frequent or long continued noise means noise pollution, unwanted or excessive sound, a nuisance that interferes with activities, for example owning an animal that causes frequent or long-continuing noise, by barking or howling, which disturbs the comfort and repose of any person or persons, of ordinary sensibilities in the vicinity. Proof of such disturbance shall be provided to the Animal Control Officer for further investigation.
- (2) The keeping of any animal in such a manner as to endanger the public health or as to disturb neighbors by the accumulation of droppings and putrescible materials which cause foul and offensive odors.
- (3) The keeping of any animal which deposits body wastes upon or destroys by chewing, scratching, digging or otherwise, property other than that of the owner of such animal. Proof of such destruction shall be provided to the animal control officer for further investigation.

~~(4) Feral cat feeding. It shall be unlawful to provide food, water or other forms of substance to any feral cat or feral cat colony within the city limits of Alpine without a permit provided by the City of Alpine Animal Services. In order for a permit to be issued, proof of vaccination, sterilization and ear notch of any and all feral cats being cared for must be presented to the animal services officer and all feral cats must have been observed by the animal services officer on the keepers property. Cats on the property that do not meet the requirements will be subject for removal by any animal services officer. Refusal to permit any animal services officer to impound a feral cat shall be deemed evidence of keeping and such keeper can be subject to a citation.~~

~~No person owning or keeping any cat shall permit such animal to:~~

- ~~a. Substantially damage property other than the property of the owner or keeper; or~~
- ~~b. Cause an unsanitary, dangerous or unreasonably offensive condition. Violation of such provision shall be an infraction. Definitions~~

~~"Feral cat" means a domestic cat who has been born and raised without contact with humans, or a cat who has not had contact with humans for a significant period of time and has become unsocialized. It can also mean a free-roaming domestic cat which is not owned.~~

~~"Keeper" means any person or organization, harboring, regularly feeding or having in his or her possession any feral cat. A person becomes a "keeper" when any person has possession of or control over the animal and has fed the cat for three or more consecutive days. Also, a "keeper" can be any individual who permits a cat to habitually be or remain on or be lodged or fed within such persons property or premises.~~

- ~~4 (5)~~ All animal pens, stables or enclosures in which any animal may be kept or confined, which from use have become offensive.
- ~~5 (6)~~ Any animal not meeting the designated requirements for restraint.
- ~~6 (7)~~ For any person owning, possessing, harboring or having care, charge, control or custody of any dog not to remove any feces left by that dog on any sidewalk, gutter, street, public park or

other public area. Dog waste shall be immediately removed by placing said matter in a sealable container and thereafter disposing of it in a trash receptacle, sanitary disposal unit or other closed or sealed refuse container. This subsection shall not apply to visually impaired persons who have the charge, control, or use of a guide dog.

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

## ARTICLE II. - KEEPING ANIMALS

### DIVISION 1. GENERALLY

#### 10-62 - Feral cat colony management.

The Code of Ordinances is hereby promulgated to provide for, develop and administer a Trap, Neuter, and Return ( TNR) Program designed to reduce the number of Feral Cats which are euthanized, to establish standards for the management of Feral Cats, and to provide for the minimization and abatement of nuisances caused by Feral Cats.

- (a) Feral Cat Colonies may be permitted and Feral Keepers so permitted may maintain and care for Feral Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral Cat Colonies are registered with a City approved partnered Sponsor, as defined herein, and that the Feral Cat Colony Keeper takes all appropriate and available steps to meet the terms and conditions of this Ordinance.
- (b) Sponsorship of Colony TNR Programs.

Any Nonprofit Animal Welfare Group that agrees to comply with the requirements of this Ordinance for Sponsors may apply to act as a Sponsor.

Any Nonprofit Animal Welfare Group intending to undertake the responsibilities of Sponsor shall apply the City in writing and provide:

- i. its nonprofit certificate of incorporation,
  - ii. address, telephone number, electronic mail address, and website if available,
  - iii. other information as may be required by the city.
- (c) Sponsor Requirements.

It shall be the duty of the Sponsor to:

- (1) Review and, in its discretion, approve of Keepers.
- (2) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the sponsor requires to access the property to provide keeper support.
- (3) Help animal services team to resolve any complaints over the conduct of a Keeper and/or of cats within a colony.
- (4) Maintain records provided by Keepers on the size and location of the colonies as well as the vaccination and spay and neuter records of cats in the Sponsor's colonies.
- (5) Provide, at a minimum, feeding requirements for all Keepers addressing uniform standards and procedures for colony maintenance.
- (6) Report monthly to the City on the following:
  - i) number and location of colonies for which it acts as a Sponsor in the City;
  - ii) total number and identification of cats in each of its colonies;
  - iii) number of cats from its colonies vaccinated, and spayed and neutered pursuant to this ordinance.

- (7) Provide any forms or other documentation necessary to allow Keepers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them.

(d) Feral Cat Colony Keeper Responsibilities.

In order to be an approved managed Feral Cat Colony Keeper, said Keepers shall be responsible for the following:

- (1) Registering the colony with the Sponsor.
- (2) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Keeper requires access to provide colony care.
- (3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.
- (4) Taking all appropriate and available steps to vaccinate the colony population for rabies with an approved three -year vaccine and to update the vaccinations as reasonably possible or warranted.
- (5) Microchipping or Ear notching an ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.
- (6) Providing the Sponsor with descriptions of each cat in the colony and ensuring that that the cats have been vaccinated, and spayed or neutered.
- (7) Providing food, water and, if feasible, shelter for colony cats.
- (8) Obtaining proper medical attention for any colony cat that appears to require it.
- (9) Report to the Sponsor ( 1) the location of the colony, ( 2) the number, gender, and pictures (if available) of all cats in the colony, (3) the number of cats spayed or neutered (4) the number of cats rabies vaccinated (5) the number of cats that died or otherwise ceased being a part of the colony; (6) the number of kittens born to colony cats and their disposition.
- (10) Taking appropriate measures to assist in the elimination of nuisances when identified or declared. No person owning or keeping any cat shall permit such animal to:
  - a. Substantially damage property other than the property of the owner or keeper; or
  - b. Cause an unsanitary, dangerous or unreasonably offensive condition.

(e) Withdrawal of Feral Cat Colony Keeper or Sponsor.

- (1) In the event that a Feral Cat Colony Keeper is unable or unwilling to continue in that role, he or she shall notify their Sponsor.
- (2) The Sponsor shall make every effort to find another Keeper to take the maintenance of the feral cat colony. If no subsequent keeper is found, the sponsor will advise animal control to discuss options to prevent nuisance.
- (3) In the event a Sponsor is unable or unwilling to continue to perform its role, it shall so advise the City or its designated agent in writing.
- (4) The Sponsor shall work with the City or its designated agent to obtain a replacement Sponsor.
- (5) If no new Sponsor is found within 30 days, the Sponsor shall immediately notify the City or its designated agent.

(f) Disposition of Feral Cat Colony cats.

- (1) Animal Services Team who has trapped a cat and transported to the animal shelter, whose ear has been notched or a microchip is present, indicating that the cat belongs to a Feral Cat Colony, shall take reasonable steps to notify a Sponsor of the description and sex of the cat, and the address or location where the cat was trapped.

- (2) The Sponsor shall then take all appropriate and available steps to identify the Feral Cat Colony Keeper of this cat or a Feral Cat Colony Keeper who will take responsibility for managing this cat.
- (3) If the Feral Cat Colony Keeper is not able to immediately take custody of the cat, the Officer shall transport the cat for impoundment.
- (4) The Feral Cat Colony Keeper shall be responsible for retrieving the cat from impoundment and paying the impoundment fee within three ( 3) business days or advising the impoundment site if they do not intend to retrieve the cat.

(g) Enforcement.

In order to encourage the stabilization of the Feral Cat population in the City of Alpine, Animal Services Team shall have the following rights, which shall be exercised at its reasonable discretion:

a. The right to trap in a humane manner and remove any cats that:

- (1) have not been vaccinated against rabies or which are demonstrating signs of the disease,
- (2) are not spayed or neutered,
- (3) are demonstrating signs of having rabies, or has a severe illness or injury, or presents a hazard to public health or safety, or to a Sponsor or Colony Keeper, that cat may be humanely destroyed, or
- (4) otherwise for public health or public safety concerns.

Refusal to permit any Animal Services team member to impound a feral cat shall be deemed evidence and such keeper can be subject to a citation.

b. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, the City may direct a Sponsor, if feasible, to arrange to have the cat spayed or neutered, ear tipped, microchip and vaccinated against rabies by a licensed veterinarian. The Sponsor may then arrange, if feasible, for the cat to be placed in another Feral Cat Colony with another Keeper.

- (1) The right to remove or to direct a Sponsor to remove a Feral Cat that is creating a nuisance if the Sponsor has failed to adequately resolve a nuisance within 30 days after being given notice.
- (2) In the event, if feasible, that the City directs the Sponsor to remove a cat for relocation, the Sponsor shall have 30 days to do so.
- (3) Failure of the Sponsor to remove the cat within that time period ( or longer as the City may specify) shall constitute grounds for the City to remove the cat.
- (4) The right to remove a Sponsor if a Sponsor fails to perform its responsibilities as defined in this Ordinance, the City may notify the Sponsor that it must comply with the requirements of this Ordinance within 30 days.
- (5) If the Sponsor fails to do so, the City may remove this Sponsor from the list of City approved Sponsors and may reassign the Feral Cat Colonies from this Sponsor to another Sponsor.

c. If a Feral Cat Colony Keeper regularly fails to comply with this Ordinance, the Sponsor may notify the Feral Cat Colony Keeper that they have 30 days to make all reasonable efforts to fulfill the responsibilities specified in this Ordinance.

d. If the Feral Cat Colony Keeper fails to comply within that time-period, the Sponsor may identify and obtain replacement Feral Keepers for the Feral Cat Colonies of the non - compliant Feral Cat Colony Keeper.

e. If no other Feral Cat Colony Keeper can be found within 30 days, the Sponsor shall notify the City and Animal Control may humanely remove all, or parts of, a Feral Cat Colony.

## **DIVISION 2.- PERMITS**

### **Sec. 10-117. - Running at large prohibited.**

No person keeping or harboring any animal or fowl shall permit such animal or fowl, except pigeons, to go loose or run at large in any of the public ways of the city or upon the property of another, except in enclosures on the private property owned or leased by the person keeping or harboring such animal or fowl. Any unidentifiable or unidentified animal not wearing a collar displaying a rabies vaccination tag, or is not an ear notched or microchipped cat indicating that it has been processed through the trap-neuter-return program will be considered stray or feral, and shall be subject to animal control.

(Ord. No. 2008-11-01, § 1, 1-6-09)