



**CITY OF ALPINE**  
**REGULAR CITY COUNCIL MEETING**  
**803 W. Holland Avenue, Alpine, Texas 79830**  
**Tuesday, June 20, 2023 - 5:30 P.M.**

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 June 20, 2023, in City Council Chambers, at 803 West Holland Avenue, in the City of Alpine, Texas for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act (Government Code Sec. 551.043). **PUBLIC NOTICE – THE USE OF CELLULAR PHONES AND ELECTRONIC EQUIPMENT IS PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL EXCEPT FOR PURPOSES EXPLICITLY AUTHORIZED BY STATE LAW (TEXAS GOVERNMENT CODE SEC. 551.023).** This meeting will be conducted in accordance with the official Rules of Decorum for City Council Meetings available at [www.cityofalpine.com/decorum](http://www.cityofalpine.com/decorum). Public Comments are limited to agenda items only. Individuals who wish to address the City Council may do so by completing a Public Comment Card and by placing the completed card on the City Secretary's desk no later than five minutes before the commencement of the meeting. The Public Comment Card may also be completed online at [www.cityofalpine.com/councilcomments](http://www.cityofalpine.com/councilcomments). A Public Comment Card is not required for speakers who wish to comment on a Public Hearing item. When speakers are acknowledged, please approach the microphone at the podium and state your name and Ward for the record. Public Comments are limited to 3 minutes per person, and a bell will signal the end of each speaker's time. Please conclude speaker comments promptly when the bell rings. 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 & Pledge of Allegiance to the Flags.**
2. **Determination of a Quorum and Proof of Notice of the Meeting.**
3. **Public Comments** – (limited to 3 minutes per person)
4. **Presentations, Recognitions, and Proclamations** – None.
5. **Reports** –

### **City Mayor Report** –

1. Budget Workshops past- future Saturday, June 24th at 10 AM.
2. Short videos on various topics added to City Website and FB.
3. Course - Alpine City Government 101.
4. Radio Shows - City Talk Thursday the 29th with the City Manager and the Mayor. New show, sponsored by BBT, not the city, "Small Town, Big Stories" next episode Friday, June 23rd at 1:00 also as a podcast on Spotify and Apple Podcasts and coming soon to Google Podcasts.

### **City Attorney Report** – None.

### **City Manager Report** –

1. Dark Sky Compliance - AEP & Big Bend Conservation Alliance.
2. Water Usage and Loss by the City.
3. Water Conservation.
4. Legislative Update.

### **City Staff Update** – None.

6. **Public Hearings** –

1. Public Hearing to obtain citizens views and comments regarding the second and final reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas.

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 June 1, 2023 Budget Workshop Meeting Minutes. (G. Calderon, City Secretary)
  2. Approval of June 6, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)
  3. Approval of June 8, 2023 Budget Workshop Meeting Minutes. (G. Calderon, City Secretary)

4. Approval of June 13, 2023 Budget Workshop Meeting Minutes. (G. Calderon, City Secretary)
5. Approval of Larry Nichols to the Place 5 position on the Hotel Occupancy Tax Committee. (R. Stephens, City Council)
6. Approve Resolution 2023-06-17, a resolution adopting a Budget Policy for the City. (M. Antrim, City Manager)
7. Approve Resolution 2023-06-18, a resolution adopting a Financial Policy for the City. (M. Antrim, City Manager)
8. Approve Resolution 2023-06-19, a resolution adopting an Investment Policy for the City of Alpine Fiscal Year 2023-2024. (M. Antrim, City Manager)

**8. Information or Discussion Items –**

1. Alpine Public Library report by Executive Director Don Wetterauer. (M. Antrim, City Manager)
2. Family Crisis Center of the Big Bend report. (M. Antrim, City Manager)
3. Presentation by Griz Adams regarding the need to change or update City Utility Ordinances. (C. Eaves, Mayor)
4. Discussion regarding incentives for residents for xeriscaping and consider putting an ordinance in place to encourage that. (C. Eaves, Mayor)
5. Discuss possible lease of the Neighborhood Center (607 W. Gallego) to the Community Council of South Central Texas and/or Women's, Infant, Children (WIC) Program. (M. Antrim, City Manager)
6. Discuss possible options concerning the use of the Old Alpine School House located at 205 E. Sul Ross. (M. Antrim, City Manager)
7. Discuss employee travel and training budgets and discuss city leaders that have had city-covered expenses and/or reimbursements for optional or required training during the current fiscal year. (J. Stokes, City Council)
8. Discuss progress to date for the Fiscal Year 23-24 City budget workshops, and discuss the go forward plan for completing the City Budget including establishing additional Council meeting dates if needed. (R. Stephens, City Council)
9. Discuss the status of Short Term Rentals in Alpine including any recommendations going forward. (R. Stephens, City Council)
10. Discuss actions needed to implement a 25 mph speed limit within Alpine limits including which roads should be excluded. (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 10 per meeting).**

1. Approve the second and final reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas; Approving a service plan for the annexed area; Approving a development agreement between the developer and the City; Providing findings of fact; Providing cumulative and severability clauses; Providing an effective date. (M. Antrim, City Manager)

2. Approve the first reading of Ordinance 2023-06-01, an ordinance authorizing the installation of additional four way stop signs at the intersections of 8th Street and Sul Ross Avenue, the intersections of 8th Street and Avenue A, the intersections of 7th and Hendryx Avenue, and the intersections of 8th Street and Del Rio Avenue. (M. Antrim, City Manager)
3. Approve Resolution 2023-06-20, a resolution appointing members of the Alpine City Council to Ex-Officio positions on City Boards, Commissions, and Committees. (M. Antrim, City Manager)
4. Approve Addendum to Standard Terms of Engagement to reflect Bojorquez Law Firm as City Attorney and amend hourly billing rates for the City of Alpine. (M. Antrim, City Manager)

**10. City Council Member Comments** – No discussion or action may take place.

**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).

**11. Executive Session** – None.

**12. Action – Executive Session** – None.

**13. Adjourn.**

**CERTIFICATION**

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on Friday, June 16, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. 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 Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

  
Geoffrey R. Calderon, City Secretary



## INTRODUCTION OVERVIEW

1. **Call to Order & Pledge of Allegiance to the Flags.**
2. **Determination of a Quorum and Proof of Notice of the Meeting.**
3. **Public Comments** – (limited to 3 minutes per person)
4. **Presentations, Recognitions, and Proclamations** – None

## REPORTS OVERVIEW

### 5. Reports –

#### City Mayor Report –

1. Budget Workshops past- future Saturday, June 24th at 10 AM.
2. Short videos on various topics added to City Website and FB.
3. Course - Alpine City Government 101.
4. Radio Shows - City Talk Thursday the 29th with the City Manager and the Mayor. New show, sponsored by BBT, not the city, "Small Town, Big Stories" next episode Friday, June 23rd at 1:00 also as a podcast on Spotify and Apple Podcasts and coming soon to Google Podcasts.

#### City Attorney Report – None.

#### City Manager Report –

1. Dark Sky Compliance - AEP & Big Bend Conservation Alliance.
2. Water Usage and Loss by the City.
3. Water Conservation.
4. Legislative Update.

#### City Staff Update – None.



**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
JUNE 20, 2023**

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**REPORTS**

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**City Mayor Report**

1. Budget Workshops past- future Saturday, June 24th at 10 AM.
2. Short videos on various topics added to City Website and FB.
3. Course - Alpine City Government 101.
4. Radio Shows - City Talk Thursday the 29th with the City Manager and the Mayor. New show, sponsored by BBT, not the city, "Small Town, Big Stories" next episode Friday, June 23rd at 1:00 also as a podcast on Spotify and Apple Podcasts and coming soon to Google Podcasts.

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**BACKGROUND**

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NONE.

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**SUPPORTING MATERIALS**

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NONE.

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**STAFF RECOMMENDATION**

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N/A



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

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**REPORTS**

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**City Manager Report –**

1. Dark Sky Compliance - AEP & Big Bend Conservation Alliance.
2. Water Usage and Loss by the City.
3. Water Conservation.
4. Legislative Update.

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**BACKGROUND**

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NONE.

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**SUPPORTING MATERIALS**

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NONE.

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**STAFF RECOMMENDATION**

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N/A



## **PUBLIC HEARINGS OVERVIEW**

### **6. Public Hearings –**

1. Public Hearing to obtain citizens views and comments regarding the second and final reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas.

## CONSENT AGENDA OVERVIEW

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 June 1, 2023 Budget Workshop Meeting Minutes. (G. Calderon, City Secretary)
  2. Approval of June 6, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)
  3. Approval of June 8, 2023 Budget Workshop Meeting Minutes. (G. Calderon, City Secretary)
  4. Approval of June 13, 2023 Budget Workshop Meeting Minutes. (G. Calderon, City Secretary)
  5. Approval of Larry Nichols to the Place 5 position on the Hotel Occupancy Tax Committee. (R. Stephens, City Council)
  6. Approve Resolution 2023-06-17, a resolution adopting a Budget Policy for the City. (M. Antrim, City Manager)
  7. Approve Resolution 2023-06-18, a resolution adopting a Financial Policy for the City. (M. Antrim, City Manager)
  8. Approve Resolution 2023-06-19, a resolution adopting an Investment Policy for the City of Alpine FY 2023-2024. (M. Antrim, City Manager)



**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
JUNE 20, 2023**

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**CONSENT AGENDA**

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1. Approval of June 1, 2023 Budget Workshop Meeting Minutes (G. Calderon, City Secretary)

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**BACKGROUND**

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NONE.

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**SUPPORTING MATERIALS**

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1. June 1, 2023 Budget Workshop Meeting Minutes.

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**STAFF RECOMMENDATION**

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APPROVE.

**City of Alpine  
Budget Workshop  
Thursday, June 1, 2023  
Minutes**

1. **Call to Order & Pledge of Allegiance** – Mayor Catherine Eaves called the budget workshop to order at 5:30 P.M. The meeting was held at City Council Chambers located at 803 West Holland Avenue and via Zoom Videoconference in the City of Alpine, Texas. Mayor Eaves led the pledge of allegiance to the flags.

2. **Council Members and City Staff Present** –

**City Council Members Present:**

Mayor Catherine Eaves  
Councilor Chris Rodriguez  
Councilor Darin Nance  
Councilor Martin Sandate  
Councilor Rick Stephens

**City Staff and Stakeholders Present:**

Megan Antrim, City Manager  
Geoffrey R. Calderon, City Secretary  
Abel Hinojos, Airport Supervisor

**Not Present:**

Councilor Judy Stokes

3. **Workshop** –

Workshop for the Fiscal Year 2023-2024 Budget with a focus on Strategic Plan Goals and a draft of the Capital Improvement Plan.

*The City Council workshopped the 2023-2024 budget with a focus on Strategic Plan Goals and a draft of the Capital Improvement Plan. No official action was taken at this meeting.*

4. **City Council Member Comments** – No discussion or action may take place.

5. **Adjourn.** (7:57 P.M.)

**APPROVED:**

**ATTEST:**

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Catherine Eaves, Mayor

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Geoffrey R. Calderon, City Secretary

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, in a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on May 26, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. 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 Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

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Geoffrey R. Calderon, City Secretary



**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
JUNE 20, 2023**

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**CONSENT AGENDA**

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2. Approval of June 6, 2023 Regular Meeting Minutes (G. Calderon, City Secretary)

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**BACKGROUND**

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NONE.

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**SUPPORTING MATERIALS**

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1. June 6, 2023 Regular Meeting Minutes.

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**STAFF RECOMMENDATION**

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APPROVE.

**City of Alpine**  
**Regular City Council Meeting**  
**Tuesday, June 6, 2023**  
**Minutes**

1. **Call to Order & Pledge of Allegiance** – Mayor Catherine Eaves called the meeting to order at 5:30 P.M. The meeting was held at City Council Chambers located at 803 West Holland Avenue and via Zoom Videoconference in the City of Alpine, Texas. Mayor Eaves led the pledge of allegiance to the flags.

2. **Determination of a Quorum and Proof of Notice of the Meeting** –

**City Council Members Present:**

Mayor Catherine Eaves  
Councilor Judy Stokes  
Councilor Chris Rodriguez  
Councilor Darin Nance  
Councilor Martin Sandate  
Councilor Rick Stephens

**City Staff and Stakeholders Present:**

Megan Antrim, City Manager  
Geoffrey R. Calderon, City Secretary  
Rod Ponton, City Attorney  
Darrell Losoya, Chief of Police

**Not Present:**

Mayor Eaves announced that a quorum of the City Council was present at the City Council Chambers and City Secretary, Geoffrey Calderon, reported that the meeting agenda was posted by 2:00 P.M. on June 2, 2023.

3. **Public Comments** – (limited to 3 minutes per person) –

1. Oscar Cobos, Ward 5, addressed the City Council regarding Skyway Gardens Annexation, concerning status of employment opportunities, and about the executive session item concerning the City Attorney.
2. Karen Cantrell, Ward 1, addressed the City Council regarding the Skyway Gardens II Annexation and the need to pave Lechuguilla Road.
3. Cynthia Salas, Ward 5, addressed the City Council regarding public hearing items no. 2 and 3.

**RESOLUTION 2023-06-02:** On a motion by Councilor Sandate and seconded by Councilor Stokes to move item no. 3 out of Information or Discussion Items and accept the presentation by Dr. Alec Knight, the City Council unanimously voted to adopt the motion.

4. **Presentation by Dr. Alec Knight to discuss the need for backup electric generators and propane tanks for water wells. (M. Sandate, City Council)**

5. **Presentations, Recognitions, and Proclamations** –

1. Presentation to Eileen Rouke for her 7+ years of service to the City of Alpine on the Planning & Zoning Commission.

*The Presentation of a Certificate of Honor and Recognition to Eileen Rouke for her 7+ years of service on the Planning & Zoning Commission was presented by Mayor Catherine Eaves and received by Eileen Rouke.*

6. **Reports** – Copies of presentations displayed during the meeting are posted on the City website at [www.cityofalpine.com/reports](http://www.cityofalpine.com/reports) –

**City Mayor Report**

1. Update from Recent Meetings.
  - a. Alpine Housing Authority.
  - b. Alpine Business Association.
  - c. Alpine Historic Association.
2. Water Leak.
3. June 1<sup>st</sup> Budget Meeting Summary, Upcoming Dates, Format, Council Budget Worksheets.
4. Dedication to partnerships, for example, with the County.

**City Attorney Report –**

1. Municipal Court Update.
2. Skyway Gardens progress report.
3. Daugherty well Memorandum of Understanding.
4. Holguin matter update.
5. Sale of surplus city streets.

**City Manager Report –**

1. Current Projects – Pueblo Nuevo, Airport Lighting, Gas Rectifier, HOT Nonpayment.
2. Legislative Update.
3. Update on City Manager Expectations.

**City Staff Updates** – None.

*Mayor Eaves called a short recess (6:33 P.M.)*

*The meeting resumed (6:38 P.M.)*

7. **Public Hearings** –

**Open (6:39 P.M.)**

1. Public Hearing to obtain citizens views and comments regarding the first reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas.

**Public Comments:** None.

2. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-06-01 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6390, to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales.

**Public Comments:** Cynthia Salas, Ward 2.

3. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2023-06-02 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6410,



to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales.

**Public Comments:** None.

4. Public Hearing to obtain citizen views and comments regarding Short Term Rental Special Use Permit 2023-06-03 for a property located at 610 N. Phelps St.

**Public Comments:** Karen Cantrell, Ward 1.

**Close (6:43 P.M.)**

8. **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 May 16, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)
2. Approval of Richard Portillo to the Place 1 position on the Planning & Zoning Commission. (J. Stokes, City Council)
3. Approval of Herman Acosta to the Place 5 position on the Parks and Recreation Board. (R. Stephens, City Council)
4. Approval of Special Use Permit 2023-06-03, a Short Term Rental Special Use Permit for a property located at 610 N. Phelps St. The record property owners are Alex Fleming, Charles Fleming, and Cheryl Fleming. The property ID of the subject property is 38714. (G. Calderon, City Secretary)
5. Approval of April 2023 City Attorney Invoice. (M. Antrim, City Manager)

*Councilor Rodriguez requested that item no. 5 be discussed separately.*

*Councilor Stokes requested that item no. 3 be discussed separately.*

**RESOLUTION 2023-06-03:** On a motion by Councilor Stokes and seconded by Councilor Sandate to approve items no. 1, 2, and 4, the City Council unanimously voted to adopt the motion.

**RESOLUTION 2023-06-04:** On a motion by Councilor Stephens and seconded by Councilor Sandate to approve Herman Acosta to the Place 5 position, the City Council unanimously voted to adopt the motion.

**RESOLUTION 2023-06-05:** Councilor Rodriguez moved to amend the City Attorney invoice by removing a total of \$820 for the items that had to deal with the Daugherty well, with Councilor Stephens seconding the motion. Councilor Rodriguez and Councilor Stephens voted to adopt the motion. Councilor Sandate and Councilor Stokes voted against the adoption of the motion. Councilor Nance abstained from voting, resulting in a tie vote. Mayor Eaves voted against the adoption of the motion and the motion was lost.

**RESOLUTION 2023-06-06:** Councilor Stokes moved to approve the City Attorney invoice in full with Councilor Sandate seconding the motion. Councilor Stokes and Councilor Sandate voted in favor of adopting the motion. Councilor Rodriguez and Councilor Stephens voted against the

adoption of the motion. Councilor Nance abstained from voting, resulting in a tie vote. Mayor Eaves voted affirmatively to break the tie and the motion was adopted.

**9. Information or Discussion items –**

1. Discuss updates and options regarding potential vacation, abandonment, and/or sale of City property to Jonathan Rutledge. (J. Stokes, City Council)
2. Discuss speed limit changes and the addition of a stop sign in Ward 1. (J. Stokes, City Council)
3. ~~Presentation by Dr. Alec Knight to discuss the need for backup electric generators and propane tanks for water wells. (M. Sandate, City Council)~~

*Information or Discussion Item No. 3 was presented at the beginning of the meeting.*

4. Discuss changes to the City Council agenda to allow residents to make comments either at the beginning of the meeting, or at the time a particular topic of interest is being discussed. This approach maintains the City Council schedule, while at the same time allowing residents to make their comments at the time Council will discuss a topic. (R. Stephens, City Council)
5. Discuss the current Board and Commission membership aimed at ensuring that boards and commissions are filled. Also, discuss the potential need for the Airport Advisory Board and Transportation Committees that were disbanded. (R. Stephens, City Council)

*The Mayor called a 5-minute recess (7:47 P.M.)*

*The meeting resumed (7:52 P.M.)*

6. Discuss the status of the Skyway Gardens Housing development and actions necessary for resolution of the key issues. (R. Stephens, City Council)
7. Discuss key improvements to the wastewater treatment plant and an update on the amount of effluent water that is being provided to the golf course and/or to other uses. (R. Stephens, City Council)
8. Discuss the planned paving for this paving cycle and ensure that the City website is updated to reflect the plan. (R. Stephens, City Council)
9. City Manager:
  - i. Provide the list by major department of the current headcount funded and actual headcount.
  - ii. Discuss strategy for filling Finance Director, Utilities Director, and Parks Position along with any other key positions. (R. Stephens, City Council)

**10. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items are limited to 10 per meeting.) –**

1. Approve the first reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas; Approving a service plan for the annexed area; Approving a development agreement between the developer and the City; Providing findings of fact; Providing cumulative and severability clauses; Providing an effective date. (M. Antrim, City Manager)

**RESOLUTION 2023-06-07:** Councilor Stephens moved to approve, with Councilor Stokes seconding the motion. Discussion ensued.

**RESOLUTION 2023-06-08:** On a motion by Councilor Stephens and seconded by Councilor Stokes to extend the meeting past 9:00 p.m. if necessary, the City Council voted to adopt the motion with Councilor Rodriguez abstaining.

**RESOLUTION 2023-06-09:** Councilor Stephens moved to amend the original motion to take into account all of the edits that were just discussed including the recommended changes in Exhibit "A" and Exhibit "B" as documented by the City Secretary. Councilor Stokes seconded the motion and all City Council members voted to adopt the motion, excluding Councilor Rodriguez who abstained from voting. All City Council members subsequently voted to adopt the original motion as amended, excluding Councilor Rodriguez who abstained from voting.

2. Approve Resolution 2023-06-01, a resolution amending Appendix C: Animal Services Fees; Setting rates and fees for Animal Services within the City. (M. Antrim, City Manager)

**RESOLUTION 2023-06-10:** On a motion by Councilor Stokes and seconded by Councilor Stephens to approve, the City Council unanimously voted to adopt the motion.

3. Approve Special Use Permit 2023-06-01 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6390, to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales. The property in question is located at 708 N 5th Street. The record property owner is WTG Fuels Inc. The Parcel ID No. is 12925. (M. Antrim, City Manager)

**RESOLUTION 2023-06-11:** On a motion by Councilor Stokes and seconded by Councilor Stephens to approve, the City Council unanimously voted to adopt the motion.

4. Approve Special Use Permit 2023-06-02 for the purpose of allowing the applicant, GPM Southeast, LLC dba Uncles #6410, to obtain an alcohol license/permit from the Texas Alcoholic Beverage Commission to operate a convenience store with alcohol sales. The property in question is located at 2705 E Highway 90. The record property owner is WTG Fuels Inc. The Parcel ID No. is 13376. (M. Antrim, City Manager)

**RESOLUTION 2023-06-12:** On a motion by Councilor Stephens and seconded by Councilor Stokes to approve, the City Council unanimously voted to adopt the motion.

5. Approve the Fiscal Year 2023-2024 Administrative Cost Agreement for the Far West Texas Water Plan. (M. Antrim, City Manager)

**RESOLUTION 2023-06-13:** On a motion by Councilor Stephens and seconded by Councilor Stokes to approve, the City Council unanimously voted to adopt the motion.

6. Approve Memorandum of Understanding with Stephen F. Daugherty to initiate discussion with TCEQ in regards to possible use of Daugherty Well 1. (M. Antrim, City Manager)

**RESOLUTION 2023-06-14:** On a motion by Councilor Stokes and seconded by Councilor Sandate to approve, the City Council unanimously voted to adopt the motion.

*City Attorney Rod Ponton tendered his resignation to the City Council.*

11. City Council Member Comments and Answers – No discussion or action may take place.

**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, 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).

**RESOLUTION 2023-06-15:** On a motion by Councilor Stokes and seconded by Councilor Stephens to move the executive session item out of executive session and into open session, the City Council unanimously voted to adopt the motion.

**12. Pursuant to Texas Government Code 551.074 - Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Attorney Rod Ponton. (M. Antrim, City Manager)**

**RESOLUTION 2023-06-16:** On a motion by Councilor Stokes and seconded by Councilor Stephens to accept the resignation, the City Council unanimously voted to adopt the motion.

**13. Executive Session -**

- ~~1. Pursuant to Texas Government Code 551.074 - Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Attorney Rod Ponton. (M. Antrim, City Manager)~~

**14. Action - Executive Session -**

- ~~1. Action, if any, concerning the deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Attorney Rod Ponton. (M. Antrim, City Manager)~~

*There being no further business, the meeting was adjourned.*

**15. Adjourn. (9:21 P.M.)**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Catherine Eaves, Mayor

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, in a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on June 2, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. 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 Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**CONSENT AGENDA**

---

3. Approval of June 8, 2023 Budget Workshop Meeting Minutes (G. Calderon, City Secretary)

---

**BACKGROUND**

---

NONE.

---

**SUPPORTING MATERIALS**

---

1. June 8, 2023 Budget Workshop Meeting Minutes.

---

**STAFF RECOMMENDATION**

---

APPROVE.

**City of Alpine  
Budget Workshop  
Thursday, June 8, 2023  
Minutes**

1. **Call to Order & Pledge of Allegiance** – Mayor Catherine Eaves called the budget workshop to order at 3:00 P.M. The meeting was held at City Council Chambers located at 803 West Holland Avenue and via Zoom Videoconference in the City of Alpine, Texas. Mayor Eaves led the pledge of allegiance to the flags.

2. **Council Members and City Staff Present** –

**City Council Members Present:**

Mayor Catherine Eaves  
Councilor Judy Stokes  
Councilor Chris Rodriguez  
Councilor Darin Nance  
Councilor Martin Sandate  
Councilor Rick Stephens

**City Staff and Stakeholders Present:**

Megan Antrim, City Manager  
Geoffrey R. Calderon, City Secretary  
Abel Hinojos, Airport Supervisor  
Darrell Losoya, Chief of Police  
Andrew Devaney, Building Official  
Jennifer Stewart, Animal Services Supervisor

**Not Present:** None.

3. **Workshop** –

Workshop for the Fiscal Year 2023-2024 Budget with a focus on a review of annual policies and employees.

*The City Council workshopped the 2023-2024 budget with a focus on a review of annual policies and employees. No official action was taken at this meeting.*

4. **City Council Member Comments** – No discussion or action may take place.

5. **Adjourn.** (6:49 P.M.)

**APPROVED:**

**ATTEST:**

---

Catherine Eaves, Mayor

---

Geoffrey R. Calderon, City Secretary

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, in a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on May 26, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. 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 Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

---

Geoffrey R. Calderon, City Secretary



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**CONSENT AGENDA**

---

4. Approval of June 13, 2023 Budget Workshop Meeting Minutes (G. Calderon, City Secretary)

---

**BACKGROUND**

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NONE.

---

**SUPPORTING MATERIALS**

---

1. June 13, 2023 Budget Workshop Meeting Minutes.

---

**STAFF RECOMMENDATION**

---

APPROVE.



**City of Alpine  
Budget Workshop  
Tuesday, June 13, 2023  
Minutes**

1. **Call to Order & Pledge of Allegiance** – Mayor Catherine Eaves called the budget workshop to order at 5:30 P.M. The meeting was held at City Council Chambers located at 803 West Holland Avenue and via Zoom Videoconference in the City of Alpine, Texas. Mayor Eaves led the pledge of allegiance to the flags.

2. **Council Members and City Staff Present** –

**City Council Members Present:**

Mayor Catherine Eaves  
Councilor Judy Stokes  
Councilor Chris Rodriguez  
Councilor Darin Nance  
Councilor Rick Stephens

**City Staff and Stakeholders Present:**

Megan Antrim, City Manager  
Geoffrey R. Calderon, City Secretary

**Not Present:**

Councilor Judy Stokes  
Councilor Martin Sandate

3. **Workshop** –

Workshop for the Fiscal Year 2023-2024 Budget with a focus on a review of annual policies and employees.

*The City Council workshopped the 2023-2024 budget with a focus on a review of revenue. No official action was taken at this meeting.*

4. **City Council Member Comments** – No discussion or action may take place.

5. **Adjourn.** (7:52 P.M.)

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Catherine Eaves, Mayor

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, in a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on June 2, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. 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 Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

---

Geoffrey R. Calderon, City Secretary



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**CONSENT AGENDA**

---

5. Approval of Larry Nichols to the Place 5 position on the Hotel Occupancy Tax Committee.  
(R. Stephens, City Council)

---

**BACKGROUND**

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NONE.

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**SUPPORTING MATERIALS**

---

1. Boards and commission questionnaire/ application.

---

**STAFF RECOMMENDATION**

---

APPROVE.

# ADMINISTRATION: BOARDS & COMMISSION APPLICATION



**Submitted by:** Larry Nichols

**Submitted On:** 2022-12-16 21:33:21

**Submission IP:** (204.80.120.24)  
proxy-IP (raw-IP)

**Status:** Acknowledged

**Priority:** Normal

**Assigned To:** Records Clerk

**Due Date:** Open

**RECEIVED**  
City of Alpine, Texas

**DEC 19 2022**

OFFICE OF THE CITY SECRETARY

BY:



## CITY OF ALPINE ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE

### Qualities that make a great board member:

- A genuine interest in improving life for Alpine residents
- Knowledge of or a willingness to learn about the subject area
- Knowledge of or a willingness to learn local governance rules and norms
- Openness to new ideas
- Considers volunteer service important and worthy of a reasonable time commitment

### What the City should provide to board members:

- Clear guidance about expectations for attendance and time contribution
- Clear guidance about rules governing public boards (open meetings and open records requirements)
- Designated staff liaison who regularly reports on meetings to supervisor

### Board Chairperson:

- Understands board structure, ordinances, and rules
- Works with the City staff liaison person to coordinate meeting agendas
- Engages board members with calls or follow-up to make sure they can attend the meetings (i.e. quorum)
- Follows up with the City Manager, the City Secretary, and to members of City Council to ask questions and get support as needed.

• **First Name**

Larry

• **Last Name**

Nichols

• **Street Address**

1005 Mingo Drive

• City

Alpine

• State

TX

• Zip

79830

• Email Address

saladocpa@bigbend.net

• Phone

4322145523

• Occupation

Retired CPA

• Are you a resident of Alpine, Texas?

☒ Yes

☐ No

• How long have you been a resident of, or been involved with, Alpine?

Nine years.e

• Are you a qualified (registered) voter of Brewster County?

☒ Yes

☐ No

• Are you a qualified (registered) voter of the City of Alpine?

☒ Yes

☐ No

• Board, Commission, or Committee ("Board") that you have interest in serving on:

HOT Committee

• Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this Board.

I am a retired CPA. I have a BBA in accounting from Texas Tech. I served in public accounting and as a CFO for all of my career.

Please state why you wish to serve the City of Alpine as a member of a Board:

I have owned Three STRs for four years and live in Alpine. I have a great interest in promoting Alpine tourism.

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

☐ Yes

☒ No

If yes, in what capacity?

How long?

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

☐ Yes

☒ No

If yes, please explain:

Upload a File (Optional)

Choose File No file chosen

Upload a File (Optional)

Choose File No file chosen

Upload a File (Optional)

Choose File No file chosen

Upload a File (Optional)

Choose File No file chosen

As evidenced by my signature below, I certify that the statements contained in this document are true and correct to the best of my knowledge.

▪ **Electronic Signature**

Larry Nichols

▪ **Date**

12/16/2022

Format: MM/DD/YYYY

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

☒ **Option 1**



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**CONSENT AGENDA**

---

6. Approve Resolution 2023-06-17, a resolution adopting a Budget Policy for the City. (M. Antrim, City Manager)

---

**BACKGROUND**

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1. Original policy adopted June 19, 2018, to establish policies related to the preparation of the annual budget for the City of Alpine:
  - a. To enhance and facilitate accountability and innovation in all city business;
  - b. Provide superior customer services that are responsive and transparent to the public;
  - c. Provide analysis and long-range thinking that supports responsible decision making;
  - d. Proactively protects and maintains city resources; and
  - e. Ensures regulatory and policy compliance.
2. Annual Review and approval
  - a. 2019 – N/A
  - b. 2020 – N/A
  - c. 2021 – N/A
  - d. 2022 – June 21, 2022 – no changes
  - e. 2023 – June 20, 2023 – no changes

---

**SUPPORTING MATERIALS**

---

1. Resolution 2023-06-17

---

**STAFF RECOMMENDATION**

---

1. APPROVE.

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

**RESOLUTION 2023-06-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS  
ADOPTING A BUDGET POLICY FOR THE CITY.**

**WHEREAS**, the City Council of the City of Alpine desires to adopt a budget policy to ensure sound financial practices for public funds; and

**WHEREAS**, budget policies assist in enhancing accountability and innovation in all City business and increases transparency to the public; and

**WHEREAS**, budget policies support responsible decision making, protects City resources, and ensure regulatory and policy compliance; and

**WHEREAS**, the City Council approved the previous budget policy on June 21, 2022, and now deems it to be in the best interest of the City to revisit the policy at least annually to ensure that the policy satisfactorily meets the standards of the City.

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

**SECTION I.** The Budget Policy of the City hereto attached as Exhibit “A” and made a part hereof, is hereby approved as the official budget policy of the City of Alpine.

**SECTION II.** The Budget Policy shall be filed in the official records with the Office of the City Secretary for permanent recordation.

**SECTION III.** This Resolution is effective immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THE 20<sup>th</sup> DAY OF JUNE 2023.**

**APPROVE:**

**ATTEST:**

---

Catherine Eaves, Mayor

---

Geoffrey R. Calderon, City Secretary



## **Exhibit "A"**

# **CITY OF ALPINE BUDGET POLICY**

**ADOPTED JUNE, 19 2018**

**ADOPTED JUNE 21, 2022**

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## **I. PURPOSE**

To establish policies related to the preparation of the annual budget for the City of Alpine:

- To enhance and facilitate accountability and innovation in all city business;
- Provide superior customer services that are responsive and transparent to the public;
- Provide analysis and long range thinking that supports responsible decision making;
- Proactively protects and maintains city resources; and
- Ensures regulatory and policy compliance.

## **II. SCOPE**

These policies apply to both operating, enterprise and capital budgets. Capital budgets include appropriations for items such as heavy equipment, machinery, and rolling stock.

## **III. OBJECTIVES**

The budget policies for the City of Alpine will guide the development of the City's budget and help manage financial pressures to address growing demands upon City resources, while preserving long-term fiscal stability.

## **IV. BUDGET PROCESS**

The purpose of the budget process is to help decision makers make informed choices about the provision of services and capital assets and to promote stakeholder participation in the process. The following is a summary of policies that will guide the process.

1. The City Manager and Council will set parameters/priorities at the beginning of each budget cycle.
2. The City Manager and Council will adopt an annual budget preparation and adoption calendar.
3. The budget process should include a three-year financial forecast to assess long-term financial implications of current and proposed policies, programs, and assumptions that develop appropriate strategies to achieve Council's goals.

4. Upon submission of the departmental requests, the City Manager reviews and evaluates all baseline budget requests to determine whether they fulfill City Council goals and objectives, improve management effectiveness, and service delivery (Sec. 102.001).
5. The City Manager submits a proposed budget to City Council for approval no later than 45 days prior to the close of the fiscal year (Charter 5.02). The City Manager's Budget Message, a concise summary of the budget, shall include:
  - a) Summary of the major changes in priorities or service levels from the current year and the factors leading to those changes.
  - b) The priorities and key issues for the new budget period.
  - c) Identify and summarize major financial factors and trends affecting the budget, such as economic factors; long-range outlook; significant changes in revenue collections, tax rates, or other changes; current and future debt obligations; and significant use of or increase in unreserved fund balance.
  - d) Provide financial summary data on revenues, other resources, and expenditures for at least a three-year period, including prior year actual, current year budget and/or estimated current year actual and the proposed budget.
  - e) Identify the City Charter requirement to have a balanced budget.

## V. BALANCED BUDGET

The general fund, which is the main operating fund of the City, is required to annually have a balanced budget. Appropriations will equal revenues in the proposed City Manager's budget submitted to Council for review and approval. (LGC Sec. 102.002) Council will adopt a balanced budget by ordinance.

The budget must contain (LGC Sec. 102.003 (b)):

- Outstanding obligations of the city
- Cash on hand to the credit of each fund
- Funds received from all sources during the preceding year
- Estimated Revenue available to cover the proposed budget; and
- Estimated tax required to cover the proposed budget.

Unreserved fund balance in the general fund will only be appropriated for one-time type expenditures at the request of the City Manager and approval of Council (Financial Policy). The City Manager will provide Council with a report of financial impact to the City utilizing the unreserved fund.

While in any given year all or a portion of the unreserved balance in a fund may be appropriated for expenditure, the long-term goal is that operating expenditures not exceed operating revenues on an annualized basis such that structural balance is maintained within each fund.

Consistent with this long-term goal, the better practice is to appropriate portions of the beginning balance only to the extent they support non-recurring expenditures, replace temporary declines in revenue, or are reasonably anticipated to be offset by increased revenue not yet officially recognized in a revenue estimate.

It is the policy of the City that the budget for each of its funds always be balanced in that the appropriations from each fund for the fiscal year not exceed the resources available to that fund for the year, including estimated revenues and any unreserved balance in the fund at the beginning of the year. This policy assures that the city does not spend beyond its means.

## VI. LONG-TERM PLANNING

It is the policy of the City to maintain a multi-year budget projection of revenues, expenditures, and reserves. The multi-year revenue and expenditure projection shall be reviewed at least semi-annually, once prior to the budget process and after adoption of the budget. The multi-year budget projection will also be updated upon the approval of any capital improvement plan submitted to Council and should be updated based on any dramatic changes in policy, legislation and the economy. The projection will cover a minimum of three years.

The Director of Finance is responsible for presenting the multiyear projections to the City Manager and Council as part of a Proposed Operating Budget cycle.

## VII. REVENUE POLICIES

### A. REVENUE DIVERSIFICATION

The City shall maintain a broad revenue base to distribute the revenue burden equitably to minimize the risk exposure of unforeseen down turns in any one revenue stream supporting the City budget.

During each year of a budget process the Finance Department will review any tax exemptions approved by Council and will submit recommendations to City Administration identifying possible increases or decreases in the approved exemptions or any new exemptions being proposed. The Finance Director will also identify both the short and long-range effects on City resources available to fund existing and proposed programs. City Council will review tax exemptions only during the budget process.

Based on economic conditions, the Finance Department will identify specific revenue sources that may be severely impacted by elasticity. Revenue sources are reviewed on a monthly basis

to report any significant changes that may impact the budget and identify corrective action if necessary to City administration. Potential new revenue sources when identified and evaluated are to be submitted during the budget process.

Revenue directly related to a restricted fund shall only be used for purposes legally permissible and in a fiscally responsible manner for that fund. Programs and services funded by restricted revenue will be clearly designated as such.

#### **B. ONE-TIME REVENUES**

The City shall limit the use of one-time revenues for purposes other than to maintain sustained operating expenses due to the disruptive effects on services due to the non-recurrence of these sources. Such one-time revenue sources shall be solely utilized for the purchase of one-time expenditures, such as capital items or short-term contractual obligations of duration of less than twelve months.

#### **C. UNPREDICTABLE REVENUE**

The City shall identify major revenue sources it considers unpredictable and define how these revenues may be used. It is important to consider how significant a variation in revenue receipts will affect the City's financial outlook and ability to operate programs in the current and future budget periods. A City should decide, in advance, on a set of tentative actions to be taken if one or more of these sources generate revenues substantially higher or lower than projected. The plans should be publicly discussed and used in budget decision-making.

#### **D. REVENUE ESTIMATES**

City departments that generate revenue are required to submit revenue estimates annually for the preceding fiscal year to the Finance Department with supporting documentation identifying the methodology utilized in preparing revenue estimates. The Finance Director will review the estimates and include them in the budget process.

Revenues should be estimated using a conservative approach to avoid any budget shortfalls during the fiscal year. Departments should provide estimates annually during the budget process of the revenue generated by their department. There should be a consensus by the Department, the Finance Director, and the City Manager on the estimate prior to inclusion in the proposed budget submitted to Council for adoption.

#### **E. SETTING CHARGES/FEES**

1. Departments will review at least biannually any fees associated with their department and make changes based on factors such as the impact of inflation, indirect cost adjustments, and any other related expenses that impact the cost of providing services to the public. Proposed changes must be submitted to City Manager for review and adoption by City Council as part of the budget process.
2. New fees are to be included as part of the budget process and if approved by administration, included in the proposed budget submitted to Council for adoption.
3. Fees are to be established at a level that ensures the recovery of the full cost of the services provided. In the event that a fee or license amount is limited by state statute, said fee or license will be established accordingly.
4. Enterprise Funds shall be self-supporting so that the relationship between costs and revenues is clearly identified.

#### **F. COLLECTION**

The City monitors revenue collection throughout the fiscal year. When revenue is less than estimated, the Finance Department shall notify administration with expected impact on the current fiscal year budget and provide recommended corrective action. The City Manager initiates action consistent with prudent financial management and notifies Council of such action.

#### **G. INDIRECT COSTS**

Indirect costs should be recovered from other funds according to the Financial Policy of the City.

### **VIII. APPROPRIATION POLICIES**

#### **A. APPROPRIATION ESTIMATES**

Appropriations shall be sufficient to provide quality services at a reasonable cost and within available financial resources. All new requests for program funding should be accompanied with concise statements of program's mission, objectives, and intended measurable outcomes.



## B. PERSONNEL SERVICES

1. The budget ordinance shall specify the authority Department Directors will have in respect to changing their personnel budgets.
2. Benefits such as health insurance, life insurance, worker's compensation, and pension will be budgeted in each department.
3. During budget process, all personnel requests must be fully justified to show that they will either meet new program purposes or maintain or enhance service delivery. The City Manager shall approve all position additions.

## C. BUDGET REDUCTIONS

In developing recommendations that may require operational reductions, departments should ensure that administrative and non-service areas have been reduced to the maximum extent possible. In general, any service reduction, which may be necessary, should include reductions in administrative functions, such as management/supervisory, payroll, or other support staff.

All reductions should include an overall review of management structure to ensure efficiency and economy of resources. Further, reductions should focus on positions most recently added and/or programs most recently augmented or identified as a non-core function.

Focus reductions in programs which are discretionary or where the service level is discretionary and are not mandated by charter or addressed in City's strategic plan.

## D. REPLACEMENT OF ROLLING STOCK

An equipment management and replacement plan should be followed citywide to ensure systematic replacement of equipment and vehicles based on the particular life cycle. A replacement policy shall be adopted and established to ensure departments systematically replace equipment and vehicles, within the guidelines of the policy.

## E. CAPITAL IMPROVEMENT PLAN



A five-year Capital Improvement Program (CIP) with three-year implementation schedules will be developed and submitted to Council for approval (Charter 5.08). The CIP must include:

1. A list of proposed capital improvements with cost estimates, methods of financing, recommended time schedules for each improvement and the estimated income or cost of maintaining the facilities to be constructed. CIP projects will be for infrastructure or facilities over \$50,000.
2. Capital projects presented in the CIP will show related operating and maintenance costs and will be considered during the operating budget evaluation. Departments shall have a plan developed with adequate funding for further repairs and replacement.
3. A balance of pay-as-you-go capital improvements versus financing will be evaluated taking various economic factors into consideration. It is financed through a combination of:
  - Revenue-supported debt
  - Tax-supported debt
  - Internally generated revenues

## IX. OPERATING CONTINGENCY

The City appropriates a minimum of 3% of operating revenues in an operating contingency account, to address any unforeseen expenditures throughout the fiscal year. Withdrawing from the contingency account must have approval from the City Manager and must be utilized only for urgent and immediate repair or replacement of equipment or facilities.

The operating contingency of 3 % is to be implemented over a 5-year period with 1/12 of the annual general fund revenue moved each year.

## X. RESERVES

An unrestricted general fund balance will be maintained to respond to emergencies equal to an average of three months of general fund expenditures.

Flexibility will be allowed in the use of fund balance, but its use should be prioritized in the following order:

1. Unforeseen events or emergencies
2. Future year capital expenditures

Funding of this reserve will come from one-time revenues, excess fund balance and revenues in excess of expenditures. The City shall implement this plan over a five-year period beginning with the passage of this policy.

Reserves shall be set aside each year in a Reserve Fund. Interest earned on the reserve funds may be incorporated into general fund revenue in excess of fund reserve levels.

## **XI. BUDGET ADOPTION**

The budget shall be adopted by ordinance not later than the last day of the eleventh month of the fiscal year; but, in the event the budget is not adopted, it must be adopted no later than the fifteenth day of the twelfth month of the fiscal year according to the City Charter (Charter 5.05 (c); LGC Sec. 102.011). If the Council fails to adopt the budget by such date, the appropriation for personnel and essential operating supplies made in the previous year shall be extended until the new budget is adopted or as provided by state law.

## **XII. BUDGET CONTROLS**

Budgetary controls and authority will be set at the object level. The department head is ultimately responsible for making sure his/her department does not go over budget.

## **XIII. MODIFICATIONS TO THE BUDGET**

1. Department Heads are authorized to make line item adjustments up to \$5,000.00. Those exceeding this limit will require City Manager approval.
2. A budget amendment for personnel services appropriations or impacting revenue accounts requires the approval of the City Council by ordinance.
3. A budget modification must be approved prior to the occurrence of the expenditure except for emergency expenditures when approved by the City Manager and then ratified by the Council.
4. The City Manager shall have the authority to establish the budget for any capital projects that are approved by the Council.
5. Budget amendments submitted to Council shall be accompanied by an explanation from the department and a recommendation from the City Manager. The department's explanation must be sufficiently clear and provide sufficient detail for the members of Council to determine the need for the amendment.
6. The City Manager is authorized to establish budgets and staffing table changes for grants and similar awards when the applications for such grants and awards have been previously approved by the City Council or the City Manager. All grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall state clearly the type and amount of the required City match and the funding source of the grant match.

#### XIV. PERFORMANCE MEASURES

In addition to staffing and line item requests, department budgets should also include performance measures for each major function within the department. Performance measures are predicated on the expected outcomes of department services and programs and should focus on the most meaningful results.

They are used to indicate whether and to what extent departments are accomplishing a mandated mission and are tools for City administration to measure the effectiveness of services in order to make strategic decisions.

Performance measures are maintained for critical services over a period of time in order to show historical deviation, to establish a service standard, and for use as a benchmark of City services against those of other government entities. Performance measures must be updated annually at a minimum.

#### XV. COSTING GOVERNMENT SERVICES

The Finance Department will maintain a program to calculate the full cost of the different services the City provides. The full cost of a service encompasses all direct and indirect costs related to that service.

#### XVI. REPORTING

Departments will submit to the Finance Department an expenditure analysis no later than 10 days after the accounting period has been closed. The Finance Director will monitor expenditures monthly and report to Council on a monthly basis.

#### XVII. DISTINGUISHED BUDGET PRESENTATION

The City will seek to comply with suggested criteria of the Government Finance Officer's Association in producing a budget document that meets the Distinguished Budget Presentation criteria as policy document, as an operating guide, as a financial plan, and a communication device.



**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
JUNE 20, 2023**

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**CONSENT AGENDA**

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7. Approve Resolution 2023-06-18, a resolution adopting a Financial Policy for the City. (M. Antrim, City Manager)

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**BACKGROUND**

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1. Updated and approved by Council in 2018.
2. Annual review and additional updates in July 2022:
  - a. Included additional section addressing Debt obligations
3. Annual Review and approval
  - a. 2019 – N/A
  - b. 2020 – N/A
  - c. 2021 – N/A
  - d. 2022 – July 5, 2022 – addition of debt obligations
  - e. 2023 – June 20, 2023 – no changes

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**SUPPORTING MATERIALS**

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1. Resolution 2023-06-18

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**STAFF RECOMMENDATION**

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1. APPROVE.

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

**RESOLUTION 2023-06-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS  
ADOPTING A FINANCIAL POLICY FOR THE CITY.**

**WHEREAS**, the City Council of the City of Alpine has the responsibility of managing public funds appropriately; and

**WHEREAS**, financial policies have many benefits in assisting the City Council and City staff with the sound financial management of the City; and

**WHEREAS**, financial policies also assist in promoting efficient financial management practices designed to meet City goals and objectives; and

**WHEREAS**, the City Council approved the previous financial policy on July 5, 2022, and now deems it to be in the best interest of the City to revisit the policy to ensure that the policy satisfactorily meets the standards of the City.

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

**SECTION I.** The Financial Policy of the City hereto attached as Exhibit "A" and made a part hereof, is hereby approved as the official financial policy of the City of Alpine.

**SECTION II.** The Financial Policy shall be filed in the official records with the Office of the City Secretary for permanent recordation.

**SECTION III.** This Resolution is effective immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THE 20<sup>th</sup> DAY OF JUNE 2023.**

**APPROVE:**

**ATTEST:**

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Catherine Eaves, Mayor

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Geoffrey R. Calderon, City Secretary

## **Exhibit “A”**

### **City of Alpine Financial Policy**

The City has an important responsibility to its citizens to carefully account for public funds, prudently manage municipal finances, and to plan for the adequate funding of services desired by the public. These financial policies enable the City to achieve a long – term stable and positive financial condition by exercising integrity, prudence, responsible stewardship, planning, accountability, and full and continuous disclosure.

#### **A. REVENUES**

**Property Tax:** All taxable property within the City is subject to the assessment, levy, and collection by the City of a continuing, direct annual ad valorem tax. The ad valorem tax is sufficient to provide payment of principal and interest on all ad valorem tax debt and for operations and maintenance costs as allowed by V.T.C.A. Tax Code § 302.001 (c). An average collection rate of at least 98 percent of current levy shall be maintained.

**Sales Tax:** The State imposes a 6.25 percent sale and use tax on all retail sales, leases and rentals of most goods, as well as taxable services (a list of taxable services is provided on the State Comptrollers website). Local taxing jurisdictions (cities, counties, special purpose districts and transit authorities) can also impose up to 2 percent sales and use tax for a maximum combined rate of 8.25 percent. The City of Alpine imposes 1.5 percent and Brewster County imposes the other .5 percent for a total of 2 percent. Collection and enforcement of the City’s sales tax is handled through the offices of the Comptroller of Public Accounts, State of Texas, who remits the proceeds of the tax to the City on a monthly basis, after deduction of a two percent service fee.

**Donations/Contributions:** Donations from individuals and/or groups are managed in accordance with intended use and restrictions. Assets donated or dedicated to the city are managed as directed by City Council. Assets are to be recorded at estimated fair market value at time of transfer.

**Interest Earnings:** Investments are managed in accordance with the City of Alpine Investment Policy.

**Grants:** The City applies for grants that are consistent with the objectives and high priority needs identifies by the City Council. The potential for incurring ongoing costs, including the assumption of support for grant funded positions from local revenue, will be considered prior to applying for a grant. The City recovers indirect costs whenever possible. All grant applications are reviewed for their cash match requirements, their potential impact on the operating budget, and the extent to which they meet City policies. Funding sources for local matches will be identified prior to the application process. The City terminates grant funded programs and associated positions when grant funds expire unless an alternate funding source is identified.

**Hotel/Motel Occupancy Tax:** Hotel/Motel Occupancy tax is 13 percent of the cost of a room night for hotels, motels, bread and breakfasts, and AirBnb's within the City. There is an amount of six percent that is remitted to the State of Texas and seven percent that is remitted to the City. Hotel/Motel taxes are allocated in accordance with Chapter 90, Article III, Section 90-86 – 90-98 of the City Ordinances. A detailed allocation is provided in the Operating Budget. Changes to this allocation must be approved by City Council.

**Enterprise Funds:** Enterprise funds are self – supporting from their own source rates, fees, and charges. Cost recovery includes direct operating and maintenance expense, indirect cost recovery, in – lieu of transfers to the General Fund for property taxes and franchise fee payments, capital expenditures and debt service payments, where appropriate. Rate models are maintained to identify all sources and uses of funds and provide a 10-year planning tool for rate setting. Rate increases are proposed for consideration to City Council during the annual budget process.

**Collections:** The City utilizes a collection firm to collect delinquent property tax revenues. City Council reviews annual the progress of collections.

**Uncollectible Debts – Account Write Off:** The City shall monitor payments due to the City (accounts receivable) and periodically write-off accounts where collection efforts have been exhausted and or/collection efforts are not feasible or cost effective.

**One-Time/Unpredictable Revenue Sources:** One-time, unpredictable revenue sources should not be used for ongoing expenses/expenditures. One-time, unpredictable revenue sources will be used for one-time purchases such as increased in fund balance requirements, capital equipment purchases, capital improvements, etc.

**Other Revenue Collections:** The City monitors and minimizes administrative costs necessary to generate revenues. Delinquent accounts and insufficient checks are turned over to an outside collections agency for collection. As collections are made, the collection agency remits the payments (net of fees) to the City. If insufficient checks are uncollectable, they are returned to the City and turned over to the District Attorney's office for collection. Collection efforts for overdue payments are pursued to the fullest extent of the law.

## **B. EXPENDITURES**

The City operates on a current funding basis. Expenditures are budgeted and controlled so as not to exceed an amount equal to current revenues plus the planned use of appropriable net position accumulated through prior years savings. (Appropriable net position is guided by the Appropriable Net position policy in section C.)

City staff and City management review expenditures on a monthly basis, at a minimum, to ensure that expenditures track budget projections. If at any time operating deficit exists or is projected, corrective action will be recommended. Corrective action may include, but is not limited to, a hiring freeze, expenditure reductions, fee increases, or use of fund balance.

Expenditure deferrals to the following fiscal year, short-term loan, or use of one-time revenue sources will be avoided as attempts to balance the budget.

## **Purchasing**

Purchasing functions include two important aspects:

1. The control aspect or commitment to full compliance with State purchasing statutes, which serve to maintain the public's confidence and trust in all contracting activities.
2. The service commitment of the Finance Department to each City Department.

## **Purchasing Methods**

1. Routine Purchases – Departments may issue purchase orders for all allowable purchases on behalf of the City of Alpine. Purchases must include all necessary documentation to process. Documentation includes, but not limited to, quotes, purchase orders, invoices, tear sheets, contracts, copies of minutes, City reimbursement/travel forms, and all authorized signatures.
  - a. 

| <u>Amount</u>       | <u>Approval Requirements</u>  |
|---------------------|---|
| \$0 - \$2,500       | Department Director or Director Designee                                  |
| \$2,501-\$10,000    | Department Director, Finance Director (and three quotes)                  |
| \$10,001 – \$50,000 | Department Director, Finance Director and City Manager (and three quotes) |
| \$50,001 +          | Department Director, Finance Director, City Manager and City Council      |
  - b. Departments may make purchases for which there is an approved budget and when the item does not require technical or administrative review by specific departments (i.e. computer hardware and software, radio equipment, telecommunication equipment, fleet vehicle/equipment supplies and services, printing/ reproduction services).
2. Credit Card Purchases– Purchases using City issued credit cards are subject to procedures outlined in the Credit Card Policy adopted and reviewed by City Council.
3. The City of Alpine will follow the State of Texas Purchasing and Procurement laws that pertain to cities competitive bidding procedures under V.T.C.A. Local Government Code Chapter 252.
4. The City Manager shall obtain prior authorization for payment of any bill or obligation owed by the City that has not been previously approved in the City's budget.
5. Emergency Purchases – An emergency condition creates an immediate and serious need for materials, services, or construction that cannot be met through normal procurement methods and that seriously threatens the functioning of the City or the protection of



property or the health or safety of any person. In order to qualify as an emergency purchase, one of the following conditions must apply, as provided by Section 252.022 of the TLGC, as amended:

1. A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality.
2. A procurement necessary to preserve or protect the public health or safety of the municipality's residents; or
3. A procurement necessary because of unforeseen damage to public machinery, equipment or other property.

Department supervisors or designees may purchase goods or services and then follow up later with purchases orders describing the emergency along with an invoice(s) indicating the receipt of goods or services.

When an emergency has been declared that qualifies for reimbursement under the Federal Emergency Management Agency (FEMA), the Finance Department will be notified. The Finance Department will assign the emergency subsidiary accounts and apply all purchases under the appropriate accounts. Department heads are responsible for including the appropriate emergency subsidiary account for any items directly related to the emergency.

Additional information regarding purchases may be found in the Purchasing Policy.

### **C. Financial Conditions, Reserves, and Stability Ratios**

**Fund Balance Net Position** – when fund resources exceed uses, the result is fund balance accumulations for governmental funds and net position for proprietary funds. Reserves are maintained in fund balances/net position, at levels sufficient to protect the City's creditworthiness and to provide contingency funds in the event of emergency and/or unforeseen cash outlays. City Council may create reserves by taking action to set funds aside for a specific purpose or according to legal restrictions on the use of assets. Designation of fund balance/reserves are made when the appropriate level of management requests an amount, purpose, and timeframe for the designation. Designations are not authoritative and may not be reallocated at any time. Reserves require City Council action to reallocate.

Reserve accounts will be implemented over a two (2), three (3) year, or five (5) year period. The first year 1/12 of the annual revenue will be moved to the reserve account from each established fund. Funds will be transferred in February of each year, if permitted. In years two (2), three (3), four (4), and five (5) the same 1/12 of the annual revenue will be moved. The following years the reserve account will be maintained at the established percentage.

1. General Fund – City targets an unrestricted fund balance in an amount equal to at least 10 percent of the regular General Fund operating revenues to meet unanticipated contingencies and fluctuations in revenue.

- a. GF – Contingency reserve – the City targets to maintain a three (3) percent (of the annual revenue) contingency fund for emergency purchases.
2. Water/ Wastewater/ Solid Waste Funds – the City targets appropriable net position in the Water and Wastewater funds in the amount equal to 15 percent of regular operating revenues. A rate model shall be established and reviewed in order to properly project revenues, operating and capital disbursements, debt service requirements, and transfers in/out. The model determines the rate necessary to yield the targeted ending balance and possible future rate increases.
  - a. The City targets to set aside 2 percent of the annual revenue from Water and Wastewater annually for capital infrastructure improvements.
  - b. The City targets to set aside 2 percent of the annual revenue from Solid Waste annually for the purpose of covering the City's landfill sites when solid waste is no longer accepted and to perform certain maintenance and monitoring functions at the site.
3. Gas Funds – the City targets appropriable net position in the Gas funds in the amount equal to 15 percent of regular operating revenues. A rate model shall be established and reviewed in order to properly project revenues, operating and capital disbursements, debt service requirements, and transfers in/out. The model determines the rate necessary to yield the targeted ending balance and possible future rate increases.
  - a. The City targets to set aside 2 percent of the annual revenue from the Gas funds for the purpose of capital improvements.
4. Airport Fund – City targets appropriable net position in the Airport fund in the amount equal to 10 percent of the regular operating revenues to meet capital project needs.
5. HOT Fund – the City targets to set aside 2 percent of the annual revenue from HOT funds for the purpose of capital improvements.
6. Interest and Sinking – the City targets appropriable net position in the Interest and Sinking in an amount equal to 2 percent of regular operating revenues.

**Self – Insurance Health Fund** – Prior to October 2020, the City's health insurance plan-is was self – insured under Texas Municipal League IEBP. Funding for the health plan-is was derived from charges to departments on a per employee basis. In October 2020, the City switched to a fully funded health insurance program and directly charges departments and employees for health insurance coverage. The fund is no longer funded through City and employee contributions. The Self-Insurance Health Fund is being utilized to cover the premiums and claims of the Health Reimbursement Arrangement (HRA) program established in October 2020 for employees.

**Investments** – The City's principal investment objectives are:

1. Compliance – with all Federal, State, and other legal requirements (includes but is not limited to Chapter 2256 “Public Funds Investment Act” as amended and Chapter 2257 “Public Funds Collateral Act” as amended, of the Texas Government Code.)
2. Safety – Preservation of capital and protection of investment principal.
3. Liquidity – Maintenance of sufficient liquidity to meet anticipated disbursements and cash flows.
4. Diversification – Maintenance of diversity in market sector and maturity to minimize risk in a particular sector.
5. Yield – Attainment of a market rate of return equal to or higher than the benchmark performance established by the Investment Committee.

The City has a formal written investment policy that is reviewed annually and approved by City Council. The Investment Committee meets annually to monitor investment policies and results. Written reports are provided to Council on a quarterly basis.

**Retirement Plans** – Each qualified employee is included in the City’s retirement plan – Texas Municipal Retirement System. TMRS is a statewide agent multiple -employee retirement system that provides pension benefits through a nontraditional joint contributory, defined contribution plan. The City does not maintain accounting records, hold the investments or administer the fund. Funds are appropriated annually to meet the actuarially determined funding levels of the plan. The City also provides qualified volunteer firefighters with retirement through the Texas Emergency Services Retirement System. TESRS maintains accounting records, holds investments and administers the fund.

**Inventories** – Inventories in Enterprise funds consist of expendable supplies held for consumption. Inventories are valued at cost using the average cost method of valuation and when issued, it is accounted for using the consumption method. The targeted inventory turnover ratio is set at 2 times. Therefore, if an inventory item is not sold and replaced 2 times during a year, it is evaluated to determine if there is sufficient need to keep the item in stock.

## **D. Budget Appropriation/Control**

Budget controls are designed to ensure compliance with legal provisions embodied in the annual appropriated budget approved by City Council. Activities of the General Fund are included in the annual appropriated budget. Financial plans are adopted for capital program funds. The City follows all State, Federal, and Charter guidelines in the development of the City’s budget.

A budget amendment/supplement must be approved by City Council, if actual expenditures will exceed total budget. Fund appropriations of the City Council are allocated to programs, offices, departments, divisions, and projects by the City Manager.

The City’s budget is adopted annually. Each department develops and maintains a mission to implement City Council goals and objectives. Performance benchmarks and activity measures are developed as part of the budget process that measure and track actual performance to budget

benchmarks. When performance measures are developed, resources necessary to achieve the performance are estimated and submitted to the City Manager for review and modification.

The City Manager submits to City Council a proposed operating budget and capital program for the upcoming fiscal year. Public hearings are conducted to obtain taxpayer comments, and budget is legally enacted through passage of an ordinance by the City Council.

Control of expenditures is accomplished administratively through City Council adopted budget ordinances. Departmental budgets are reviewed monthly with management. The Finance Department prepares the monthly Revenues/Expense report to advise the City Manager and City Council.

### **E. Accounting, Auditing, and Financial Reporting**

**Basis of Accounting** - The Financial states of the City conform to generally accepted accounting principles (GAAP) of the Governmental Accounting Standards Board (GASB) and recommended practices adopted by Government Finance Officers Association (GFOA).

Additional information regarding accounting procedures may be found in the Accounting Policy.

**Internal Control** - The City is responsible for establishing and maintaining an internal control structure designed to provide reasonable, but not absolute, assurance that the assets of the City are protected from loss, theft, or misuse.

**External Auditing** – The City is audited annually by outside independent auditors. The auditors must be a CPA firm that has the breadth and depth of staff to conduct the City’s audit in accordance with GAAP and contractual requirements. The auditor’s report on the City’s financial statements must be completed in sufficient time such that it may be presented to the City Council at a Council meeting in March following the fiscal year end.

### **F. Capital Assets and Improvements**

Annually review and monitor the state of the City’s capital equipment and infrastructure, setting priorities for its replacement and renovation based on needs, funding alternatives, and availability of resources.

**Capital Improvement Projects** – Within the resources available each fiscal year, the City shall maintain capital assets and infrastructure at a sufficient level to protect the City’s investment to minimize future replacement and maintenance costs, and to maintain service levels. As part of the annual budget process, the City reviews a projected five – year need for capital improvements and equipment, the current status of the City’s infrastructure, replacement and renovation needs, and potential new projects. When projects are contemplated, related costs such as operations and maintenance costs are evaluated along with capital expenditures to assess affordability prior to proposal of the projects. All operation and maintenance costs are required

to be included in any capital project proposal. All projects, ongoing and proposed, will be prioritized based on an analysis of current needs and resource availability. Capital project appropriations are approved on a project length basis.

Capital Project Funds are used to accumulate resources to construct, install, or purchase new assets. They also enhance or improve existing facilities. Capital Projects must have a cost of \$50,000 or more and generally have a life of five or more years. Capital summaries include the projects and funds necessary over the next five years as part of the overall long-term capital planning. Major sources of funding for capital projects are contributions from operating funds, debt issuance, Federal and State grants, and surpluses in fund balances/net position.

Project costs are capitalized and added to the City's Fixed Assets. If a project does not meet the criteria for capitalization, the costs will be treated as operating expenses and expensed as incurred.

Fixed assets are reported in the Government Wide Financial Statements and the proprietary fund statements. Capital assets are recorded at cost or estimated historical cost if purchased or constructed. Donated assets are recorded at the estimated fair value on the date of donation.

**Capital Replacement Policy** – The City shall annually prepare a schedule for the replacement of its non-infrastructure capital assets and replace those assets within the resources available each fiscal year.

**Financing** – the City utilizes any of three basic methods for financing capital projects:

1. Funds may be budgeted from current revenues.
2. Purchases may be financed through surplus unreserved/undesignated fund balance.
3. Debt may be issued. (Items financed with debt must have useful lives that are less than the maturity of the debt).

## **G. Debt**

Establish guidelines for debt financing that will provide needed facilities, land, capital equipment, and infrastructure improvements while minimizing the impact of debt payments on current and future revenues.

**Use of Debt Funding:** Debt financing, to include general obligation bonds, revenue bonds, certificates of obligation, certificates of participation, lease/purchase agreements, and other obligations permitted to be issued or incurred under Texas law, shall only be used to purchase capital assets that cannot be prudently acquired from either current revenues or fund balance and to fund infrastructure improvements and additions. Debt financing is utilized to better ensure inter-generational equity by spreading payments of assets and infrastructure over their useful lives. Debt will not be used to fund current operating expenditures.

The City will pay cash for capital improvements within the financial affordability of each fund versus issuing debt when funding capital expenditures and capital improvements, which shall include, but not limited to, sales tax, general fund one-time revenues, utility and airport system revenues, developer fees, inter-local agreements, and state and federal grants.

**Affordability:** The City shall use an objective analytical approach to determine whether it can afford to issue general-purpose debt, both General Obligation and Certificates of Obligation, water/sewer debt, sales tax revenue debt, and any other financing permitted by State law. The process shall include an internal feasibility analysis for each long-term financing which analyzes the impact on current and future budgets, which would include the tax and utility rates. The process shall also include the benefits of the proposed projects. The decision on whether or not to issue new debt shall be based on the benefits of the project, current conditions of the municipal bond market, and the City's ability to "afford" new debt.

In no case will the City issue general obligation debt that will require a debt service tax rate of \$1.50 per \$100 assessed valuation, based on a 90% collection rate, which is the maximum tax rate permitted by State law.

#### **Types of Long-Term Debt:**

1. **Certificates of Obligation (CO's)** - Certificates of Obligation may be issued without voter approval to finance any public works project or capital improvement, as permitted by State law. It is the policy of the City to utilize Certificates of Obligation to finance public improvements in limited circumstances and only after determining the City's ability to assume additional debt based on the standards identified above. CO's may not be issued to fund projects that have failed to be approved by voters in a General Obligation bond proposition for the same purpose within the preceding three years (Local Government Code 271.047 (d)- HB 1378 84th legislature).

Given restrictions on the issuance of CO's, publication and notice requirements and increased transparency to residents, the issuance of CO's shall be reserved to limited circumstances. CO's must follow notice requirements under Local Government Code 271.049, be published once per week for two consecutive weeks with the first publication at least 45 days in advance of the tentative sale date.

#### **A. Notices must include the following information:**

1. Time and place for consideration of the ordinance to issue the CO's;
2. Purpose of the CO's;
3. How the CO's will be repaid- property taxes, revenues, or a combination;
4. Detail on debt obligations of the City:
  - a. Outstanding principal of all debt obligations (secured and paid from property taxes);
  - b. Combined principal and interest on outstanding debt obligations;
  - c. Maximum principal amount of the CO's to be authorized; and
  - d. Estimated combined principal & interest to repay the CO's.

5. Estimated interest rates for the CO's
6. 6. Maximum maturity dates for the CO's.

B. Circumstances in which CO's might be issued include, but are not limited to the following:

1. The City may issue CO's when emergency conditions require a capital improvement to be funded rapidly and it cannot wait for the next GO bond election.
2. The City may issue CO's for projects when the City can leverage dollars from others (such as county mobility bonds) to reduce the City's capital cost for a community improvement and it is not prudent to wait for the next GO bond election;
3. The City may issue CO's if it would be more economical to issue Certificates of Obligation rather than issuing revenue bonds, such as funding for airport or economic development projects that are self-supporting.

2. **General Obligation Bonds (GO's)** - General Obligation Bonds require voter approval. In an effort to increase transparency and resident engagement, the City may strive to plan and propose General Obligation Bond packages on a regular cycle. As part of the annual budget and CIP process, staff will identify projects for funding within remaining voter approved GO bond authorization. When projects have been identified for funding that cannot be funded from the voted authorization, the City may begin planning for and call the next General Obligation Bond Election.

1. Bond Elections

- a. Timing of general obligation bond elections shall be determined by the inventory of current authorized, unissued bonds remaining to be sold and the City's ability to fund projects in the five-year CIP.
- b. The total dollar amount of bond election propositions recommended to the voters may not exceed the City's estimated ability to issue the bonds within a five-year period after the election passes.
- c. An analysis showing how the new debt impacts the City's tax rate and debt capacity must accompany every bond proposition proposal in accordance with state law. The analysis will also include the estimated impact on the operations and maintenance portion of the tax rate.
- d. Each GO bond proposition must be consistent with Government Code Sec. 1251.052 (HB 477 - 2019) and include the following information:
  - i. The ballot for GO Bonds shall specifically state:
    1. General description of the purposes for the debt;
    2. Total principal to be authorized; and

3. That taxes sufficient to pay the principal and interest on the debt will be imposed.
- ii. The City must prepare a voter information document for each proposition to be voted on at the election.
  1. The voter information document must distinctly state:
    - a. Language to be used on the ballot;
      - i. Principal to be issued;
      - ii. Estimated interest costs;
      - iii. Estimated combined principal and interest; and
      - iv. As of the date the election is called:
        1. Principal of current debt;
        2. Interest on outstanding debt; and
        3. Combined principal and interest on outstanding debt.
    - b. Estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the city with an appraised value of \$100,000 to repay the debt obligations, if approved, based upon assumptions by the City; and
    - c. Any other information that the City considers relevant or necessary to explain the information required by this subsection.
  2. The voter information document should include assumptions made in connection with the statements regarding the maximum annual increase in taxes, including:
    - a. Assumed amortization of debt – current and proposed;
    - b. Assumed changes in future appraised values; and
    - c. Assumed interest rates on the proposed debt.
2. General Obligation bonds must be used to accomplish projects identified in the bond referendum and associated material.
3. General Obligation bonds must be used for projects that are consistent with the wording in the bond propositions.
4. In the tax year after a GO bond election, the debt service tax rate is to be adjusted by the projected impact - before any projects from the GO bond election are funded in the CIP. If the tax rate is not adjusted to



fully fund approved projects, the projects will not be included in the CIP nor bonds issued. The maintenance & operations tax rate will be adjusted at the time the projects are placed into service.

5. The City will strive to take a GO bond package to the voters on a regular cycle, approximately every five years, or as needed; GO bond packages shall be structured to provide sufficient funding in each proposition to complete the identified projects.
    - a. If a GO bond proposition fails to be approved by voters, the City may not issue Certificates of Obligation to fund projects from the proposition for the next three years (Local Government Code 271.047 (d)).
    - b. The City Council may consider placing a proposition back on the ballot for approval by voters within the three-year window, prior to the next scheduled GO bond election.
3. **Revenue Bonds** – For the City to issue new revenue bonds, revenues, as defined in the ordinance authorizing the revenue bonds in question, shall be a minimum of 125% of the average annual debt service and 110% of the debt service for the year in which debt requirements are scheduled to be the greatest. Annual adjustments to the City's rate structures for enterprise funds will be made as necessary to maintain the coverage factor.

When the City issues CO's for enterprise fund projects, the City shall prepare a five-year financial plan to ensure that the enterprise fund maintains appropriate reserves and coverage requirements.

**Debt Structure:** The City shall normally issue bonds with a life not to exceed 25 years for general obligation bonds and 30 years for revenue bonds, but in no case longer than the useful life of the asset. The City shall seek level or declining debt repayment schedules and shall seek to retire 90% of the total principal outstanding within 20 years of the year of issuance. There should be no debt structures that include increasing debt service levels in subsequent years, with the first and second year of a bond payout schedule the exception or as special situations may warrant. There shall be no "balloon" bond repayment schedules, which consists of low annual payments and one large payment of the balance due at the end of the term. There shall always be at least interest paid in the first fiscal year after a bond sale and principal payments starting generally no later than the second fiscal year after the bond issue. Normally, there shall be no capitalized interest included in the debt structure except for debt issuances reimbursing developers for infrastructure or in the case in which the project will generate revenue, but it takes a couple of years to produce the revenue. Capitalized interest should normally not exceed 2 years.

**Debt Refunding:** The City's financial advisor shall monitor the municipal bond market for opportunities to obtain interest savings by refunding outstanding debt. As a general rule, the net present value savings of a particular refunding should exceed 3.0% of the refunded maturities unless:

1. A debt restructuring is necessary; or

2. Bond covenant revisions are necessary to facilitate the ability to provide services or to issue additional debt.

**Interest Earnings and Remaining Bond Proceeds:** Interest earnings on bond proceeds will be limited to funding changes to the bond financed Capital Improvement Plan in compliance with the voted propositions, cost overruns on bond projects, or be applied to debt service payments on the bonds issued. Issued but unspent bond proceeds may be appropriated for projects consistent with the ballot language after completion of projects identified in the approved bond propositions.

**Sale Process:** The City shall use a competitive bidding process in the sale of debt unless the nature of the issue warrants a negotiated sale. The City will utilize a negotiated process when the issue is, or contains, a refinancing that is dependent on market/interest rate timing. The City shall award the bonds based on a true interest cost (TIC) basis. However, the City may award bonds based on a net interest cost (NIC) basis as long as the financial advisor agrees that the NIC basis can satisfactorily determine the lowest and best bid.

**Underwriting Syndicates:** In response to the MSRB Rule G-17, which recognizes that the motivations of an underwriter may not be consistent with the best interest of the City, the City shall refer underwriters to its Municipal Advisor to review potential refunding opportunities. The City's municipal advisor is prohibited from underwriting the City's bonds while under contract with the City for municipal advisory services, and for a period of one year after termination of the municipal advisory contract.

**Rating Agency Presentations:** Full disclosure of operations and open lines of communications shall be maintained with the rating agencies. City staff, with the assistance of financial advisors, shall prepare the necessary materials and presentation to the rating agencies. Credit ratings will be sought from one or more of the nationally recognized municipal bond rating agencies, currently Standard & Poor's and Fitch Ratings Inc., as recommended by the City's municipal advisor.

**Bond Ratings:** The City will prudently manage the General and Enterprise Funds and attempt to issue and structure debt to help maintain or increase the current bond ratings.

**Covenant Compliance:** The City will comply with all covenants stated in the bond ordinance, including providing for annual disclosure information and providing for material event notices.

**Direct Borrowings:** A direct borrowing is when a government engages in a loan with a lender for funding (e.g. bank, credit union, private mortgage company, etc). A direct placement is when a government issues a debt security directly to an investor.

The City will use lease/purchase agreements or direct borrowing contracts for capital items only when it is cost-efficient and provides for more attractive terms than issuance of bonds. Capital leases and bank loans must be disclosed as debt in the CAFR under GASB Statement No. 88 and should be disclosed to the MSRB through the EMMA website.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

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**CONSENT AGENDA**

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8. Approve Resolution 2023-06-19, a resolution adopting an Investment Policy for the City of Alpine FY 2023-2024. (M. Antrim, City Manager)

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**BACKGROUND**

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1. Original policy December 2013.
2. Updated/Modified June 2020.
3. Annual Review and Approval
  - a. 2020 – June 16, 2020
  - b. 2021 – July 6, 2021
  - c. 2022 – June 21, 2022
  - d. 2023 – June 20, 2023

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**SUPPORTING MATERIALS**

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1. Resolution 2023-06-19

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**STAFF RECOMMENDATION**

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1. APPROVE.

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

**RESOLUTION 2023-06-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS  
ADOPTING AN INVESTMENT POLICY FOR THE CITY OF ALPINE FY 2023-2024.**

**WHEREAS**, the City Council of the City of Alpine shall adopt an investment policy annually to ensure sound financial practices for public funds; and

**WHEREAS**, this investment policy shall comply with the Public Funds Investment Act, Chapter 2256, Texas Government Code; and

**WHEREAS**, the City Council desires to revisit the investment policy to ensure that it satisfactorily meets the requirements of the Public Funds Investment Act.

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

**SECTION I.** The Investment Policy of the City hereto attached as Exhibit "A" and made a part hereof, is hereby approved as the official investment policy of the City of Alpine.

**SECTION II.** The Investment Policy shall be filed in the official records with the Office of the City Secretary for permanent recordation.

**SECTION III.** This Resolution is effective immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THE 20<sup>th</sup> DAY OF JUNE 2023.**

**APPROVE:**

**ATTEST:**

\_\_\_\_\_  
Catherine Eaves, Mayor

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary

## **EXHIBIT "A"**

### **CITY OF ALPINE**

|                                  |   |
|----------------------------------|---|
| <b>SECTION:</b> FINANCE POLICIES | <b>INITIAL EFFECTIVE DATE:</b> 12-10-2013 |
| <b>SUBJECT:</b> INVESTMENTS      | <b>REVISION DATE:</b> 06-16-2020          |
| <b>TITLE:</b> INVESTMENT POLICY  | <b>REVISION DATE:</b>                     |

#### **I. PURPOSE**

It is the objective of the City of Alpine to invest public funds in a manner which will provide maximum security and the best commensurate yield while meeting the daily cash flow demands of the City and conforming to all federal, state, and local statutes, rules, and regulations governing the investment of public funds. This policy serves to satisfy the statutory requirements of defining and adopting a formal investment policy. The Policy and investment strategies shall be reviewed annually by the City Council who will formally approve any modifications. This Investment Policy, as approved, is in compliance with the provisions of the Public Funds Investment Act of Tex. Gov't Code Chapter 2256.

#### **II. SCOPE**

- A. This Investment Policy applies to the investment activities of the City of Alpine, Texas. All financial assets of all funds, including the General Fund, Special Revenue Funds, Debt Service Funds, Capital Project funds, Enterprise Funds and any other accounts of the City not specifically excluded in these policy guidelines are included. These funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR). These funds, as well as others that may be created from time-to-time, shall be administered in accordance with the provisions of this Policy. Some funds may be pooled for investment purposes.

In addition to this Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) shall be governed and controlled by their governing ordinance and by the provisions of the Tax Reform Act of 1986, including all regulations and rulings promulgated thereunder and applicable to the issuance of tax – exempt obligations.

- B. Funds covered by this Policy may include:

1. General Fund – used to account for resources traditionally associated with government, which are not required to be accounted for in another fund.  
For Example: Pooled Checking

## **EXHIBIT "A"**

2. Special Revenue Funds – used to account for the proceeds from specific revenue sources which are restricted or committed to expenditures for specific purposes other than debt service or capital projects.
  3. Debt Service Funds – used to account for resources to be used for the payment of principal, interest, and related costs on general obligation debt.
  4. Capital Project Funds – used to account for resources to enable the acquisition or construction of major capital facilities which are not financed by enterprise funds, internal service funds, or trust funds.
  5. Enterprise Funds – used to account for operations that are financed and operated in a manner similar to private business enterprises. For example: Water & Waste Water Utilities, Gas Utilities
  6. Internal Service Funds – used to account for the cost of providing goods or services between City departments.
  7. Trust and Agency Funds – used to account for assets held by the City in a trustee capacity or as an agent for individuals, private organizations, other governments, and/or other funds.
  8. Bond Reserve Funds – funds set at prescribed levels by certain bond ordinances to pay principal and/or interest if required to prevent default.
  9. New funds available for investment by the City, such as (but not limited to) resources associated with Public Improvement Districts or Tax Increment Financing Zones, unless specifically excluded herein.
  10. Bond Funds – funds established with the proceeds from specific bond issues when it is determined that segregating these funds from the pooled funds' portfolio will result in maximum interest earning retention under the provisions of the Tax Reform Act of 1986.
  11. Endowment Funds – funds given to the City with instructions that the principal is to remain intact, unless otherwise agreed to, and the income generated by the investments will be used for specified purposes.
  12. Trust or Escrowed Funds – funds held outside the City by a trust or escrow agent but belonging to the City.
- C. This Policy shall not govern funds, which are managed under separate investment programs in accordance with the Tex. Gov't Code Sec. 2256.004. The City Shall and will maintain responsibility for these funds to the extent required by federal and state law, and donor stipulations. This Policy also does not apply to monies held in escrow to retire bonds which are subject to defeasance requirements stated under their respective bond ordinances.

## **EXHIBIT “A”**

### **III. INVESTMENT OBJECTIVES AND STRATEGIES**

It is the policy of the City that, giving due regard to the safety and risk of investments, all available funds shall be invested in conformance with federal and state regulations, applicable bond ordinance requirements, adopted Investment Policy and investment strategies.

In accordance with the Public Funds Investment Act, the following prioritized objectives (in order of importance) in accordance with the Tex. Gov't. Code Sec. 2256.005 (d) apply for each of the City's investment strategies.

- A. **Suitability** – Understanding the suitability of the investment to the financial requirements of the City is important. Any investment eligible in the Investment Policy is suitable for all City funds.
- B. **Safety** – Preservation and safety of principal are the primary objectives of the Investment Policy. All investments will be in high-quality securities with no perceived default risk.
- C. **Liquidity** – The City's investment portfolio will remain sufficiently liquid to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets. Short-term investment pools and money market mutual funds provide daily liquidity and may be utilized as a competitive investment alternative to fixed income instruments.
- D. **Marketability** – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash requirement. Historical market “spreads” between the bid and offer prices of a particular security type of less than a quarter of a percentage point shall define an efficient secondary market.
- E. **Diversification** – Investment maturities shall be staggered to provide cash flow based on the anticipated needs of the City. Diversifying the appropriate maturity structure will reduce market cycle risk.
- F. **Yield** – Attaining a competitive market yield, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio, is the desired objective. The goal of the City's investment portfolio is to regularly meet or exceed the average rate of return on U.S. Treasury bills at a maturity level comparable to the portfolio's weighted average maturity in days. The yield of an equally weighted, rolling twelve month moving average of a one-year U.S. Treasury bill portfolio shall be the minimum yield objective or “benchmark”. One-year U.S. Treasury bill information is derived from the Federal Reserve Statistical Release H.15 for constant maturities. A secondary objective will be to obtain a yield equal to or in excess of a local government investment pool or money market mutual fund.

The first measure of success in this area will be the attainment of enough income to offset inflationary increases. Although steps will be taken to obtain this goal, the City's staff will follow the “Prudent Person” statement relating to the standard of care that must be exercised when investing public funds as expressed in the Tex. Gov't

## **EXHIBIT “A”**

Code Sec. 2256.006(a-b). The Investment Officer shall avoid any transaction that might impair public confidence in the City’s ability to govern effectively. The governing body recognizes that in adequately diversifying the maturity structure within the portfolio to meet the City’s expenditure needs, occasional measured unrealized losses due to market volatility and rising interest rates are inevitable, and must be considered within the context of the overall portfolio’s investment return. The prudence of the investment decisions shall be measured in accordance with the tests set forth in the Tex. Gov’t Code Sec. 2256.006(b)/.

### **IV. INVESTMENT STRATEGY FOR SPECIFIC FUND GROUPS**

In order to better diversify, maximize interest earnings and otherwise meet stated objectives, fund groups may be combined into one or more internal investment pools. Although fund monies may be combined into a single asset portfolio, proportional fund ownership will be accounted for separately. The City maintains separate portfolios for some individual funds or groups of funds that are managed in accordance with the terms of this Policy and by the corresponding investment strategies listed below.

- A. Investment Pool Strategy – The City’s Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, reserve funds for outstanding utility system revenue bonds, as well as some, but not necessarily all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for the City’s operations, capital projects and debt service. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the investment pool shall not exceed 1.5 years or 550 days. The objective of this portfolio is to:
1. Ensure safety of principal by investing in only high-quality securities for which a strong secondary market exists.
  2. Ensure that anticipated cash flow needs are matched with adequate investment liquidity.
  3. Limit credit risk and interest rate risk through diversification.
    - a. Credit Risk – The City will minimize credit risk, which is the risk of all or part of the investment due to the failure of the security issuer or backer, by:
      - i. Limiting investments to the types of securities listed in Section VII of this Investment Policy.
      - ii. Pre-qualifying and conducting ongoing due diligence of the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business in accordance with Section IX.



## **EXHIBIT “A”**

- iii. Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.
  - b. Interest Rate Risk – The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in the market interest rates, by:
    - i. Structuring the investment portfolio so that security maturities match cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
    - ii. Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting individual security maturity as well as the average maturity of the portfolio in accordance with this policy.
  - 4. Attain the best feasible yield commensurate with the objectives and restrictions set forth in this Policy by actively managing the portfolio to meet or exceed the twelve-month moving average yield on a one-year U.S. Treasury bill as derived from the Federal Reserve Statistical Release H.15 for constant maturities.
- B. Bond Funds Strategy – Occasionally, separate non-pooled portfolios are established with the proceeds from bond sales in order to maximize earnings within the constraints of arbitrage regulations. The objectives of the portfolio are to:
  - 1. Ensure safety of principal by investing in only high-quality securities for which a strong secondary market exists.
  - 2. Ensure that anticipated cash flow needs are matched with adequate investment liquidity.
  - 3. Limit market and credit risk through diversification.
  - 4. Attain the best feasible yield commensurate with the objectives and restrictions set forth in this Policy and bond ordinance by actively managing the portfolio to meet or exceed the bond yield.
- C. Trust or Escrowed Funds Strategy – Funds that are held outside the City by a trust or escrow agent but belonging to the City are governed by their respective trust or escrow agreement and are subject to the provisions of this Policy. The objectives of the portfolios are to:
  - 1. Ensure safety of principal by investing in only high-quality securities for which a strong secondary market exists.
  - 2. Ensure that anticipated cash flow needs are matched with adequate investment liquidity.
  - 3. Limit market and credit risk through diversification.

## **EXHIBIT "A"**

4. Attain the best feasible yield commensurate with the objectives and restrictions set forth in the Policy and the trust/escrow agreement.

### **V. DELEGATION OF AUTHORITY**

Authority to manage the investment program is granted to the Director of Finance, hereinafter referred to as the Investment Officer and the City Manager, as set by this Investment Policy. Responsibility for the operation of the investment program is hereby delegated to the Investment Officer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. At a minimum, procedures should include references to the following: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and procedures established by the Investment Officer or City Manager. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. The City Manager, Director of Finance, Mayor, City Council, and other Finance Department employees shall be personally indemnified in the event of investment loss provided the Investment Policy has been followed.

### **VI. RESPONSIBILITY AND STANDARD OF CARE**

- A. Delegation and Training – The Investment Officer and department designees will use this Policy as the primary guidelines for the City's investment program, procedures, and internal control issues. The Director of Finance who oversees financial operations is designated as the Investment Officer, pursuant to Tex. Gov't Code Sec. 2256.005(f). Upon taking office or assuming duties, the Investment Officer of the City of Alpine shall attend at least one PFIA training session within 12 months. Thereafter, ten (10) hours of investment training relating to the officer's responsibilities will be taken once every two years. The investment training session shall be provided by an independent source approved by this policy. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization with whom the City may engage in an investment transaction. Thus, these independent sources will be training sessions sponsored, accredited or endorsed by the Government Treasurers Organization of Texas (GTOT), Center for Public Management at the University of North Texas (UNT), Government Finance Officers Association of Texas (GFOAT), Texas Municipal League (TML), North Central Texas Council of Governments (NCTCOG),

## **EXHIBIT "A"**

Association of Public Treasurers United States & Canada (APT US & C), and Government Finance Officers' Association (GFOA).

- B. Conflicts of Interest – All participants in the investment process shall seek to act responsibly as custodians of public assets. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.
- C. Disclosure – Anyone involved in investing City Funds shall file with the Investment Officer a statement disclosing any personal business relationship with a business organization offering to engage in investment transactions with the City or is related within the second degree by affinity or consanguinity as determined under the Tex. Gov't. Code Ch. 573, to an individual seeking to transact investment business with the City. A disclosure statement must also be filed with the Texas Ethics Commission and the City Council. An Investment Officer or other employee has a personal business relationship with a business organization if any of the following three conditions are met:
  - 1. The Investment Officer or employee owns 10% or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization.
  - 2. Funds received by the Investment Officer or employee from the business organization exceed 10% of the investment officer's gross income for the prior year.
  - 3. The Investment Officer or employee has acquired from the business organization during the prior year investments with a book value of \$2,500 or more for their personal account.
- D. Prudence – The standard of prudence to be used by the investment officials shall be the "Prudent Person Rule", as set forth in Tex. Gov't. Code Dec. 2256.006, and will be applied in the context of managing an overall portfolio: "Investments shall be made with judgment and care under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investments, considering the probable safety of their capital as well as the probable income to be derived."

Investment officials acting in accordance with the Investment Policy and exercising due diligence shall be relieved of personal responsibilities for an individual security's credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

## **EXHIBIT “A”**

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the official had responsibility rather than consideration as to the prudence of a single investment and whether the investment decision was consistent with the City's Investment Policy.

### **E. Reporting**

**Quarterly** – The first month of each quarter, the Investment Officer shall prepare and submit to the City Council a written report of investment transactions for all funds covered by this Policy for the preceding reporting period and contain all of the information required by Section 2256.023.

**Annually** – The City Council shall review and approve the Investment Policy and investment strategies at least annually and be documented by Resolution which shall include any changes made.

**Compliance Audit** – The City's external independent auditor will conduct an annual review of the quarterly reports in conjunction with the annual financial audit. The results of the audit will be reported to City Council. The audit will also review compliance with management controls on investments and adherence to this Policy.

- F. Performance Standards** – The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. The benchmarks shall be reflective of the actual securities being purchased and risks undertaken and the benchmarks shall have a similar weighted average maturity as the portfolio
- G. Marking to Market** – The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed consistent with GFOA Recommended Practice on “Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools.” In defining market value, considerations should be given to GASB Statement 31 pronouncement.

## **EXHIBIT "A"**

- H. The guidelines of retaining records for seven years as recommended in the Texas State Library Municipal Records Manual should be followed with respect to the investment of funds other than bond proceeds. The Investment Officer shall oversee the filing and/or storing of investment records.

### **VII. SUTABLE AND AUTHORIZED INVESTMENT SECURITIES**

- A. Active Portfolio Management – The City intends to pursue an active versus a passive investment management philosophy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. In addition, the Investment Officer may at times restrict or prohibit the purchase of specific types of investments or issuers due to current market conditions.

The City shall take all prudent measures consistent with this Investment Policy to liquidate an investment that no longer meets the required minimum rating standards, as per the Tex. Gov't. Code Sec. 2256.021. However, if it is determined by the Investment Officer that the City would benefit from holding the securities to maturity to recapture its initial investment then the Investment Officer may act accordingly. The City is not required to liquidate investments that were authorized investments at the time of purchase. (Tex. Gov't. Code Sec. 2256.017)

- B. Authorized Investments – City funds governed by this Policy may be invested in instruments described below, all of which are authorized by the Public Funds Investment Act (PFIA).
1. Direct Obligations of the United States of America, its agencies and instrumentalities (maturing in less than five years).
  2. Other obligations, the principal and interest of which are unconditionally guaranteed or issued by, or backed by the full faith and credit of, the United States of America, or any obligation fully guaranteed or insured by the Federal Deposit Insurance Corporation (maturing in less than five years).
  3. Direct obligations of the State of Texas or its agencies thereof, Counties, Cities, and other political subdivisions rated as to investment quality by a nationally recognized investment rating firm not less than AA or its equivalent (maturing in less than two years).
  4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas, rated as to investment quality by a nationally recognized investment rating firm not less than AA or its equivalent (maturing in less than two years).
  5. Fully insured or collateralized certificates of deposit/share certificates issued by state and national banks or savings bank or a federal or state credit union (having

## **EXHIBIT "A"**

its main or branch office in Texas) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; and secured by obligations in accordance with Section XII herein (maturing in less than two years).

In addition to the City's authority to invest funds in certificates or deposit and share certificates stated above, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under Tex. Gov't. Code Sec. 2256.010(b): (1) the funds are invested by the City through a clearing broker registered with the Securities and Exchange Commission (SEC) and operating pursuant to SEC rule 15c3-3 (17 C.F.R. Section 240.15c3-3) with its main office or branch office in Texas and selected from a list adopted by the City Council as required by Section 2256.025; or a depository institution that has its main office or a branch office in this state and that is selected by the City Council; (2) the selected broker or depository institution arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located for the account of the City; (3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; (4) the selected broker or depository institution acts as custodian for the City with respect to certificates of deposit issued for the account of the City.

6. Commercial paper that has a stated maturity of 270 days or less from the date of issuance and is rated A-1 or P-1 or an equivalent rating by at least two nationally recognized rating agencies.
7. Public (local) fund investment pools with a dollar weighted average maturity of 60 days or less. The pool must be approved through resolution by the City Council to provide services to the City and be continuously rated no lower than Aaa or AAAm or at an equivalent rating by at least one nationally recognized rating service. A public funds investment pool created to function as a money market mutual fund must "mark to market" daily and stabilize at a \$1 net asset value.

To be eligible to receive funds from and invest funds on behalf of the City, an investment pool must furnish to the Investment Officer or other authorized representative an offering circular or other similar disclosure instrument that contains information required by the Tex. Gov't. Code Sec. 2256.016. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the City Council which shall at least annually review, revise and adopt the local government investment pool(s).

8. A Securities and Exchange Commission (SEC) registered, no load money market mutual fund which has a dollar weighted average stated maturity of 60 days or less and whose investment objectives includes the maintenance of a stable net asset value of \$1 for each share. Furthermore, it must be rated not less than Aaa,



## **EXHIBIT "A"**

AAAm or an equivalent rating by at least one nationally recognized rating service and the City must be provided with a prospectus and other information required by the SEC Act of 1934 or the Investment Company Act of 1940. Investments will be made in a money market mutual fund only after a thorough investigation of the fund and approval by the Investment Officer which shall, at least annually, review, revise and adopt the money market mutual fund(s).

- C. **Prohibited Investments** – The City's authorized investment options are more restrictive than those allowed by state law. Furthermore, this Policy specifically prohibits investment in the securities listed below:
1. Obligations, whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
  2. Obligations whose payments represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
  3. All collateralized mortgage obligations
  4. Reverse repurchase agreements.
- D. **Diversification** – It is the policy of the City to diversify its investment portfolios. The diversification will protect interest income from the volatility of interest rates and the avoidance of undue concentration of assets in a specific maturity sector; therefore, portfolio maturities shall be staggered. In establishing specific diversification strategies, the following general policies and constraints shall apply:
1. Risk of market price volatility shall be controlled through maturity diversification and by controlling unacceptable maturity extensions and a mismatch of liabilities and assets. The maturity extension will be controlled by limiting the weighted average maturity of the internal investment pool portfolio to 550 days. All long-term maturities will be intended to cover long-term liabilities. In addition, at least five (5) percent of the funds in the investment pool portfolio will be liquid at all times. Investment pool liquidity, which consists of immediately available funds, is defined as shares in a local government investment pool and money market mutual fund, as well as bank demand deposit balances. Although there is no maximum defined portfolio liquidity position, it is the intent of this Policy to seek out higher yielding alternative investments in accordance with the prioritized objectives or preservation and safety of principal, meeting liquidity needs and yield enhancement as stated throughout the Public Funds Investment Act.
  2. The Investment Officer and City Manager shall establish strategies and guidelines for the percentage of the total portfolio that may be invested in U.S. Treasury securities, federal agencies/instrumentalities, and insured/collateralized certificates of deposit and other securities or obligations.

## **EXHIBIT "A"**

The Investment Officer shall conduct an annual review of these guidelines, and shall evaluate the probability of market and default risk in various investment sectors as part of its considerations.

3. Risk of principal loss in the portfolio as a whole shall be minimized by diversifying investment types according to the following limitations based on book values:

| <u>Investment Type</u>                                      | <u>% of Portfolio</u> |
|---|-----------------------|
| • U.S. Government Treasury Notes/Bills & Obligations        | 100%                  |
| • U.S. Government Agencies & Instrumentalities              | 100%                  |
| • State of Texas Obligations, Agencies & Local Gov't.       | 15%                   |
| • Local Government Investment Pools                         | 75%                   |
| • Certificates of Deposit (fully insured or collateralized) | 75%                   |
| • U.S. Money Market Mutual Fund                             | 35%                   |
| • Callable U.S. Agencies/Instrumentalities                  | 20%                   |
| • Commercial Paper  | 5%                    |

### By Institution

- |  |                  |
|--|------------------|
| • Collateralized Certificates of Deposit | No more than 25% |
| • ALL Other (except U.S. Treasuries)     | No more than 35% |

4. Purchases of securities with stated maturities greater than the maximum authorized under Section VII.B require prior City Council approval.

## **VIII. COMPETITIVE BIDDING**

It is the policy of the City to require competitive bidding for all individual security purchases and sales, as well as for certificates of deposit. Exceptions include:

- A. Transactions with money market mutual funds and local government investment pools which are deemed to be made at prevailing market rates.
- B. Treasury and agency securities purchased as new issues through an approved broker/dealer, financial institution or investment advisor.
- C. Automatic overnight "sweep" transactions with the City's depository bank.



## **EXHIBIT “A”**

Bids or offers must be solicited for all other transactions involving individual securities. The City's investment advisor is also required to solicit bids or offers when transacting trades on the City's behalf. In situations where the exact security is not offered by other broker/dealers, offers on the closest comparable investment may be used to establish a fair market price for the security. In the case of a certificate of deposit purchase, at least two other offers should be solicited to provide a comparison. When few, if any, banks wish to participate then staff may use another authorized investment of similar maturity for evaluation purposes. The quotes may be accepted orally, in writing, electronically, or any combination of these methods. The Investment Officer may approve exceptions on a case by case basis or on a general basis in the form of guidelines. These guidelines shall take into consideration the investment type, maturity date, amount and potential disruptiveness to the City's investment strategy.

### **IX. SELECTION OF BANKS, BROKERS/DEALERS AND INVESTMENT ADVISOR**

- A. Depository – City Council shall, by ordinance, “select and designate one or more banking institutions as the depository for the monies and funds of the City” in accordance with the requirement of Tex. Loc. Gov't. Code Ch. 105. At least every five (5) years a depository shall be selected through the City's banking services procurement process, which shall include a format request for proposal (RFP). The selection of a depository will be determined by a competitive process and evaluated on the following criteria:
  - 1. Qualified as a depository for public funds in accordance with state and local laws.
  - 2. Provided requested information or financial statements for the periods specified.
  - 3. Complied with all requirements in the banking RFP.
  - 4. Completed responses to all required items on the proposal form.
  - 5. Offered lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
  - 6. Met credit worthiness and financial standards.
- B. Investment Broker/Dealers – If the City has not retained an investment advisor, then the Investment Officer shall be responsible for adopting the list of qualified

## **EXHIBIT “A”**

brokers/dealers and financial institutions authorized to engage in investment transactions with the City. Authorized firms may include primary dealers or regional broker/dealers that qualify under SEC Rule 15C3-1 (uniform net capital rule) and qualified depositories as established by the Tex. Loc. Gov’t. Code Ch. 105. The Investment Officer shall base its evaluation of security broker/dealers and financial institutions upon:

1. Financial condition, strength and capability to fulfill commitments.
2. Overall reputation with other broker/dealers or investors.
3. Regulatory status of the broker/dealer.
4. Background and expertise of the individual representatives.
5. Ability to provide additional advisory services.

The Investment Officer must annually review the list of qualified broker/dealers authorized to engage in investment transactions with the City. Investment Officers, or their authorized representatives, shall not conduct business with any firm with whom public entities have sustained realized losses on investments or whose name has removed from an approved list. All qualified broker/dealers shall provide the City with referenced from public entities which they are currently serving.

- C. Investment Advisor – The City may retain the services of an investment advisory firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to assist in the review of cash flow requirements, the formulation of investment strategies, and the execution of security purchases, sales, and deliveries. The investment advisory contract with the City may not be for a term longer than two years and its renewal or extension must be approved by City Council by ordinance or resolution as required by the Tex. Gov’t Code Sec. 2256.003(b).
- D. Compliance – A qualified representative from any firm offering to engage in investment transactions with the City is required to sign a written instrument upon receiving and reviewing a copy of the City’s Investment Policy. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with this written instrument executed by a qualified representative of the firm, acknowledging that the business organization has:
  1. Received and reviewed the City’s Investment Policy.
  2. Implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City’s Investment Policy, except to the extent that

## **EXHIBIT “A”**

this authorization is dependent on an analysis of the makeup of the City’s entire portfolio or requires an interpretation of subjective investment standards.

3. If the City has contracted with an investment advisor, the advisor shall be responsible for performing financial due diligence on the City’s behalf. On an annual basis, the advisor will provide the City with a list of its authorized broker/dealers, as well as the required written instrument described above.

### **X. COLLATERALIZATION, SAFEKEEPING AND CUSTODY**

- A. Collateralization – The City requires that all uninsured collected balances plus accrued interest, if any, in depository accounts be secured in accordance with the requirements of state law. Financial institutions serving as City depositories will be required to sign a depository agreement with the City which details eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, rights of substitution and conditions for agreement termination.

The City requires that all uninsured certificates of deposit plus accrued interest held with a depository be secured in accordance with the requirements of state law. Financial institutions will be required to sign a written depository and security agreement which stipulates eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, rights of substitution, and conditions for agreement termination.

Collateral will always be held by an independent third party with which the City has a current custodial agreement and shall be reviewed at least monthly to ensure that the market value of the pledged securities is adequate. All deposits and investments of City Funds, other than direct security purchases, money market mutual funds and local government investment pools shall be secured by pledged collateral set at no less than 102 percent of the market value of principal and accrued interest on the deposits or investments less an amount insured by FDIC. Eligible collateral to secure the City’s deposits include:

1. Direct obligations of the United States government.
2. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith credit of, the United States government.
3. Direct obligations of agencies or instrumentalities of the United States government, including letters of credit.
4. Cash

The City will reject adjustable rate mortgages (ARMs), collateralized mortgage obligations (CMOs), step – ups, variable rate instruments (except U.S. Treasury

## **EXHIBIT “A”**

inflation protected securities), or securities that are not found on common pricing systems.

- B. **Safekeeping and Custody** – Safekeeping and custody of the City’s investment shall be in accordance with state law. All security transactions, except local government investment pool and money market mutual fund transactions, shall be conducted on a delivery versus payment (DVP) basis. Investment securities will be held by a third-party custodian designated by the City and be required to issue safekeeping confirmation notices to the City clearly detailing that the securities are owned by the City.

Safekeeping and custody of collateral pledged to the City shall be in accordance with state law. Collateral will be held by a third-party custodian designated by the City. The custodian is required to issue safekeeping confirmation notices to the City clearly showing that the securities are pledged to the City.

- C. **Subject to Audit** – All collateral shall be subject to inspection and audit by the Director of Finance, or designee, as well as the City’s independent auditors.

## **XI. MANAGEMENT AND INTERNAL CONTROLS**

Controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees or Investment Officers of the City.

Controls and managerial emphasis deemed most important that shall be employed include the following:

### Imperative Controls

- Custodian safekeeping confirmation notices records management.
- Avoidance of bearer-form securities
- Documentation of investment bidding events
- Written confirmation of telephone transactions
- Reconcilements and comparisons of security confirmation notices with the investment records
- Compliance with Investment Policy
- Verification of all interest income and security purchase and sell computations

## **EXHIBIT “A”**

### Controls Where Practical

- Control of Collusion
- Separation of duties
- Separation of transaction authority between Accounting and Record-Keeping
- Clear delegation of authority
- Accurate and timely reports
- Validation of investment maturity decisions with supporting cash flow data
- Adequate training and development of Investment Officers and staff authorized to execute investment transactions
- Review of financial conditions of all brokers/dealers and depository institutions
- Access to information about market conditions, changes and trends that require adjustments to investment strategies

## **XII. INVESTMENT POLICY ADOPTION**

The Investment Policy shall be formally approved and adopted by Resolution of the City Council and reviewed annually for effectiveness in accordance with the provisions of the Public Funds Investment Act of the Texas Government Code Chapter 2256.

## INFORMATION OR DISCUSSION OVERVIEW

### 8. Information or Discussion Items –

1. Alpine Public Library report by Executive Director Don Wetterauer. (M. Antrim, City Manager)
2. Family Crisis Center of the Big Bend report. (M. Antrim, City Manager)
3. Presentation by Griz Adams regarding the need to change or update City Utility Ordinances. (C. Eaves, Mayor)
4. Discussion regarding incentives for residents for xeriscaping and consider putting an ordinance in place to encourage that. (C. Eaves, Mayor)
5. Discuss possible lease of the Neighborhood Center (607 W. Gallego) to the Community Council of South Central Texas and/or Women's, Infant, Children (WIC) Program. (M. Antrim, City Manager)
6. Discuss possible options concerning the use of the Old Alpine School House located at 205 E. Sul Ross. (M. Antrim, City Manager)
7. Discuss employee travel and training budgets and discuss city leaders that have had city-covered expenses and/or reimbursements for optional or required training during the current fiscal year. (J. Stokes, City Council)
8. Discuss progress to date for the Fiscal Year 23-24 City budget workshops, and discuss the go forward plan for completing the City Budget including establishing additional Council meeting dates if needed (R. Stephens, City Council)
9. Discuss the status of Short Term Rentals in Alpine including any recommendations going forward. (R. Stephens, City Council)
10. Discuss actions needed to implement a 25 mph speed limit within Alpine limits including which roads should be excluded. (R. Stephens, City Council)



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

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**INFORMATION OR DISCUSSION**

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1. Alpine Public Library report by Executive Director Don Wetterauer. (M. Antrim, City Manager)

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**BACKGROUND**

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- NONE.

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**SUPPORTING MATERIALS**

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1. Slideshow Presentation.
2. June 2023 Newsletter.

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**STAFF RECOMMENDATION**

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- NONE.



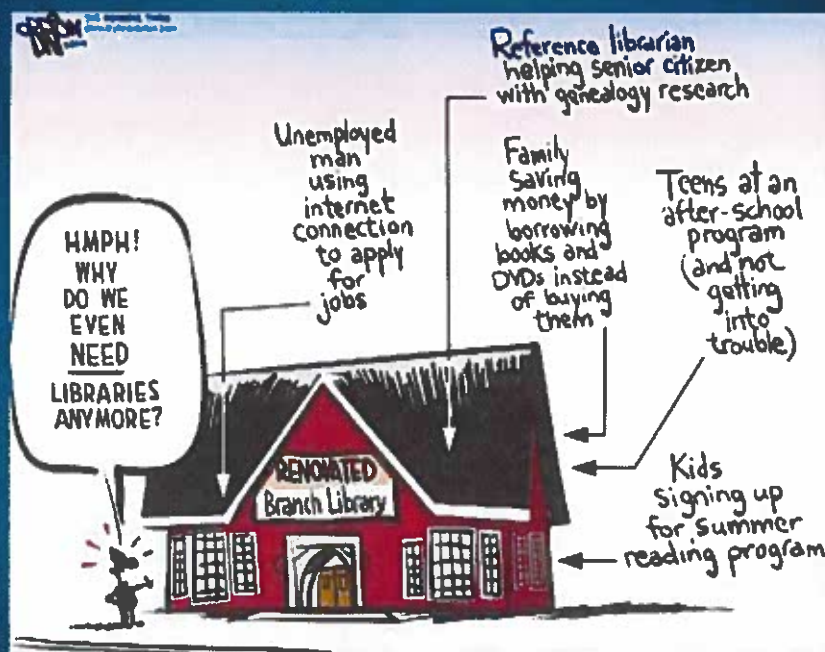
# Alpine Public Library

QUARTERLY REPORT

DON WETTERAUER, EXECUTIVE DIRECTOR

JUNE 20, 2023

## Why do we need libraries?



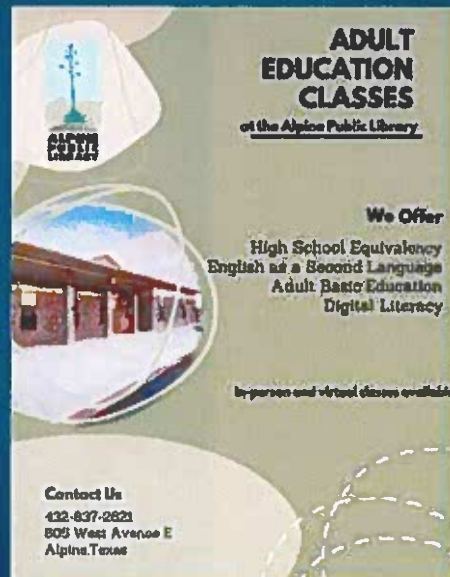


- APL offers free access to unbiased information
- APL offers free educational resources
- APL helps build our community
- APL is transparent with all services we provide
- APL contributes to increasing our economy

## Texas Public Libraries: Economic Benefits and ROI



# Adult Education Update



## Adult Education

### HSE Class

3 HSE Students

First Session ended June 9

Progress Testing – 40 class hours

All students had MSG

Students want to continue

Need Instructors for English and Social Studies

### Service Areas

Potential Expansion:

Marathon

Terlingua

Ft. Davis

Marfa

In person or remote learning

### Pearson Testing

New Tests Added Including:

CompTIA IT certifications

CrossFit

Intuit Certifications

Institute of Certified CPAs

Microsoft Certifications

National Restaurant Assoc. –  
ServeSafe

APL Summer Test Center hours:  
Mondays 9 am – 5 pm and by  
appointment

## Summer Programs

The Alpine Public Library Presents:

### BETTER TOGETHER

SUMMER READING PROGRAMS FOR ALL OF US!  
June 1-Aug. 11, 2023

**FAMILY TIES**  
JUNE 3  
Family Mathematics Night  
JULY 8  
Family Physics Night  
AUG. 5  
Family Circus Night  
6:30-8:30pm

**KIDS UNITED**  
TUESDAYS, 2:00PM  
AGES 6-11  
Also, find summer reading friends at the Backpack Buddies.

**BABY BONDS**  
Tuesdays, 10am-11am  
Also:  
Picky Baby Bingo!  
For New Birth Kids  
Open House, Wednesdays  
Ages 0-5

**TINKERCAD CLASS**  
TUESDAYS 10:00am  
Ages 7-adult

**CUBELETS CLASS**  
Wednesdays 2:00pm  
Ages 7-12

**Teens Together**  
Find friends or Be a Bookie!  
alpinepubliclibrary.net/bookie.org  
Ages 12-17

**ADULTS UNDIVIDED**  
Read and share on Be a Bookie!  
alpinepubliclibrary.net/bookie.org  
Ages 18 and up  
Wednesdays 10am-11pm  
Ages 3-7

## Kids Summer Reading Program Tuesdays at 2 pm

**KIDS UNITED**  
SUMMER READING PROGRAM

COME AND JOIN THE FUN!  
EXCITING ACTIVITIES AWAIT YOU AT  
THE ALPINE PUBLIC LIBRARY.

June 6: Together Under the Stars  
June 13: Skins and Skulls  
June 20: Dark Sky Defenders  
June 27: Our Sun  
July 11: Leave No Trace Camping  
July 25: Water for Everyone  
Aug. 1: Leave No Trace on the River

**AGES 6-12**

Alpine Public Library 805 W. Ave. E.  
837-2631  
alpinepubliclibrary.org



Rojelio Creer – Licensed Mastermind Leadership Instructor and  
AMS Robotics teacher - Complimentary Seminars July 18 to August 1  
Tuesdays from 5:30 pm – 6:30 pm  
Limited to 10 per class/ enough interest he'll offer another round

## BECOMING A PERSON OF INFLUENCE

How to positively impact the lives of others

In this complimentary seminar, we will explore:

- A Person of Influence has integrity with People  
**Trust is the cornerstone of influence.**
- A Person of Influence Nurtures Other People  
**Influencers nurture others to reach their potential.**
- A Person of Influence Listens to People  
**Be impressed and interested, not impressive and interesting.**



July 11, 18 & 25  
Aug. 1st

5:30-6:30pm  
Alpine Public Library  
606 W. Ave. E  
Reservations Recommended  
**837-2621**

## May Dark Sky Program

### ALPINE PUBLIC LIBRARY PRESENTS: Seeing in the Dark: Watching Invisible Bird Migrations

MAY 13, 2023  
7:30PM

#### KIDS ACTIVITIES 7:30pm

Dark Sky Defender Challenge  
Birds on the Move Project  
Nighttime Viewing, 8:30pm

#### Maureen G. Frank PhD

A "Buddy" Davidson Charitable Foundation  
Endowed Professor and Associate Professor of  
Conservation Biology  
Bartlett Research Institute, SRSU

Nighttime Viewing  
APL Parking Lot  
8:30pm

Stephen Hummel, McDonald Observatory

Alpine Public Library 305 W. Ave. E. 837-2621

## Earth Day 2023



## May Teen Program

### **TEEN MARIO KART TOURNAMENT**

Thursday, May 25th 2 pm - 5 pm

Ages 12-17

Call 432-837-2621 or ask at the  
front desk to sign up early!



## Summer Teen Programs

- June 23 - Build-a-Tower Challenge
- July 21 - Escape Room
- August 10 - Sharpie Crafts
- Board Game on Saturdays 10 AM – 1 PM for ages 12-18

## Wasserman Wranch Visits Toddler Time





# Summer Family Science Nights

Challenges for the whole family – 6:30 pm – 8:30 pm

- June 3 – Family Mathematics Night
  - Tanagrams – A Tangram is a puzzle of seven geometric shapes.
  - Logical Links – series of clues to place colored chips and solve a puzzle
  - Pentominos – each shape made up of squares
  - Spirographs – printed with our 3D printers
  - Geoboards
- July 8 – Family Physics Night
- August 5 – Family Circuits Night

We also have blocks and a ball play area for kids 3 and under



# Fundraising Activities

- ▶ American Legion Fish Fry - March
- ▶ Patio Sale - May
- ▶ Coming Up:
  - Dancing with Big Bend Stars – July 8 at the Granada Theatre

# 2024 Texas Reads Grant

Recommended for funding

Waiting for approval from Texas State Library & Achieves Commission

Work with classes in 4th and 5th grades

Goals:

- Generate enthusiasm for reading
- Enhance literacy skills
- Support student social-emotional learning
- Encourage participation in library reading programs and technology classes

## Library Expansion

- Approved for grant from the Prentice F. and Allene F. Brown Foundation
- Met our match for \$100,000 from Abell-Hanger Foundation
- Applied for \$100,000 furniture grant from the Tocker Foundation
- Start this summer



Bad libraries build collections,  
good libraries build services,  
great libraries build communities.  
—R. David Lankes

ALPINE PUBLIC LIBRARY

June 2023

## What's happening at Alpine Public Library?

APL has become an official Dark Sky Friendly location. We collaborated with Stephen Hummel from McDonald Observatory to complete the tasks necessary for certification. The library was mostly there already, but, to become compliant, we replaced some light bulbs and added light filters as needed. NewsWest9 recently had a piece about the Greater Big Bend International Dark Sky Reserve and Dark Sky Friendly locations in Alpine, including APL. Read more about being Dark Sky Friendly and its significance in this newsletter.

APL's first High School Equivalency class started on April 3. Classes for math and science meet on Monday and Tuesday. Social studies meets on Thursday. The first 10-week session ends June 9. Three students are eagerly attending each class. They interact well with each other, and no one has dropped out. The class has significantly improved their learning, and I'm happy to say that they want to continue with another session during the summer.

The students now have 40 hours of class time, so it's time to begin their first progress testing. Progress testing is required as part of our grant. The ultimate

goal of the class is to prepare the students to pass their high school equivalency exam. However, as they progress toward that goal, we need to show there is measurable skills gain (MSG). So far one student has tested in math, and the test showed MSG. That not only shows progress but evaluates the effectiveness of our classes.

APL's *Better Together* summer reading programming starts June 1 and runs through August 11. There is something for everyone, from toddlers to families. Kids United, for ages 6–12, will meet on Tuesdays at 2:00 p.m. Family Ties all-ages programs will meet on June 3, July 8, and August 5 from 6:30 to 8:30 p.m. and will feature STEM activities. The Tinkercad class for ages 7–adult will meet on Tuesdays at 10:00 a.m. Cubelets class for ages 7–12 will continue to meet Wednesdays at 2:00 p.m. Baby Bonds Toddler Time for ages 0–5 will continue to meet on Thursdays at 10:00 a.m. Cuentos en español for ages 3–7 will still meet on Wednesdays at 10:00 a.m. Finally, there will be Beanstack reading challenges. Log on to [alpinepubliclibrary.beanstack.org](http://alpinepubliclibrary.beanstack.org) to get started.

—Don Wetterauer, MLS, PhD  
Executive Director

The Alpine Public Library Presents:  
**BETTER TOGETHER**  
SUMMER READING PROGRAMS FOR ALL OF US!  
June 1-Aug.11, 2023

## Board of Directors

### Officers

Linda Bryant, President  
Isabel Jones, Vice President  
Betsy Evans, Secretary  
Ellen Ruggia, Treasurer

### Directors

Mary Bennett  
Judy Bowers  
Kathy Donnell  
Jaime Escuder  
Chris Ruggia  
Martin Sandate

## Friends of the Library

Chris Ruggia, President  
Ellen Ruggia, Vice President  
Lee Smith, Past President  
Kathy Bork, Secretary

## Library Staff

Don Wetterauer, Executive Director  
[don@alpinepubliclibrary.org](mailto:don@alpinepubliclibrary.org)  
Mary Beth Garrett, Children's Librarian  
[kids@alpinepubliclibrary.org](mailto:kids@alpinepubliclibrary.org)  
Christine Cavazos, Technical Services Librarian  
[tech@alpinepubliclibrary.org](mailto:tech@alpinepubliclibrary.org)  
Sonia Pilonieta, Bookkeeper  
[sonia@alpinepubliclibrary.org](mailto:sonia@alpinepubliclibrary.org)  
Joseline Cintrón, Circulation Librarian  
[joseline@alpinepubliclibrary.org](mailto:joseline@alpinepubliclibrary.org)  
Michael Haas, Circulation Librarian  
[michael@alpinepubliclibrary.org](mailto:michael@alpinepubliclibrary.org)  
Miah Rodriguez, Circulation Librarian  
[miah@alpinepubliclibrary.org](mailto:miah@alpinepubliclibrary.org)  
Aylin Pereyra, Circulation Librarian  
[aylin@alpinepubliclibrary.org](mailto:aylin@alpinepubliclibrary.org)  
Casey Costa, Circulation Librarian  
[casey@alpinepubliclibrary.org](mailto:casey@alpinepubliclibrary.org)  
Bianca Barrera, Adult Education Coordinator  
[biancab@alpinepubliclibrary.org](mailto:biancab@alpinepubliclibrary.org)  
Avril Hubbard, Library Page

## Special Donations

In Memory of:

From:

Don Slocumb

Linda Bryant & David Kowal

Gaylan & David Corbin

James & Shannon Martin

Carol Wallace

Mary Ellen Lebieh

Dale Christophersen

Audrey Painter

Chris & Ellen Ruggia

Mac MacIntyre Morrow

Jaconina Skinner Alley

Bob Litton

Chris & Ellen Ruggia

In Honor of:

From:

Nancy Davila

Kathy & Albert Bork

Tom Muratori

Ronald Freytag

## Re-Reads

Gently Used Books

A Project of the Friends of Alpine Public Library

Monday 10 AM-1 PM  
Tuesday-Friday 10 AM-4 PM  
Saturday 10 AM-1 PM

Amazon Storefront

[apimembers.org/aplireads](http://apimembers.org/aplireads)

Find out what's happening  
this month at APL at  
[alpinepubliclibrary.org/calendar/](http://alpinepubliclibrary.org/calendar/)

**Thank you,  
Business  
Friends!**

Alpine Framing  
Alpine Radio  
Big Bend Coffee Roasters  
Big Bend Law  
Cheshire Cat Antiques  
Desert Heart Jewelry  
Front Street Books  
GSM Insurors of West Texas

Hog Eye Cattle Company  
Liz Rogers, Lawyer  
O'Neal Law  
Out West Feed & Supply  
Porter's  
Prescription Shop  
Salon Americana  
Sibley Anderson Lewis Attorneys

Talley-Reed Insurance  
Twin Peaks Liquors  
Vast Graphics  
Wassermann Wranch  
WesTex Community Credit Union  
WR Ranch



Travel  
Talks

2023



**June 30**

John Ehrke on Road Tripping during Covid Times

**July 28**

Alexandra Moldovan & Dan Bennack on Romania

**August 25**

Anita & Warren Shaul on Nicaragua

**7 PM in the AEP Foundation Multipurpose Room**

If you have an adventure you'd like to share in 2023, contact Lee Smith at [leesmith@yahoo.com](mailto:leesmith@yahoo.com) or Jim Robertson at [jpz1100@yahoo.com](mailto:jpz1100@yahoo.com).

The Alpine Public Library Presents:

## BETTER TOGETHER

SUMMER READING PROGRAMS FOR ALL OF US!

June 1-Aug.11, 2023

**ALL AGES FAMILY TIES**  
JUNE 3  
Family Mathematics Night  
JULY 8  
Family Physics Night  
AUG. 5  
Family Circuits Night  
6:30-8:30pm

**TINKERCAD CLASS**  
TUESDAYS 10:00am  
Ages 7 -adult

**CUBELETS CLASS**  
Wednesdays 2:00pm  
Ages 7-12

**KIDS UNITED**  
TUESDAYS, 2:00PM  
AGES 6-11  
ALSO, find summer  
reading friends on  
Beanstack HERE:  
[alpinepubliclibrary.beanstack.org](http://alpinepubliclibrary.beanstack.org)

**Teens Together**  
Find friends on Beanstack!  
[alpinepubliclibrary.beanstack.org](http://alpinepubliclibrary.beanstack.org)  
Ages 12-17

**BABY BONDS**  
Toddler Time: Thurs. 10am  
ALSO:  
Play Baby Bingo!  
For More Details Visit  
[alpinepubliclibrary.beanstack.org](http://alpinepubliclibrary.beanstack.org)  
Ages 0-5

**ADULTS UNDIVIDED**  
Read and share on Beanstack  
[alpinepubliclibrary.beanstack.org](http://alpinepubliclibrary.beanstack.org)  
Cuentos en español  
Wednesdays 10:00am  
Ages 3-7



# Friend of the Night Sky

Alpine Public Library has been recognized as a Night Sky Friendly organization by the McDonald Observatory. As part of its efforts to promote lighting that protects the dark sky of the Big Bend, the Observatory offers information and educational activities to area residents and acknowledges those businesses and organizations that follow good lighting guidelines through the Night Sky Friendly Lighting Recognition Program.

APL Children's Librarian Mary Beth Garrett attended one of the Observatory training sessions, where she learned about the program. After making some changes to the outdoor lighting, she nominated the library to receive recognition. Stephen Hummel, Dark Skies Initiative Coordinator at the Observatory, made a site visit to assess the lighting and approved the library for recognition.

According to the Observatory website, "Night Sky Friendly outdoor lighting keeps light on the ground and out of the sky, helping to preserve the exceptional night skies Far West Texas is famous for. It's also better for business: night sky friendly lighting designs improve visibility and safety, and can be more cost effective than traditional designs."

As a Night Sky Friendly organization, APL has been recognized on the Observatory website and in local media. Patrons visiting the library can see a poster and window sticker acknowledging its contribution to the preservation of the Big Bend's dark skies.

—Lee Smith



Stephen Hummel  
McDonald Observatory

## How YOU Can Help

Reclaim wasted light on your property and reduce your energy cost. **Install dark sky friendly lighting fixtures** that are designed to direct light where it is needed and keep the stars at night big and bright!

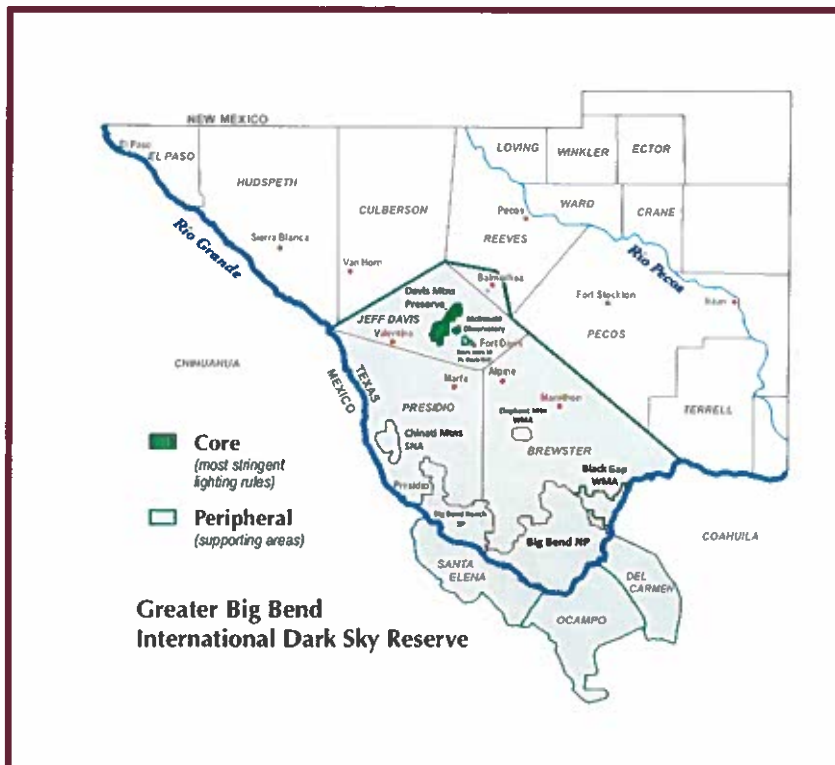
### Quick Tips for Being Dark Skies Friendly

- ✓ Install fully shielded light fixtures
- ✓ Aim lights down to keep all light on your property
- ✓ Have lights on only when they need to be
- ✓ Use lower wattage LEDs with "warm" or "amber" color temperatures that are less than or equal to 3000 degrees Kelvin
- ✓ Enjoy the stars!

Stars up!



Lights down!



Find more information at [McDonaldObservatory.org](http://McDonaldObservatory.org)

# Anita Shaul

## Peripatetic Patron and Volunteer

When Anita and Warren Shaul were considering a move to Alpine, Anita told Don Wetterauer that she wanted to volunteer for the English as a Second Language (ESL) program at Alpine Public Library. Given her commitment to volunteerism and her belief in the importance of libraries to their communities, it's not surprising that she would commit to volunteering at APL before she committed to moving to Alpine. The many library programs offered by APL drew her to the library and the community.

According to Anita, she volunteers because she has been fortunate in life, and she points specifically to her relationship with her maternal grandparents and their support of girls and women. She wants, in turn, to support others as she has been supported. Volunteering, in her view, makes it possible to promote changes that improve people's lives. She notes, though, that helping others likewise benefits the volunteer, whose perspective is enlarged by seeing how other people live, so volunteering, she contends, changes the volunteer through relationships with others.

Anita's interest in helping language learners likely springs from her own lifelong study of languages. At her elementary school in the Northwest, Anita took classes in Spanish starting at age 9. In addition to Spanish, she speaks French and German and knows American Sign Language. She used her linguistic skills while living in Switzerland, where she sang, in French, with a choir, and in Central America, where she taught English and math and acted as a translator and interpreter. She has also trained to administer the Test of English as a Foreign Language and to instruct students preparing to take it.

Another influence on Anita's volunteerism is her interest and education in science, specifically, biology and ecology. As a biologist, she worked for the Department of Fisheries in Washington state, focusing on clams and oysters, and in Nevada, concentrating on species in peril, specifically, amphibians and fish. While living in Nevada, she volunteered with a con-

servation group. As a Peace Corps volunteer, she served in Nicaragua, where she taught and also trained teachers to teach ecology and gardening.

Anita is currently involved with the Biodiversity Group, a nonprofit conservation organization, as a citizen scientist. She contributes to the iNaturalist program by taking photographs and recording her observations, then submitting them to the program website, where they are shared with scientists. She also helps with Biodiversity PEEK, a science, technology, engineering, arts, and mathematics program, by processing supporting documents.

Among Anita's other volunteer efforts is her work in Guatemala with the nonprofit Miracles in Action, which included teaching translating, and interpreting as well as building schools in rural areas. She also participated in medical missions in Central America, assisting health-care professionals as a receptionist, translator, and interpreter. While living in Austin, she worked first as a volunteer for, then as an employee of the Family Resource Center as a High School Equivalency math and language arts tutor.

Here in Alpine, Anita maintains a pollinator garden with flowers to attract bees and butterflies. She volunteers with CDRI and for APL fundraising events. She keeps her Spanish skills sharp by taking librarian Joseline Cintrón's advanced Spanish-language class. And she's a reader, frequently checking books out of the library.

When Anita and Warren visited Alpine in 2021, they were on a road trip from Austin to the West Coast to look for a new home. Alpine was not new to Anita because she had been to a fisheries conference here, but it was not high on their list of possible new homes. Ultimately, though, the couple chose Alpine. True to her word, Anita now volunteers in the ESL program at APL, so the Alpine community and the library, like the other places she's lived and worked, are the beneficiaries of her commitment to volunteerism.

—Lee Smith





# TODDLER TIME AT APL



Every Thursday morning at 10:00 a.m. Children's Librarian Mary Beth Garrett leads kids ages 0 to 5 through reading activities, finger-plays, singing, dancing, and sensory table exercises. Recently, the toddlers got a special sensory experience. Heidi Wassermann of Wassermann Wranch very generously and patiently presented Spurr, a miniature horse to the group. The following week, the Toddler Time children received a visit from Alpine Human Society staff members Jeanine Bishop and Mary Ann Vega, who brought two puppies. In June, the Humane Society will be back with kittens.



kids at APL

## kids at APL





# Feet Feeling Twitchy? Forget the podiatrist!

Alpine Public Library's Dancing with Alpine's Stars fundraiser has been reborn as Dancing with Big Bend's Stars and will hit the boards of the Granada Theatre on Saturday, July 8. Doors open at 6:00, dancing begins at 6:30. As in the past, while votes are being counted, the dance floor will be open to spectators who are more comfortable strutting their stuff outside of the spotlight.

Dancers from throughout the Tricounty Area are being sought for this expanded fundraising event. Ticking along in Terlingua? Traipse up to Alpine and show us what you've got. Flourishing in Ft. Davis? Sign up and show us your fancy footwork. Moored in Marfa? Break free in the wide-open spaces of the Granada Theatre. Alive and well in Alpine? You've been here before and know what to do.

Details about how to sign up will be available from the library or from the event coordinator, Nash Traylor. Call the library circulation desk at 432-837-2621 or contact Nash at [nashtraylor@gmail.com](mailto:nashtraylor@gmail.com), 432-426-3724.

—Kathy Bork



**2019 Winners Susan & Clay Chisholm  
Most Votes on Event Night**



**2020 Winners  
Adrian, Susan &  
Colt Billings  
Most Votes on  
Event Night**



**2019 & 2020 Winners  
Jenny Hatch &  
Joseph Rosco  
Most Votes Overall**



Come out and support your library, your community, and your local celebrities, including stars from the City of Alpine, high kickers from the Kiwanis Club, renowned Rick Ruiz, and icons from the County Courthouse.

## READING AND COMMUNITY IN PORTUGAL

*Levar, Doar, Ler, Devolver.* Take, Donate, Read, Return. This is the concept of the Cabines de Leitura or, in English, Reading Booths. Modeled on a minilibrary housed in a phone booth in a village in England, the first Portuguese booth opened in Praça de Londres in Lisbon in 2014. These repurposed phone booths, supported by a coalition of local governments, foundations, businesses, and citizens, now number almost 50 and are in cities and towns throughout Portugal.

In 2016, Vila Nova de Milfontes, the town where I stayed in the spring, established the fourth booth in Portugal, located next to the tourist center. Although it was officially closed for three years, likely because of the COVID pandemic, individuals continued to pick up and drop off books there. In May of this year, the booth reopened and now includes children's and adult books in Portuguese with a few in English and German.

The processes involved in borrowing books vary from booth to booth. In order to take a book, the borrower must leave a book. Books are typically returned to the shelves, but donations are placed in a box or left at the municipal library. Borrowers sometimes record the titles of books and their contact information in a log, but deadlines and fees are never imposed.

The principles behind the Reading Booths are always the same: to encourage reading, to build community, and to promote social responsibility. And the Cabines de Leitura themselves are always recognizable: traditional red telephone booths filled with books.

—Lee Smith



Cabine de Leitura in Portimão



Cabine de Leitura in Vila Nova de Milfontes



Cabine de Leitura in Porto Covo  
Between the Lines 7



Alpine Public Library  
805 West Avenue E  
Alpine, TX 79830

Phone: 432-837-2621  
[www.alpinepubliclibrary.org](http://www.alpinepubliclibrary.org)

---

## Join the Friends of the Alpine Public Library!

Your tax-deductible dues may be paid with check or money order (payable to Friends of the Alpine Public Library), credit/debit card or PayPal. Dues directly support the ongoing operations and programs of the library. You may choose to make an ongoing monthly donation to the Friends on the library's web page at [www.alpinepubliclibrary.org](http://www.alpinepubliclibrary.org). Your personal information will not be shared with any other organization.

Business Name: \_\_\_\_\_  
Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-Mail (saves postage): \_\_\_\_\_

### Membership Type (Annual)

☐ Individual/Family \$35 ☐ Best Friend \$100+  
☐ Business \$100  
☐ Ongoing Monthly Donations \$ \_\_\_\_\_/Month beginning \_\_\_\_\_, ending \_\_\_\_\_

### Payment Options

Please Select Payment Type: ☐ Check ☐ Credit/Debit Card  
Credit/Debit Card # \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
Name of Cardholder (Exactly as it appears on card): \_\_\_\_\_  
Cardholder Billing Address: \_\_\_\_\_

I agree to pay above total amount according to card issuer agreement and I acknowledge all charges to be final unless duplicate payment is made.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please send this form to: Membership FAPL  
805 W. Ave E  
Alpine, Texas 79830

You may also pay with PayPal at [www.alpinepubliclibrary.org](http://www.alpinepubliclibrary.org).





**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

2. Family Crisis Center of the Big Bend report. (M. Antrim, City Manager)

---

**BACKGROUND**

---

- NONE.

---

**SUPPORTING MATERIALS**

---

1. Report 4/1/23 to 6/30/23.
2. Second Quarter Chart,

---

**STAFF RECOMMENDATION**

---

- NONE.

# Family Crisis Center of the Big Bend, Inc. General Fund Profit & Loss

April 2020 to June 2020

| Ordinary Income/Expense               | Apr-23   | May-23 | Jun-23 | Apr. 23 to June 23 |
|---------------------------------------|----------|--------|--------|--------------------|
| Income                                |          |        |        |                    |
| 4100 · CITY/COUNTY REVENUE            | 2,356.25 | 0.00   | 0.00   | 2,356.25           |
| Total Income                          | 2,356.25 | 0.00   | 0.00   | 2,356.25           |
| Gross Profit                          | 2,356.25 | 0.00   | 0.00   | 2,356.25           |
| Expense                               |          |        |        |                    |
| 7300 · COUNSELING EXPENSE             |          |        |        |                    |
| 8050 · INSURANCE                      | 413.12   | 413.12 | 21.16  | 847.40             |
| 8100 · OFFICE EXPENSE                 | 611.73   | 177.79 | 97.50  | 887.02             |
| 8200 · TELEPHONE EXPENSE              |          |        |        | 0.00               |
| 8450 · OFFICE UTILITIES               | 257.70   | 230.53 |        | 488.23             |
| 8460 · SHELTER UTILITIES              |          |        |        | 0.00               |
| 8500 · COMPUTER REPAIRS & MAINTENANCE |          |        |        | 0.00               |
| 8700 · TRAVEL EXPENSE                 |          |        |        | 0.00               |
| 8501 · OFFICE REPAIR & MAINTENANCE    |          | 133.60 |        | 133.60             |
| Total Expense                         | 1,282.55 | 955.04 | 118.66 | 2,356.25           |

## City Revenue \$2,356.25

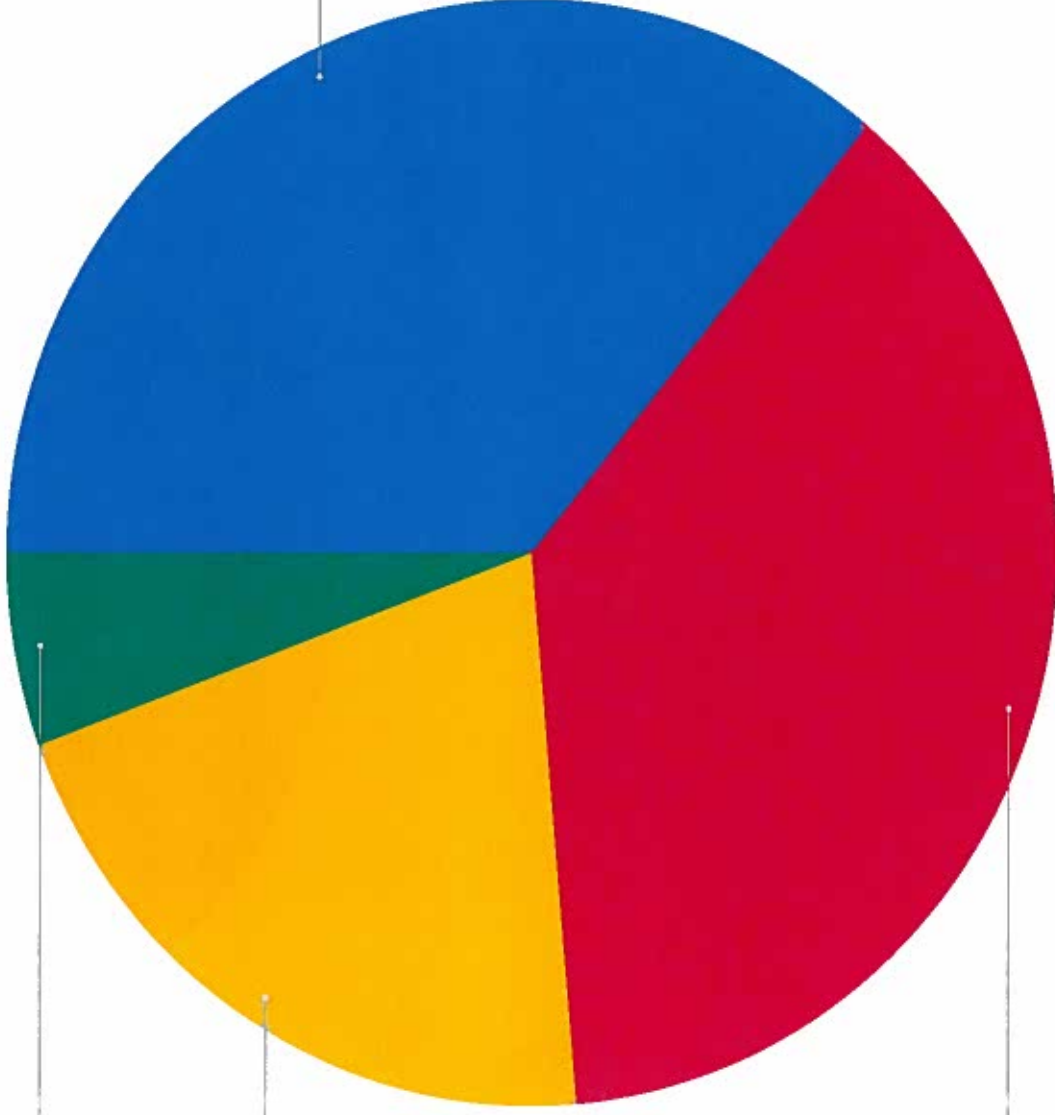
April- June 2023 (2nd Quarter)

Repair & Maint.(\$133.60)  
5.7%

Office Utilities(\$488.23)  
20.7%

Office Expense(\$887.02)  
37.6%

Insurance(\$847.40)  
36.0%





**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

3. Presentation by Griz Adams regarding the need to change or update City Utility Ordinances. (C. Eaves, Mayor)

---

**BACKGROUND**

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- NONE.

---

**SUPPORTING MATERIALS**

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- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

4. Discussion regarding incentives for residents for xeriscaping and consider putting an ordinance in place to encourage that. (C. Eaves, Mayor)

---

**BACKGROUND**

---

- NONE.

---

**SUPPORTING MATERIALS**

---

- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

5. Discussion possible lease of the Neighborhood Center (607 W. Gallego) to the Community Council of South Central Texas and/or Women's, Infant, Children (WIC) Program. (M. Antrim, City Manager)

---

**BACKGROUND**

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- NONE.

---

**SUPPORTING MATERIALS**

---

- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

6. Discuss possible options concerning the use of the Old Alpine School House located at 205 E. Sul Ross. (M. Antrim, City Manager)

---

**BACKGROUND**

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- NONE.

---

**SUPPORTING MATERIALS**

---

- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

7. Discuss employee travel and training budgets and discuss city leaders that have had city-covered expenses and/or reimbursements for optional or required training during the current fiscal year. (J. Stokes, City Council)

---

**BACKGROUND**

---

- NONE.

---

**SUPPORTING MATERIALS**

---

- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.





**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

8. Discuss progress to date for the Fiscal Year 23-24 City budget workshops, and discuss the go forward plan for completing the City Budget including establishing additional Council meeting dates if needed. (R. Stephens, City Council)

---

**BACKGROUND**

---

- NONE.

---

**SUPPORTING MATERIALS**

---

- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

8. Discuss progress to date for the Fiscal Year 23-24 City budget workshops, and discuss the go forward plan for completing the City Budget including establishing additional Council meeting dates if needed. (R. Stephens, City Council)

---

**BACKGROUND**

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1. This item is aimed at making sure that there are sufficient meeting dates on the schedule to complete the budget on time.

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**SUPPORTING MATERIALS**

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- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

9. Discuss the status of Short Term Rentals in Alpine including any recommendations going forward. (R. Stephens, City Council)

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**BACKGROUND**

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1. This item is aimed at affirming the value of STRs to HOT funds and tourist options for staying in Alpine, in addition to highlighting any concerns that residents have.

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**SUPPORTING MATERIALS**

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- NONE.

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**STAFF RECOMMENDATION**

---

- NONE.



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

---

**INFORMATION OR DISCUSSION**

---

10. Discuss actions needed to implement a 25 mph speed limit within Alpine limits including which roads should be excluded. (R. Stephens, City Council)

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**BACKGROUND**

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1. This item is focused on reaffirming actions needed for an ordinance about the Alpine speed limit being 25 mph and discussing which roads (city and county) within city limits that would be excluded.

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**SUPPORTING MATERIALS**

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- NONE.

---

**STAFF RECOMMENDATION**

---

- NONE.

## ACTION ITEMS OVERVIEW

9. **Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable.** (Action items limited to 10 per meeting).
1. Approve the second and final reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas; Approving a service plan for the annexed area; Approving a development agreement between the developer and the City; Providing findings of fact; Providing cumulative and severability clauses; Providing an effective date. (M. Antrim, City Manager)
  2. Approve the first reading of Ordinance 2023-06-01, an ordinance authorizing the installation of additional four way stop signs at the intersections of 8th Street and Sul Ross Avenue, the intersections of 8th Street and Avenue A, the intersections of 7th and Hendryx Avenue, and the intersections of 8th Street and Del Rio Avenue. (M. Antrim, City Manager)
  3. Approve Resolution 2023-06-20, a resolution appointing members of the Alpine City Council to Ex-Officio positions on City Boards, Commissions, and Committees. (M. Antrim, City Manager)
  4. Approve Addendum to Standard Terms of Engagement to reflect Bojorquez Law Firm as City Attorney and amend hourly billing rates for the City of Alpine. (M. Antrim, City Manager)



**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

To: Honorable Mayor and City Council  
Agenda Item: Action Item 1 – Ordinance 2023-05-01  
Agenda Sponsor: Megan Antrim, City Manager  
Memo Prepared By: Geoffrey R. Calderon, City Secretary

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**SYNOPSIS**

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Approve the second and final reading of Ordinance 2023-05-01, an ordinance annexing the proposed Skyway Gardens II development that is adjacent and contiguous territory to the City legally described as 5.000 acres out of Section 102, Block 9, Brewster County, Texas, being a portion of that certain 10.0 acre tract described in Volume 314, Page 453, Official Public Records of Brewster County, Texas; Approving a service plan for the annexed area; Approving a development agreement between the developer and the City; Providing findings of fact; Providing cumulative and severability clauses; Providing an effective date. (M. Antrim, City Manager)

---

**BACKGROUND**

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- The City Council approved Resolution 2023-02-14 on February 21, 2023, which formally approved support for the proposed Skyway Gardens II development located at the Southeast Corner of Highway 118 and Lechuguilla. After approval of Resolution 2023-02-14, the developer submitted the official request for annexation of the property into the City.
- On February 28, 2023, the City Secretary sent a draft resolution of 2023-03-01, a resolution initiating annexation proceedings for the subject property, to the City Attorney for review. The City Secretary also forwarded a draft *Municipal Services Agreement* and advised him of concerns regarding some of the items in the agreement and needed his legal opinion and input on the agreement. The City Secretary also advised him that a development agreement was needed.
- The request to the City Attorney confirmed the schedule for the annexation proceedings and advised that both the *Municipal Services Agreement* and *Development Agreement* would be due by 5:00 p.m. on Tuesday, March 28, 2023 (one month later), in order to meet the deadlines in the resolution. The City Attorney acknowledged receipt of the request.
- The City Council approved Resolution 2023-03-01 on March 7, 2023, which initiated annexation proceedings for the subject property.
- The *Municipal Services Agreement* and *Development Agreement* were not sent by the City Attorney by the March 28<sup>th</sup> deadline, which caused a delay in the scheduled first reading of the annexation ordinance (previously scheduled for April 4, 2023) by the City Council.

- The City Manager and City Secretary both agreed that a new resolution would be required to increase transparency. All public hearings, publications, and public notice deadlines would be rescheduled accordingly.
- Resolution 2023-04-21 was approved by the City Council on April 18, 2023. This resolution set the dates of the annexation proceedings and provided drafts of the *Municipal Services Agreement* and *Development Agreement*. The dates for the first and second readings were scheduled for May 9<sup>th</sup> and May 16<sup>th</sup>, respectively.
- The City Attorney confirmed that annexing the property as R-3 Apartment District would be the best course of action since the Council has an approved resolution declaring the intent of annexation for an apartment district development.
- Notice of the preliminary and final readings was posted on the City website on April 28<sup>th</sup>, and a news article with the public notice was posted on May 4<sup>th</sup>. Notice of the preliminary and final readings was published in the Alpine Avalanche in the May 4<sup>th</sup> edition.
- A certified letter was sent to the Alpine Independent School District, as required by the Texas Government Code, advising the district of the annexation and public hearing. 19 Letters were sent to surrounding property owners within 200 feet of the subject property, in accordance with Ordinance 2023-02-01. None were returned as undeliverable.
- The City Council held the first reading of the annexation ordinance and tabled the ordinance due to the developer not agreeing with the City's Development Agreement and Municipal Service Plan. The developer met with City Attorney and other City officials on May 26th.
- Due to the tight timeframe of the project, the first reading was scheduled for June 6, 2023. The City sent notice of the second and final public hearing to the Alpine Avalanche as required by Texas Local Government Code 43.0673.
- The Developer and the City Council Workshopped the Municipal Service Plan and Development Agreement at the June 6, 2023 meeting. The amendments are included in the enclosed documents.
- The City sent a certified letter to Alpine Independent School District as required by Local Government Code 43.905 and sent notice to 19 surrounding property owners as required by Ordinance 2023-02-01. Any final changes needed to have been made upon approval of the first reading of the ordinance.
- Changes of substance at the second and final reading would require an additional public hearing per the City Charter, which would result in an additional publication in the Avalanche, another certified letter to AISD, and 19 additional letters being sent to surrounding property owners.

---

## **SUPPORTING MATERIALS**

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1. Ordinance 2023-05-01.
  - a. Including Exhibit "A," Municipal Service Plan.
  - b. Including Exhibit "B," Development Agreement

---

## **STAFF RECOMMENDATION**

---

**APPROVE.**



- The City Manager and City Secretary both agreed that a new resolution would be required to increase transparency. All public hearings, publications, and public notice deadlines would be rescheduled accordingly.
- Resolution 2023-04-21 was approved by the City Council on April 18, 2023. This resolution set the dates of the annexation proceedings and provided drafts of the *Municipal Services Agreement* and *Development Agreement*. The dates for the first and second readings were scheduled for May 9<sup>th</sup> and May 16<sup>th</sup>, respectively.
- The City Attorney confirmed that annexing the property as R-3 Apartment District would be the best course of action since the Council has an approved resolution declaring the intent of annexation for an apartment district development.
- Notice of the preliminary and final readings was posted on the City website on April 28<sup>th</sup>, and a news article with the public notice was posted on May 4<sup>th</sup>. Notice of the preliminary and final readings was published in the Alpine Avalanche in the May 4<sup>th</sup> edition.
- A certified letter was sent to the Alpine Independent School District, as required by the Texas Government Code, advising the district of the annexation and public hearing. 19 Letters were sent to surrounding property owners within 200 feet of the subject property, in accordance with Ordinance 2023-02-01. None were returned as undeliverable.
- The City Council held the first reading of the annexation ordinance and tabled the ordinance due to the developer not agreeing with the City's Development Agreement and Municipal Service Plan. The developer met with City Attorney and other City officials on May 26<sup>th</sup>.
- The City Attorney shared an updated Development Agreement with the developer. An updated Municipal Service Plan was not produced by either party. City Administration recommends proceeding with the original Municipal Service Plan.
- Due to the tight timeframe of the project, the first reading was scheduled for June 6, 2023. The City sent notice of the second and final public hearing to the Alpine Avalanche as required by Texas Local Government Code 43.0673.
- The Developer and the City Council Workshopped the Municipal Service Plan and Development Agreement at the June 6, 2023 meeting. The amendments are included in the enclosed documents.
- The City sent a certified letter to Alpine Independent School District as required by Local Government Code 43.905 and sent notice to 19 surrounding property owners as required by Ordinance 2023-02-01. Any final changes needed to have been made upon approval of the first ordinance.
- Changes of substance at the second and final reading would require an additional public hearing per the City Charter, which would result in an additional publication in the Avalanche, another certified letter to AISD, and 19 additional letters being sent.

---

## SUPPORTING MATERIALS

---

1. Ordinance 2023-05-01.
  - a. Including Exhibit "A," Municipal Service Plan.
  - b. Including Exhibit "B," Development Agreement

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## STAFF RECOMMENDATION

---

**APPROVE.**



STATE OF TEXAS  
COUNTY OF BREWSTER

CITY OF ALPINE

**ORDINANCE 2023-05-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ANNEXING THE PROPOSED SKYWAY GARDENS II DEVELOPMENT THAT IS ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY LEGALLY DESCRIBED AS 5.000 ACRES OUT OF SECTION 102, BLOCK 9, BREWSTER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 10.0 ACRE TRACT DESCRIBED IN VOLUME 314, PAGE 453, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DEVELOPER AND THE CITY; PROVIDING FINDINGS OF FACT; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alpine, Texas (“the City”) is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the owner of the property, as hereinafter described, has made a written request for the City to annex such property in compliance with the Texas Local Government Code; and

**WHEREAS**, the property is adjacent contiguous with the corporate city limits of Alpine and the City Council has initiated annexation proceedings with the passage of Resolution 2023-04-21; and

**WHEREAS**, two separate public hearings were conducted, the second of which was published in the official newspaper of the City not more than twenty nor less than 10 days prior to the public hearing in accordance with § 43.0673 of the Texas Local Government Code; and

**WHEREAS**, a letter to the Alpine Independent School District was sent not more than twenty nor less than 10 days prior to the public hearing in accordance with § 43.095 of the Texas Local Government Code; and

**WHEREAS**, letters were sent to surrounding property owners within 200 feet of the proposed annexation site in accordance with Chapter 9 of the Alpine Code of Ordinances.

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

**SECTION I.  
FINDINGS OF FACT**

All of the premises in this ordinance are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II.  
REQUEST OF LANDOWNERS**

The request and petition of the landowner to annex has been duly accepted by the City Council of Alpine, Texas, in accordance with Subchapter C-3 of Chapter 43 of the Local Government Code.

**SECTION III.  
ANNEXATION OF PROPERTY**

The following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate city limits of Alpine, Texas:

5.000 ACRES OUT OF SECTION 102, BLOCK 9, BREWSTER COUNTY,  
TEXAS, BEING A PORTION OF THAT CERTAIN 10.0 ACRE TRACT  
DESCRIBED IN VOLUME 314, PAGE 453, OFFICIAL PUBLIC RECORDS  
OF BREWSTER COUNTY, TEXAS

**SECTION IV.  
MUNICIPAL SERVICE PLAN**

The Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof, and attached hereto as Exhibit "A." The future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which be hereafter adopted.

**SECTION V.  
DEVELOPMENT AGREEMENT**

The development agreement submitted herewith is hereby approved as part of this Ordinance, made a part hereof, and attached hereto as Exhibit "B."

**SECTION VI.  
ZONING**

The Annexed Property shall be zoned R-3 Apartment District as provided in the City Zoning Ordinance.

**SECTION VII.  
BOUNDARY MAP**

The official map and boundaries of the City, as adopted and amended, are hereby amended to include the Annexed Property as part of the City of Alpine.

**SECTION VIII.  
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 IX.  
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 judgment 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 X  
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 XI  
EFFECTIVE DATE**

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

**PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF JUNE 2023 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**JUNE 6, 2023**

**APPROVED:**

\_\_\_\_\_  
Catherine Eaves, Mayor

**SECOND AND FINAL READING**

**JUNE 20, 2023**

**ATTEST:**

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
City Attorney

## EXHIBIT “A”



### AGREEMENT FOR THE PROVISION OF MUNICIPAL SERVICES FOR ANNEXATION OF AREA ON REQUEST OF OWNERS

This Agreement for the Provision of Municipal Services is made and entered into on June 20, 2023, and becomes effective on the date that the City of Alpine agrees by a majority vote of its governing body to annex the proposed area in this Agreement as requested by the Property Owners. (“Effective Date”). This Agreement may be executed in counterparts among the City of Alpine, Texas, hereinafter called “City” and Van Neie, Sue Neie, as well as prospective owner, Skyway Gardens, Ltd. (“Skyway Gardens”), hereinafter three non-City parties jointly called “Owner,” each of which duplicate copies shall have the full force and dignity as an original.

This Agreement relates to an area of land that has been requested by the owner to be annexed into the city limits of the City of Alpine (“annexed area”). This area is depicted in the attached map (“annexation area”) and is legally described as:

*“5.000 acres out of Section 102, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster County, Texas, Being a portion of that certain 10.0 acre tract described in Volume 314, Page 453 Official Public Records of Brewster County, Texas.”*

In accordance with Texas Local Government Code 43.0672, this Agreement provides for the provisions of municipal services in the annexed area no later than 2.5 years after the effective date of the annexation, unless certain services cannot reasonably be provided within that period and the City proposes a schedule for providing those services.

**A. SERVICES TO BE PROVIDED TO THE ANNEXED AREA ON THE EFFECTIVE DATE OF THE ANNEXATION ARE:**

- (1) **POLICE:** The City of Alpine Police Department will provide police protection.
- (2) **FIRE:** The Alpine Volunteer Fire Department will provide fire protection and suppression through its existing fire station.
- (3) **EMERGENCY MEDICAL SERVICES:** The City of Alpine currently has a contract with Elite Medical Air Transport, LLC, DBA Emergent Air to provide emergency medical services.

## EXHIBIT "A"

- (4) **BUILDING SERVICES:** The Building Services Department will provide Building Services and Code Enforcement services upon annexation. This includes issuing building, electrical, and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Alpine.
- (5) **PLANNING & ZONING:** The Planning & Zoning division of the Building Services Department will be responsible for regulating development and land use through the administration of the City of Alpine Zoning Ordinance, which will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the City of Alpine Subdivision Ordinance and any other applicable city ordinances.
- (6) **SOLID WASTE COLLECTION:** The City of Alpine has a contract with Texas Disposal Systems to provide solid waste collection services to utility customers within the City limits.
- (7) **WATER AND WASTEWATER:** The City will provide retail water and wastewater services.
- (8) **NATURAL GAS:** The City will provide retail natural gas services.
- (9) **ROADS AND STREETS:** The City will maintain public roads and streets over which the City has jurisdiction. Roads, streets, or alleyways which are dedicated to and accepted by the City of Alpine, Texas, or which are owned by the City of Alpine, Texas, shall be maintained to the same degree and extent that other roads, streets, and alleyways are maintained in the City limits.
- (10) **LIGHTING:** The lighting of public roads, streets, and alleyways shall be maintained by the applicable utility company servicing the City. The City of Alpine will coordinate any request for improved public street lighting with the local electric provider in accordance with the standard city policy.
- (11) **DRAINAGE:** The City will develop a drainage plan to inhibit street flooding on Lechuguilla Street.
- (12) **PARKS, PLAYGROUNDS, AND SWIMMING POOLS:** There are no public recreational facilities in the annexation area including parks, playgrounds, or swimming pools.
- (13) **OTHER PUBLICLY OWNED FACILITY, BUILDING, OR SERVICE:** Currently, there are no other publicly-owned facilities, buildings, or services identified in the annexation area.
- (14) **OTHER MUNICIPAL SERVICES:** Excluding electric services, all other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

### **B. CAPITAL IMPROVEMENT PROGRAM PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 43.056(E).**

- (1) **POLICE:** No capital improvements are necessary at this time to provide police services.
- (2) **FIRE:** No capital improvements are necessary at this time to provide fire services.
- (3) **EMERGENCY MEDICAL SERVICES:** No capital improvements are necessary at this time to

## EXHIBIT “A”

provide emergency medical services.

- (4) **SOLID WASTE COLLECTION:** No capital improvements are necessary at this time to provide solid waste collection services.
- (5) **WATER:** No new capital improvements by the City are required to provide retail water services.
- (6) **WASTEWATER:** No new capital improvements are required to provide retail wastewater services.
- (7) **NATURAL GAS:** No new capital improvements are required to provide retail natural gas services.
- (8) **ROADS AND STREETS:** No new road or street-related capital improvements are required at this time, excluding the Road Improvements identified in that certain Development Agreement entered by the City and Skyway Gardens, Ltd., dated September 20, 2019.
- (9) **LIGHTING:** No capital improvements are necessary at this time to provide street lighting services.
- (10) **DRAINAGE.** The City shall endeavor to include the drainage plan referenced in A.11 above in the City’s capital improvements plan.
- (11) **PARKS, PLAYGROUNDS, AND SWIMMING POOLS:** No capital improvements are required at this time.
- (12) **OTHER PUBLICLY OWNED FACILITIES, BUILDINGS, OR SERVICES:** In general, other City functions and services and the services described above can be provided by using existing capital improvements.
- (13) **CAPITAL IMPROVEMENTS PLANNING:** The annexed area will be included with other territory in the City limits in connection with the planning for new or expanded facilities, functions, and services as part of the City’s Capital Improvement Plan.

### C. EFFECTIVE TERM

This Agreement shall be in effect for a ten-year period commencing on the effective date of the annexation unless otherwise stated in this Plan. Renewal of the Agreement shall be at the option of the City. A renewal of this Agreement may be exercised by the City Council provided the renewal is adopted by ordinance and specifically renews this Agreement for a stated period of time.

### D. SPECIAL FINDINGS

The City Council of the City of Alpine, Texas, finds and determines that this Agreement will not provide any fewer services or a lower level of services in the annexation area than were in existence in the annexation area at the time immediately preceding the annexation process. The Plan will provide the annexed area with a level of service, infrastructure, and infrastructure maintenance that is comparable to the level of service, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the annexed area.

## **EXHIBIT “A”**

The City reserves the right guaranteed to it by the Texas Local Government Code to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code or other Texas laws to make this Agreement unworkable or obsolete or unlawful.

### **E. GOVERNING LAW**

This Agreement may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Agreement, and the City reserves the right to make such changes. This Agreement is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules, and regulations of governmental bodies and officers having jurisdiction.

### **F. LEVEL OF SERVICE**

The City will provide municipal services” in the annexed area in the manner and time required herein and by Texas Local Government Code Section 43.056. Except as otherwise required by law, nothing in this Agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service. The City of Alpine will provide services to the newly annexed area in a manner that is similar in type, kind, quantity, and quality of service presently enjoyed by the citizens of the City of Alpine, Texas, who reside in areas of similar topography, land utilization, and population density.

### **G. REMEDY**

A person residing or owning land in an annexed area may enforce this Agreement by applying for a writ of mandamus not later than the second anniversary of the date the person knew or should have known that the City was not complying with this Agreement. It is presumed that a resident or landowner in the annexation area is provided full municipal service in the absence of a written request identifying the service not provided to the resident or landowner per this Agreement. Written notice is to be delivered or sent to the City Manager at the following address:

City of Alpine  
100 N. 13<sup>th</sup> Street  
Alpine, Texas 79830

**EXHIBIT "A"**

**APPROVED BY  
CITY OF ALPINE, TEXAS:**

**ATTEST:**

\_\_\_\_\_  
Catherine Eaves, Mayor

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary

The State of Texas  
County of Brewster

§  
§

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this day personally appeared **CATHERINE EAVES, MAYOR** of Alpine, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the City of Alpine, Texas, a municipal corporation, and that she executed the same as the act and deeds of such corporation for the purposes and consideration therein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

[Seal]

\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

Printed Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_



## EXHIBIT "A"

**VAN ARTHUR NEIE JR**  
**PROPERTY OWNER**

VAN ARTHUR NEIE JR

The State of Texas                               §  
County of \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this day personally appeared **VAN ARTHUR NEIE JR**, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said **VAN ARTHUR NEIE JR**, and that he executed the same for the purposes and consideration therein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

[Seal]

NOTARY PUBLIC, State of Texas

Printed Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

**SUE LYNN NEIE**

**PROPERTY OWNER**

SUE LYNN NEIE

**The State of Texas** §  
**County of \_\_\_\_\_** §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this day personally appeared **SUE LYNN NEIE** known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said **SUE LYNN NEIE**, and that he executed the same for the purposes and consideration therein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

[Seal]

NOTARY PUBLIC, State of Texas

Printed Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

## EXHIBIT "A"

**SKYWAY GARDENS, LTD**

**PROSPECTIVE OWNER**

Signature of Authorized Representative

Printed Name: \_\_\_\_\_

The State of Texas §

County of \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this day personally appeared \_\_\_\_\_, \_\_\_\_\_, Skyway Gardens, Ltd., a Texas limited partnership, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said limited partnership, and that he executed the same for the purposes and consideration therein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

[Seal]

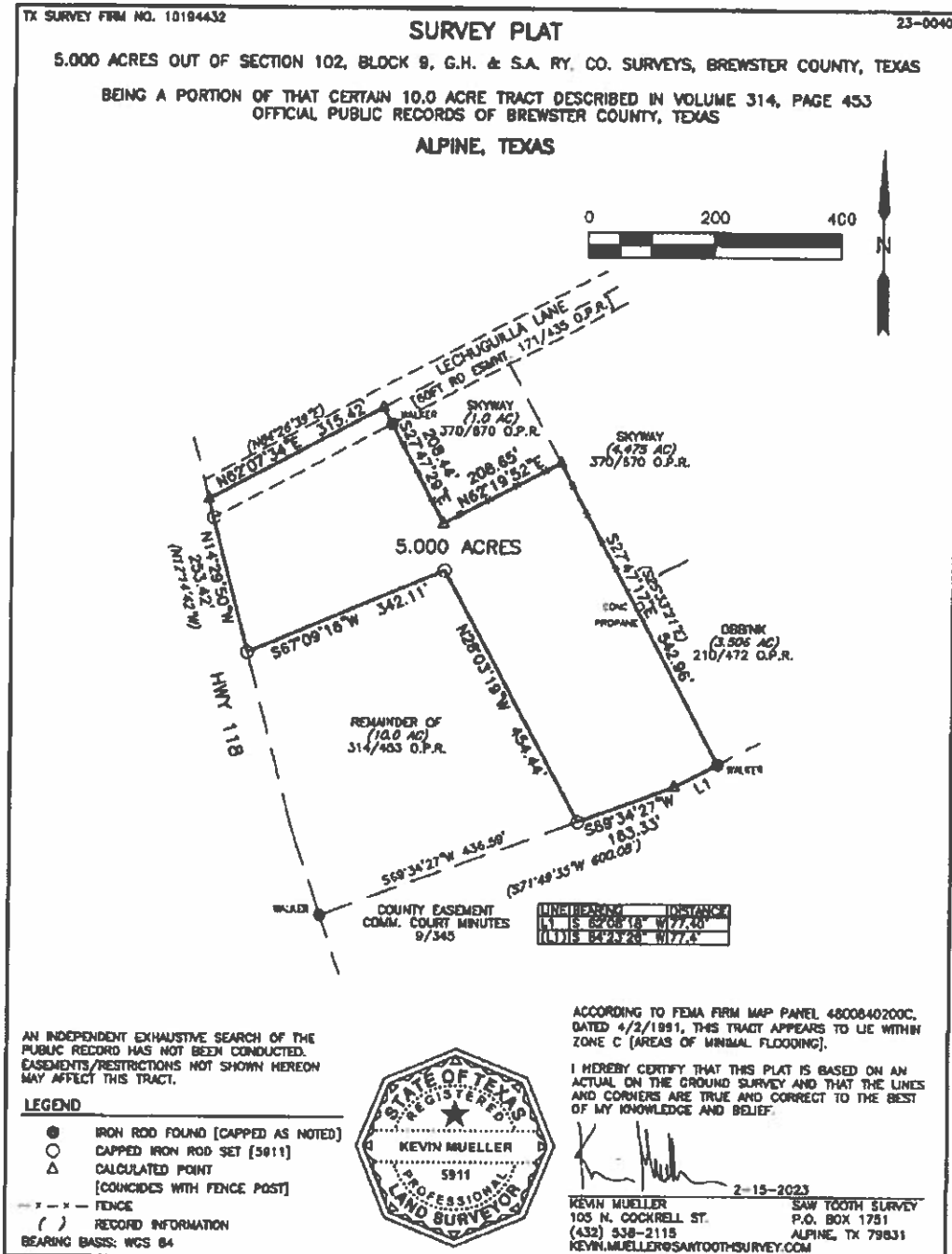
NOTARY PUBLIC, State of Texas

Printed Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

# EXHIBIT "A"

## MAP OF AREA PROPOSED FOR ANNEXATION ON REQUEST BY PROPERTY OWNERS



## EXHIBIT “B”

### DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is executed by and between SKYWAY GARDENS, LTD., a Texas limited liability company (the "Developer"), its successors, transferees, and assigns, and the CITY OF ALPINE, TEXAS (the "City"), concerning expansion of the Skyway Gardens development project over the area depicted on Exhibit A (plat) and Exhibit B (metes and bounds description), (the "Development").

The Developer and City hereby agree to the following:

1. Previous Agreement. Developer will complete all provisions that remain outstanding in that September 20, 2019, Development Agreement executed by Developer and City concerning the original Skway Gardens Development, to include completion of Road Improvement therein described to meet City standards as stated in the 2019 Development Agreement.

2. Utility Site Plan. The City and Developer will cooperate to create a Utility Site Plan (“USP”) for the Development that documents the location and characteristics of the water, sewer, and gas infrastructure contemplated under this Agreement. This USP is intended (i) to ensure Developer constructs all such infrastructure to City standards, and (ii) to facilitate the seamless integration of the Development into existing City utility systems.<sup>1</sup>

3. Water. The City will provide the Development with retail water service. The Developer will construct an off-site water main extension to City standards, from the Development to the City’s existing water main located on the North side of Lechuguilla Street (the “Off-Site Water Extension”). This Off-Site Water Extension will be shown on the USP. The Off-Site Water Extension will be conveyed and dedicated to the City at no cost, and thereafter the City will own, operate and maintain the Off-Site Water Extension. Developer will construct all on-site water facilities required to serve the Development, including any water storage tanks, booster pumps, and backflow prevention valves (collectively, the “On-Site Water System”).<sup>2</sup> Developer’s On-Site Water System will be designed and operated to provide adequate water pressure for fire hydrant and to Skyways Gardens residents. Developer will construct, operate and maintain the On-Site Water System in accordance with all applicable local, state and federal laws.<sup>3</sup> City will operate and maintain the city-owned water system in accordance with all applicable local, state and federal laws.

4. Sewer. The City will provide the Development with retail sewer service. The Developer will construct an off-site sewer main extension to City standards, from the Development to the City’s existing sewer main located on the North side of Lechuguilla Street (the “Off-Site Sewer Extension”). This Off-Site Sewer Extension will be shown on the USP. The Off-Site Sewer Extension will be conveyed and dedicated to the City at no cost, and thereafter the City will own, operate and maintain the Off-Site Sewer Extension. Developer will construct all on-site sewer facilities required to serve the Development, including any sewer pump stations and force mains (collectively, the “On-Site Sewer System”). Developer will construct, operate and maintain the On-Site Sewer System in accordance with all applicable local, state and federal laws.<sup>4</sup>

5. Gas. The City will provide the Development with retail gas service. The Developer will construct an off-site gas main extension to City standards, from the Development to the City’s existing gas main located on the North side of Lechuguilla Street (the “Off-Site Gas Extension”). This Off-Site Gas Extension will be shown on the USP. The City will own, operate and maintain the Off-Site Gas Extension.

<sup>1</sup> Alpine Ordinances, Appendix B – Section I-II – Utility Site Plan – Subdivisions

<sup>2</sup> Alpine Ordinances, Sec. 18-71 to 18-73 – Plumbing code standards, backflow, inspections

<sup>3</sup> Alpine Ordinances, Sec. 98-103 to 98-106 – Fire suppression; hydrants; pressure requirements

<sup>4</sup> Alpine Ordinances, Sec. 98-36 to 98.48 – main extensions; 98-121—sewage connection requirement; Appendix B – Section III – Utility Construction Subdivisions

## EXHIBIT "B"

Developer will construct all on-site gas facilities required to serve the Development (the "On-Site Gas System"). Developer will construct, operate and maintain the On-Site Gas System in accordance with all applicable local, state and federal laws.

6. Roads. In addition to the Roads provision contained in the Previous Agreement described in Section 1 above, the Developer will complete to City Standards all roads, streets, or alleyways within the Development, to include adequate drainage thereof;<sup>5</sup> provided, however, that notwithstanding anything to the contrary herein, Lechuguilla Street shall be constructed to meet City standards as stated in the 2019 Development Agreement. The City and Developer will cooperate to ensure all roads, streets and alleyways within the Development are constructed to City said standards. Once completed to City standards, all roads, streets, and alleyways built by Developer and intended for City maintenance will be dedicated by Developer to the City at no cost, and thereafter the City will maintain said roads, streets, and alleyways to the same degree and extent that other roads, streets, and alleyways are maintained in the City. All road development to be undertaken by Developer under this Agreement and the Previous Agreement will be completed prior to the end of construction.

7. Drainage. The Developer will construct two ponds on the Development as shown on the drainage plan for the Development. The first pond will be designed to capture stormwater runoff generated on the Development. The second pond will be designed to capture and alleviate some, but not all, of the offsite stormwater generated from lands west of the Development. The City acknowledges and agrees that the second pond is intended to and will capture only some of the stormwater generated offsite from lands west of the Development and is not a comprehensive solution to eliminate the existing drainage problems affecting Lechuguilla Street and adjoining properties. Developer will operate and maintain the storage ponds in accordance with all applicable local, state and federal laws.

8. Inspections. The Development's engineers shall inspect and certify that the water, sewer, gas, drainage, and road improvements described herein are built to City standards, at Developer's cost. The City's inspectors must also inspect and approve the improvements.<sup>6</sup>

9. Electric. City will work with and assist Developer to ensure that off-site electric service is installed within 180 days of the date of this Agreement.

10. Permits and Plat Approvals. This Development Agreement will constitute a permit for purposes of Chapter 245, Texas Local Government Code, and plats of the Development will comply with the City's current Subdivision Ordinance.

11. Zoning. After annexation of the Development, the City agrees to zone the Development property as R-3.

**CITY OF ALPINE**

**SKYWAY GARDENS, LTD.**

By: \_\_\_\_\_

Megan Antrim

Its: City Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_

Roy Lopez

Its: Senior Vice President

Date: \_\_\_\_\_

<sup>5</sup> Alpine Ordinances, Sec. 86-4. – Prohibition of allowing accumulation of water

<sup>6</sup> Alpine Ordinances, Appendix B – Section I-III Subdivisions – Inspections

## EXHIBIT “B”

APPROVED AS TO FORM:

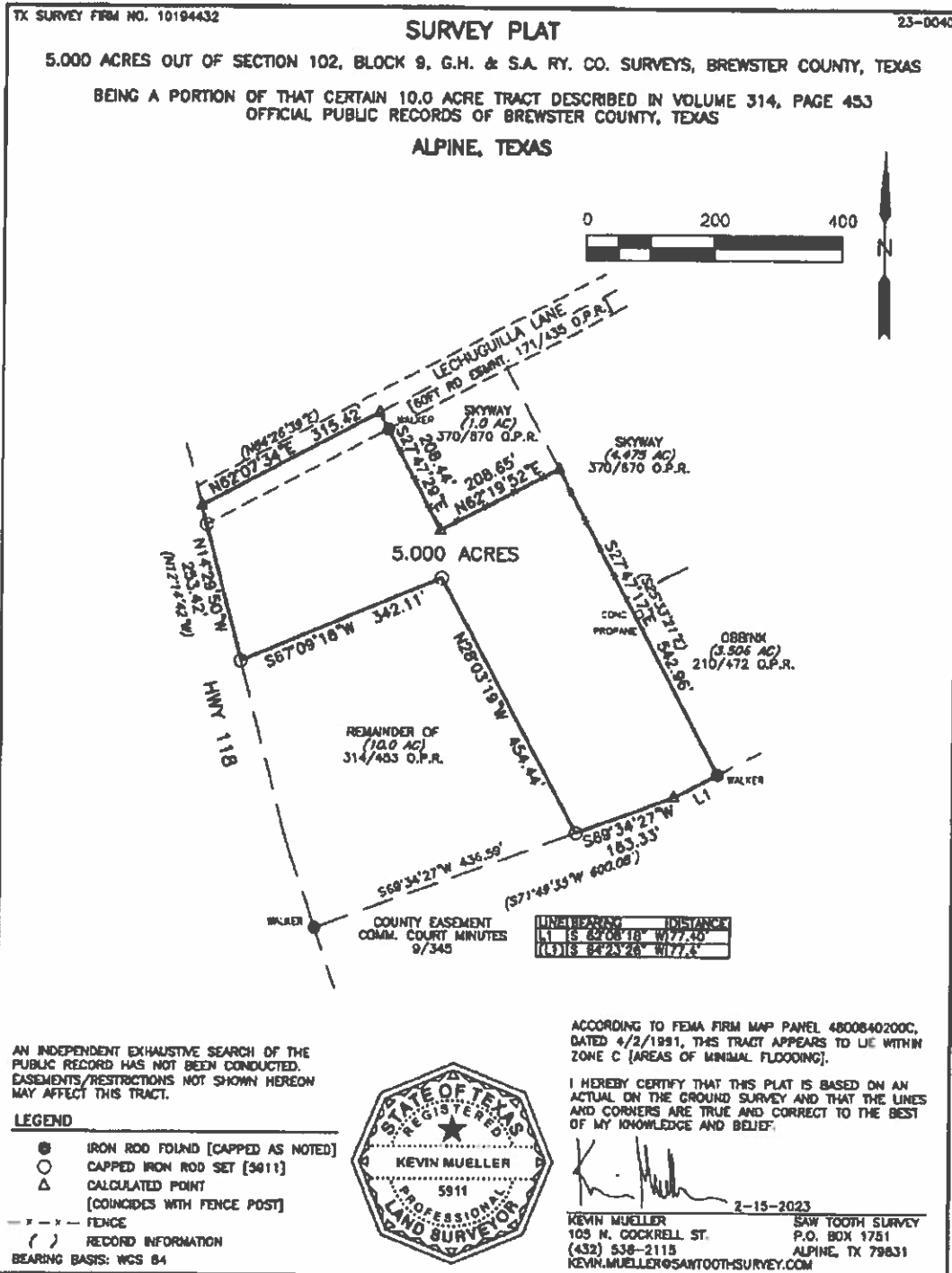
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City Attorney



# EXHIBIT "B"

## EXHIBIT "A"



## EXHIBIT "B"

### EXHIBIT "B"

SAW TOOTH SURVEY  
FORM NO. 10194432

SECTION 102, BLOCK 9, G.H. & S.A. RY CO.  
BREWSTER COUNTY, TEXAS

23-0040

#### 5.000 ACRES

5.000 ACRES OUT OF SECTION 102, BLOCK 9, G.H. & S.A. RY CO. SURVEYS, BREWSTER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 10.0 ACRE TRACT DESCRIBED IN VOLUME 314, PAGE 453, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, SAID 5.000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a capped iron rod [WALKER] found for the southeast corner of said 10.0 acre tract and **POINT OF BEGINNING** of the herein described tract;

**THENCE** with the south line of said 10.0 acre tract the following two (2) courses:

- 1) S 62°08'18" W, a distance of 77.40 feet to a calculated point coinciding with a fence post, and
- 2) S 69°34'27" W, a distance of 163.33 feet to a capped iron rod [5911] set for the southernmost southwest corner of the herein described tract, from which a capped iron rod [WALKER] found for the southwest corner of said 10.0 acre tract bears, S 69°34'27" W, a distance of 436.59 feet;

**THENCE** over and across said 10.0 acre tract the following two (2) courses:

- 1) N 28°03'19" W, a distance of 454.44 feet to a capped iron rod [5911] set for a re-entrant corner of the herein described tract, and
- 2) S 67°09'16" W, a distance of 342.11 feet to a capped iron rod [5911] set in the east right of way line of Hwy 118 for the northernmost southwest corner of the herein described tract;

**THENCE** with the east right-of-way line of said Hwy 118, N 14°29'50" W, at 222.58 feet passing a capped iron rod [5911] set in the south line of Lechuguilla Lane [60-ft road easement described in Volume 171, Page 453, Official Public Records of Brewster County, Texas], for a total distance of 253.42 feet to a calculated point in the center line of said road easement for the northwest corner of the herein described tract;

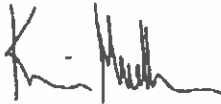
**THENCE** with the center line of said road easement, N 62°07'34" E, a distance of 315.42 feet to a calculated point for the northernmost northeast corner of the herein described tract;

**THENCE** over and across said 10.0 acre tract the following two (2) courses:

- 1) with the west line of that certain 1.0 acre tract described in Volume 370, Page 570, Official Public Records of Brewster County, Texas, S 27°47'29" E, at 30.00 feet passing a capped iron rod [WALKER] found witnessing the northwest corner of said 1.0 acre tract, for a total distance of 208.44 feet to a calculated point coinciding with a fence post found for a re-entrant corner of the herein described tract and southwest corner of said 1.0 acre tract, and
- 2) with the south line of said 1.0 acre tract, N 62°19'52" E, a distance of 208.65 feet to a calculated point coinciding with a fence post found in the east line of said 10.0 acre tract for the southernmost northeast corner of the herein described tract;

**THENCE** with the east line of said 10.0 acre tract, S 27°47'17" E, a distance of 542.96 feet to the **POINT OF BEGINNING** of the herein described tract, containing 5.000 ACRES of land, more or less.

I, Kevin Mueller, do hereby certify that this description was prepared from a survey performed under my supervision during February of 2023, and is true and correct to the best of my knowledge.



2-15-2023

KEVIN MUELLER  
SAW TOOTH SURVEY  
P.O. BOX 1751  
ALPINE, TX 79831  
(432) 538-2115





## **CITY COUNCIL**

### **MEETING AGENDA ITEM COVER MEMO**

**JUNE 20, 2023**

To: Honorable Mayor and City Council

Agenda Item: Action Item 2 – Additional Four Way Stop Signs

Agenda Sponsor: Megan Antrim, City Manager

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#### **SYNOPSIS**

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Approve the first reading of Ordinance 2023-06-01, an ordinance of the City Council of the City of Alpine, Texas authorizing the installation of additional four way stop signs at the intersections of 8<sup>th</sup> Street and Sul Ross Avenue, the intersections of 8<sup>th</sup> Street and Avenue A, the intersections of 7<sup>th</sup> and Hendryx Avenue, and the intersections of 8<sup>th</sup> Street and Del Rio Avenue. (M. Antrim, City Manager)

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#### **BACKGROUND**

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- In September 2022, Ward 1 Council Representative, Judy Stokes, requested to visit with Chief Darrell Losoya to discuss complaints she had received regarding speeding along various streets within Ward 1.
- A traffic study was completed and recommendations made
- Chief Losoya recommendations include the addition of four-way stop signs along 8<sup>th</sup> and 7<sup>th</sup> streets
  - Intersections of 8<sup>th</sup> Street and Sul Ross Avenue
  - Intersections of 8<sup>th</sup> Street and Avenue A
  - Intersections of 7<sup>th</sup> Street and Hendryx
  - Intersections of 8<sup>th</sup> Street and Del Rio Avenue
- Item was discussed before Council on June 6, 2023

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#### **SUPPORTING MATERIALS**

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1. Ordinance 2023-06-01
2. Chief Losoya recommendation

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#### **STAFF RECOMMENDATION**

---

**APPROVE**

STATE OF TEXAS  
CITY OF ALPINE

COUNTY OF BREWSTER

**ORDINANCE 2023-06-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AUTHORIZING THE INSTALLATION OF ADDITIONAL FOUR WAY STOP SIGNS AT THE INTERSECTIONS OF 8<sup>TH</sup> STREET AND SUL ROSS AVENUE, THE INTERSECTIONS OF 8<sup>TH</sup> STREET AND AVENUE A, THE INTERSECTIONS OF 7<sup>TH</sup> AND HENDRYX AVENUE, AND THE INTERSECTIONS OF 8<sup>TH</sup> STREET AND DEL RIO AVENUE.**

**WHEREAS**, the City of Alpine has the authority by charter and ordinance to establish street control signs, including stop signs, for citizen safety and traffic control; and

**WHEREAS**, the Uniform Manual on Traffic Control gives direction on the justification and specifications for the placement of street control signs; and

**WHEREAS**, the Alpine Police Department has completed a traffic study of the area and recommends the addition of four, four-way stop signs; and

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

**SECTION 1.** The above stated findings contained in this ordinance are hereby adopted.

**SECTION 2.** Additional four-way stop signs shall be installed at the:

- A. Intersections of 8<sup>th</sup> Street and Sul Ross Avenue
- B. Intersections of 8<sup>th</sup> Street and Avenue A
- C. Intersections of 7<sup>th</sup> Street and Hendryx
- D. Intersections of 8<sup>th</sup> Street and Del Rio Avenue

**SECTION 3.** Following the installation of the four-way stop signs, law enforcement agencies will have the authority to issue citations for any violations concerning, among other things, an individual's failure to stop.

**SECTION 4.** This ordinance will become effective immediately upon its passage by the City Council.

**APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF JULY 2023 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION & FIRST READING**

**SECOND AND FINAL READING**

**JUNE 20, 2023**

**JULY 11, 2023**

**APPROVED:**

**ATTEST:**

---

Catherine Eaves, Mayor

---

Geo Calderon, City Secretary

**APPROVED AS TO FORM:**

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City Attorney



Chief Darrell R. Losoya  
Telephone (432) 837-3486

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

I am recommending the installation of STOP SIGNS at the following intersections in Ward 1.

- 4 way stop sign at the intersection of 8th Street and Sul Ross Avenue
  - There have been 4 motor vehicle accidents within the past 10 years at this intersection
- 4 way stop sign at the intersection of 8th Street and Avenue A
  - There have been 2 motor vehicle accidents within the past 10 years at this intersection
- 4 way stop sign at the intersection of 7th Street and Hendryx Avenue
  - No motor vehicle accident within the past 10 years
  - Due to the apartment complex located at the intersection this has caused more traffic in the area and the 4 way stop sign could prevent a motor vehicle accident in the future
- 4 way stop sign at the intersection of 8th Street and Del Rio Avenue
  - There has been 1 motor vehicle accident within the past 10 years at this intersection
  - I originally had chosen the intersection at 8<sup>th</sup> Street and Uvalde but due to the traffic study and speed survey on Del Rio. I believe that this intersection is much better suited.

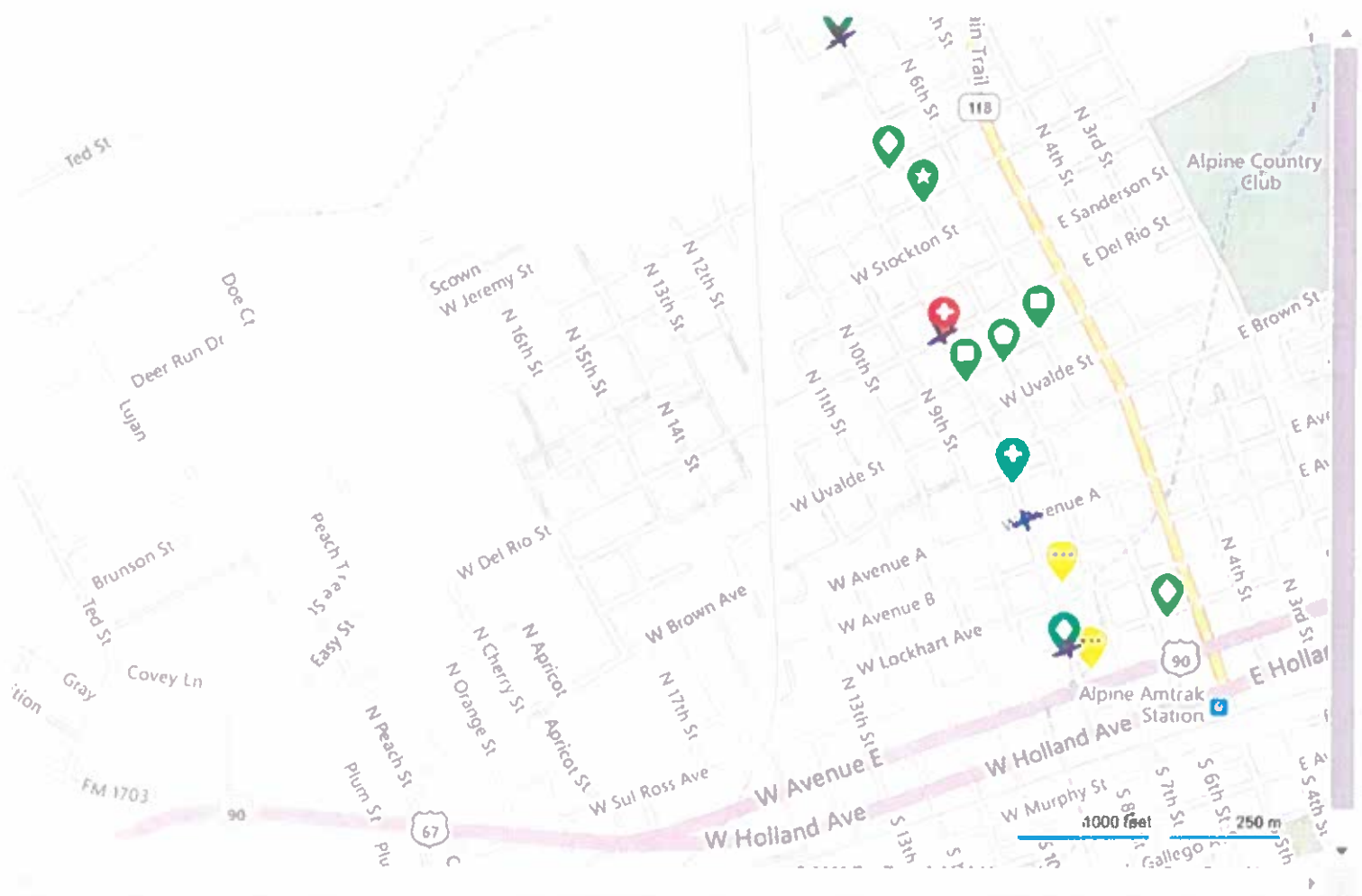
I am recommending a city wide speed limit change to 25 miles per hour in city streets.

Please let me know if you have any questions or concerns.

Darrell R. Losoya  
Chief of Police  
Alpine Police Department

# QUERY

All crash data available using this tool represents reportable data collected from Texas Peace Officer's Crash Reports (CR-3) received and processed by the Texas Department of Transportation (Department) as of 05/31/2023. The Department makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the information provided as a result of your query. Any opinions and conclusions resulting from analysis performed on the crash data must be represented as your own and not those of the State of Texas or the Department.



## Legend

 2014 and Suspected Minor Injury

 2015 and Not Injured

 2016 and Not Injured

 2017 and Not Injured

 2021 and Suspected Minor Injury

 2021 and Possible Injury

 2022 and Not Injured

 2022 and Possible Injury





**CITY COUNCIL**  
**MEETING AGENDA ITEM COVER MEMO**  
**JUNE 20, 2023**

To: Honorable Mayor and City Council  
Agenda Item: Action Item 3 – Resolution 2023-06-20  
Agenda Sponsor: M. Antrim, City Council  
Memo Prepared By: Geoffrey R. Calderon, City Secretary

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**SYNOPSIS**

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Approve Resolution 2023-06-20, a resolution appointing City Council members to ex-officio positions on City Boards, Commissions, and Committees. (M. Antrim, City Manager)

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**BACKGROUND**

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1. Ordinance 2022-10-03 established Chapter 16 of the Alpine Code of Ordinances which implemented updated rules, regulations, and requirements relating to boards, commissions, and committees.
2. One of the updates that the ordinance implemented was the appointment of a Council Member to each City board, commission, and committee. Each appointed Council Member will serve in an ex-officio capacity and will not have the privilege of voting.
3. City Administration reached out to the Council asking for their preferences on which board to be appointed to. Each member was able to get their preference.
4. If approved, this resolution will remain in effect until another resolution supersedes it.

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**SUPPORTING MATERIALS**

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1. Resolution 2023-06-20.

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**STAFF RECOMMENDATION**

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**APPROVE.**

City Staff recommends approval of this resolution.

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

**RESOLUTION 2023-06-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS, APPOINTING MEMBERS OF THE ALPINE CITY COUNCIL TO EX-OFFICIO POSITIONS ON CITY BOARDS, COMMISSIONS, AND COMMITTEES.**

**WHEREAS**, pursuant to Chapter 16 to the Alpine Code of Ordinances, it is the duty of the City Council to appoint a member of the Alpine City Council to each City Board, Commission, and Committee; and

**WHEREAS**, each Council Member who serves on a Board, Commission, or Committee will serve in an ex-officio capacity and will not have the privilege of voting; and

**WHEREAS**, the City Council has advised City Administration of their respective preferred choices of which Board, Commission, or Committee the member prefers to serve; and

**WHEREAS**, it is deemed to be in the best interest of the City to accommodate each Council member and memorialize their preferred appointments.

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

**SECTION I.** The City Council ex-officio positions on City Boards, Commissions, and Committees are appointed as follows:

**ANIMAL ADVISORY BOARD**

Ward 1 Council Member Judy Stokes

**BUILDING AND STANDARDS COMMISSION**

Ward 2 Council Member Chris Rodriguez

**PARKS AND RECREATION BOARD**

Ward 3 Council Member Darin Nance

**MUSIC ADVISORY BOARD**

Ward 4 Council Member Martin Sandate

**HOTEL OCCUPANCY TAX COMMITTEE**

Ward 5 Council Member Rick Stephens

**PLANNING AND ZONING COMMISSION**

Mayor Catherine Eaves

**SECTION II.** The City Council ex-officio appointments for each position will remain in effect until a subsequent resolution is approved by a majority vote of the City Council.

**SECTION III.** This resolution shall become effective immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF ALPINE ON THIS 20<sup>th</sup> DAY OF JUNE 2023.**

APPROVED:

ATTEST:

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Catherine Eaves, Mayor

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Geoffrey R. Calderon, City Secretary



## **CITY COUNCIL**

### **MEETING AGENDA ITEM COVER MEMO**

**JUNE 20, 2023**

To: Honorable Mayor and City Council

Agenda Item: Action Item 4 – Bojorquez Law Firm

Agenda Sponsor: Megan Antrim, City Manager

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### **SYNOPSIS**

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Approve Addendum to Standard Terms of Engagement to reflect Bojorquez Law Firm as City Attorney and amend hourly billing rates for the City of Alpine. (M. Antrim, City Manager)

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### **BACKGROUND**

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- In November 2021, City Council authorized the City Manager to hire special counsel to represent the city in a possible conflict of interest with Mr. Rod Ponton (Alpine City Attorney) and his development project.
- Bojorquez Law Firm was retained December 14, 2021.
- City Attorney Rod Ponton resigned June 6, 2023.
- Recommendation to hire Bojorquez Law Firm to serve as the City Attorney for the City of Alpine.
  - Standard Terms of Engagement: Special Counsel to be amended to reflect *City Attorney*
  - Amended Hourly Billing Rates
- Bojorquez Law Firm is able to represent the City both in person, if needed, and virtually.
- Bojorquez Law Firm currently represents the City of Marfa and the City of Presidio.

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### **SUPPORTING MATERIALS**

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1. Addendum to Standard Terms of Engagement: City Attorney
2. Standard Terms of Engagement – December 14, 2021

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### **STAFF RECOMMENDATION**

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**APPROVE**

11675 Jollyville Road  
Suite 300  
Austin, Texas 78759

**BOJORQUEZ**  
**LAW FIRM, PC**

Phone: (512) 250-0411  
Fax: (512) 250-0749  
TexasMunicipalLawyers.com

June 7, 2023

Megan Antrim, City Manager  
City of Alpine  
100 N 13<sup>th</sup> Street  
Alpine, TX 79830  
*Via email: Megan.antrim@ci.alpine.tx.us*

**Addendum to Standard Terms of Engagement: City Attorney**

Ms. Antrim:

I am pleased to provide you with this Addendum to the current Standard Terms of Engagement retaining our firm's services as **City Attorney** to the City of Alpine. This document modifies the scope of our firm's representation and updates certain terms.

We have updated our current rates that were in place at the time of sending the *Standard Terms of Engagement: Special Counsel* letter on December 14, 2021. We will update your status to *Standard Terms of Engagement: City Attorney*, which will enable us to represent the city in a more comprehensive capacity.

If you find this Addendum acceptable, please acknowledge by countersigning and returning this to our office at your convenience.

Sincerely,

  
Alan Bojorquez  
Managing Attorney

**CITY OF ALPINE:**

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Megan Antrim  
City Manager

## HOURLY BILLING RATES

The following hourly rates shall apply to this engagement.

### City Attorney

|   |                              |
|---|------------------------------|
| • Managing Attorney ( <i>Alan Bojorquez</i> )           | \$315.00 per hour            |
| • Of Counsel Attorney                                   | \$250.00 per hour            |
| • Senior Associate Attorney                             | \$225.00 per hour            |
| • Associate Attorney                                    | \$210.00 per hour            |
| • Junior Associate Attorney                             | \$200.00 per hour            |
| • Consulting City Planner                               | \$125.00 per hour            |
| • Municipal Court Prosecution                           | \$191.00 per hour            |
| • Law Clerk   | \$113.00 per hour            |
| • Legal Assistant                                       | \$108.00 per hour            |
| • Developer Projects ( <i>Reimbursed by Applicant</i> ) | \$285.00 - \$350.00 per hour |
| • Litigator (Trial Lawyer / Appellate Attorney)         | \$285.00 - \$350.00 per hour |
| • Real Estate Acquisition / Eminent Domain              | \$285.00 - \$350.00 per hour |
| • Water / Wastewater / Enviro / Utilities Attorney      | \$285.00 - \$350.00 per hour |

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## STANDARD TERMS OF ENGAGEMENT

This document establishes the standard terms of our engagement as your attorneys. Unless modified in writing by mutual consent, these terms will be an integral part of our agreement. Therefore, we ask that you carefully review this statement and contact us promptly if you have any questions. We suggest that you retain this document in your file.

### I. Our Relationship

#### 1. Identity of Client

The *Bojorquez Law Firm, PC* ("Firm") will be representing the interests of the *City of Alpine* ("City") as an organization.

#### 2. Nature of Representation

While in the future we may be directed to represent the City on other matters, our present relationship can be described as follows:

Our Firm will provide serve as Special Counsel providing limited legal guidance regarding specific Special Projects, including platting and land development projects designated by the City on a case by case basis.

#### 3. Scope of Work

As the client, it is imperative that you have a clear understanding of the services the Firm will provide. Any questions that you have should be dealt with promptly. We will provide services related only to matters as to which we have been specifically engaged. Such services may include, by agreement, law-related services such as city planning. Law-related services would be provided in whole or in part by individuals who are not attorneys. Accordingly, these services are not legal services. As such, communications between the City and the Firm regarding such work may not be subject to the *Texas Rules of Disciplinary Conduct* governing the attorney-client relationship. The Firm will at all times act on your behalf to the best of our ability. Any expressions on our part concerning the outcome of the City's municipal matters are expressions of our best professional judgment but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed. We cannot guarantee the success of any given matter, but we will strive to represent your interests professionally and efficiently.

#### **4. Client Responsibilities**

You agree to cooperate fully with the Firm and to provide us promptly with all information known or available to you relevant to our representation. The City agrees to pay our invoices in accordance with these **STANDARD TERMS OF ENGAGEMENT**.

#### **5. Responsibilities of the Bojorquez Law Firm**

The Firm is committed to meeting the City's legal needs. In doing so, the Firm will: act competently and in a timely manner; protect the City's privileged information and ensure appropriate confidentiality; promote the City's interests; discuss the City's objectives and how they should best be achieved; and provide information about the work to be done, who will do it, when the work is expected to be completed and the way the services will be provided. The Firm will comply with Section 2252.908 of the Texas Government Code and file the Disclosure of Interested Parties. The Firm verifies that the Firm does not boycott Israel and will not boycott Israel during the term of this agreement.

#### **6. Ethical Conflict of Interest Disclosure**

The representation of more than one (1) municipal entity may present special ethical considerations under the *Texas Rules of Disciplinary Conduct*. The Firm may undertake representation of multiple municipal entities if the City agrees in writing after consultation about the risks of joint representation. The City may also consult with legal counsel other than the Firm regarding this representation.

A potential conflict could arise with respect to the subject matter of this representation. Based on the information now available at this time, the Firm is not aware of any actual conflicts among City and any other municipal entity. If the City becomes aware of anything that may suggest an actual conflict of interest, please bring it to the Firm's attention immediately.

If circumstances arise during the course of this matter that require or make it desirable that any of the clients obtain separate representation in this matter, the Firm would be free to continue to represent the remaining members of the client group in this matter. By signing these **STANDARD TERMS OF ENGAGEMENT** and accepting our joint representation, the City agrees that, if it becomes necessary or desirable for the City to retain other counsel, the City will not seek to disqualify the Firm from continuing to represent the remaining members of the client group.

## **II. Fees, Billing and Administrative**

### **1. Fees for Legal Services**

The charges for professional services provided by the Firm will typically be based upon the following: (1) the time devoted to the matter; (2) the novelty and difficulty of the questions presented; (3) the requisite experience, reputation and skill requested to deal with those questions; (4) time limitations imposed by the circumstances; (5) and the quality of the results obtained. Fees and costs for particular matters are unpredictable and we have made no commitment concerning maximum fees or costs. Unless otherwise indicated in writing, our fees for legal services are determined on the basis of the hourly rates of the respective attorney that will perform the services. These rates may vary depending on the expertise



and experience of the individual. We adjust these rates from time to time, increasing them as the individuals gain experience and expertise and to reflect current economic conditions. We will notify you in writing if this fee structure is modified.

**Hourly Rates:** All billings shall be as follows, and are invoiced in increments of one-tenth (.10) hours (i.e., in six-minute increments):

|  |                              |
|--|------------------------------|
| • Managing Attorney ( <i>Alan Bojorquez</i> )      | \$315.00 per hour            |
| • Of Counsel Attorney                              | \$250.00 per hour            |
| • Senior Associate Attorney:                       | \$225.00 per hour            |
| • Associate Attorney                               | \$210.00 per hour            |
| • Junior Associate Attorney                        | \$190.00 per hour            |
| • Consulting City Planner                          | \$135.00 per hour            |
| • Paralegal/Law Clerk                              | \$100.00 per hour            |
| • Legal Assistant                                  | \$100.00 per hour            |
| • Water / Wastewater / Enviro / Utilities Attorney | \$250.00 - \$350.00 per hour |
| • Litigator  | \$250.00 - \$350.00          |

## **2. Rate Adjustment**

Billing rates are subject to increase a maximum of ten percent (10%) annually. No rate increase will exceed ten percent (10%) without first obtaining consent from the designated primary client representative. The City will be notified in writing when a rate adjustment will occur.

## **3. Other Charges and Handling Fees**

All out-of-pocket expenses (such as long-distance telephone charges, copying charges, travel expenses, courier expenses, etc.) incurred by the Firm in connection with representing you will be billed to you as a separate item on your monthly statement.

A five percent (5%) handling fee will be assessed on all out-of-pocket expenses incurred on behalf of the City for consulting and engineering fees, appraisal costs, and other professional requirements of a matter.

## **4. Billing Procedures & Terms of Payment**

Our billing period begins on the 27<sup>th</sup> of the month and ends on the 26<sup>th</sup> day of the following month. We will render monthly statements to you for legal services and expenses. We usually mail these statements toward the beginning of the month, following the latest date covered in the statement. Each statement is payable within thirty (30) days of its stated date and must be paid in U.S. Dollars. If any statement is not paid within thirty (30) days after its stated date, interest at the rate of six percent (6%) per month and eighteen percent (18%) per annum will accrue on the balance due. However, if at any time eighteen percent (18%) per annum exceeds the highest interest rate permitted by applicable law, then the interest rate that will be applied to any overdue amounts will be reduced to the maximum rate permitted under applicable law. If you have any questions or concerns about any statement that we submit to you for payment, please contact us at your earliest convenience so that we can resolve any problems without delay. If unresolved, overdue invoices may result in discontinuation of representation of the City. Typically, such issues can be resolved to the

satisfaction of both sides with little inconvenience or formality.

**5. Fee Estimates**

We are often requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. Your primary attorney will do their best to estimate fees and expenses for particular matters when asked to do so. However, an estimate is just that, and the fees and expenses required are ultimately a function of many conditions over which we have little or no control. Unless otherwise agreed in writing with respect to a specific matter, all estimates made by us shall be subject to your agreement and understanding that such estimates do not constitute maximum or fixed fee quotations and that the ultimate cost is frequently more or less than the amount estimated.

**6. Retainers**

Generally, there is no retainer for municipal clients. However, with substantial new matters for existing or new clients, the Firm may require a retainer. The retainer amount is not meant to be an estimate or limit of the fees and expenses required to complete the work on this matter but is intended as your good faith deposit against a portion of such fees and expenses. The retainer will be placed in our Trust Account and we will bill our fees and disbursements against the retainer. We will advise you if additional amounts are necessary to be placed in trust against which to bill future work. If our work is completed and your account is paid-in- full, yet a balance remains in on your retainer, we will refund the retainer to you upon request.

**7. Retention of Documents**

Although we will attempt to retain for a reasonable time copies of most documents generated by this Firm, we cannot be held responsible in any way for failure to do so, and we hereby expressly disclaim any such responsibility or liability. You must ultimately retain all originals and copies you desire among your own files for future reference. After our representation expires or terminates, we will provide you or a successor attorney whom you designate in writing within a reasonable time with copies of any or all client paper and electronic files still in our possession that you may request in writing, at your sole expense for locating, reviewing, copying and delivering the requested materials.

**8. Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, United States of America. Venue of any case or controversy arising under or pursuant to this Agreement shall be in *Brewster County*, Texas, United States of America.

**III. Termination of Services**

You have the right to terminate our services at any time upon providing written notice to us. Upon receipt of written notice from you, we will immediately cease to render additional services to the extent we can do so without jeopardizing your legal interests or our ethical obligations.

We reserve the right to discontinue work on pending matters or terminate our attorney-client relationship with you at any time that payment of your account becomes delinquent. We also reserve the right to withdraw when obligated by the *Texas Rules of Disciplinary Conduct*.

Additionally, if you fail to follow our advice and counsel, or otherwise fail to cooperate reasonably with us, we reserve the right to withdraw from representing you upon short notice, regardless of the then status of your matter. No termination shall relieve you of the obligation to pay fees and expenses incurred prior to such termination. Unless otherwise agreed in writing, representation will cease upon your payment in full of all fees due, and my Firm's conveyance of your files to the destination you designate. The Firm's files (work product) will be retained at the Firm.

#### **IV. Internal Revenue Service (IRS) and Texas Workforce Commission (TWC) Status**

##### **1. Independent Contractor (IC)**

For purposes of federal income tax or social security withholdings, the Firm is an IC responsible for payment of its own taxes and not an employee of the City. The Firm, and not the City, is obligated to arrange for the required federal withholdings of the Firm's employees. Below is a summary of the IC versus employee requirements and a good general overview of how our services will be provided.

##### **2. The Internal Revenue Service**

The IRS assesses three (3) factors of the employer/individual relationship: behavioral control, financial control, and relationship of the worker and firm to determine who is an employee and who is an Independent Contractor. (*See* IRS Form SS-8). Again, depending on the type of business and the services performed, not all sections of the form may apply, and the weight assigned to a specific factor may vary depending on the facts.

##### **3. The Texas Workforce Commission**

The TWC has adapted the old IRS twenty-factor test, known as the "direction or control" test to determine who is an employee and who is an IC (*see* TWC Form C-8). Depending on the type of business and the services performed, not all of the twenty common law factors may apply, and the weight assigned to a specific factor may vary depending upon the facts.

Below are considerations for the TWC's twenty-factor test, which also generally address issues of behavioral control, financial control, and relationship of the worker and firm.

##### **(a) Financial Control**

In general, an employee is usually paid for their time, whereas an independent contractor is usually paid by the job. An employee usually does not negotiate their pay, whereas an independent contractor usually negotiates their pay to ensure a profit. An employee is not expected to invest in the business they work for so the employer takes care of tax matters and expenses, whereas an independent contract is investing in their independent business so the IC takes care of all expenses and taxes.

##### **(b) Relationship of Worker & Business Entity**

In general, an employee does not usually advertise their services, whereas an IC does. An employee carries business cards that reflect the employer's name, whereas an IC carries business cards that reflect the IC's business name. An employee is primarily reached at the employer's phone number, whereas an IC is primarily

reached at their business phone number.

**(c) Behavioral Control**

In general, an employer contracting for IC services is normally interested in the end result, not in the details of how the work is done. The employer should have no interest in how the IC allocates his or her time, or who the IC hires to assist (other than requiring proper licensure).


**V. Questions**

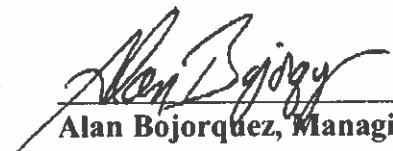
If during the course of our representation you have any questions about any aspect of our arrangements, please feel entirely free to raise those questions. The Firm wants all of our clients to have a clear and satisfactory understanding about every aspect of our billing and payment policies. Accordingly, we encourage an open and frank discussion of any or all of the matters mentioned in this document.

**VI. Acceptance of and Consent to the Standard Terms and Engagement**

If this arrangement is acceptable to you and the City, please sign these Terms and return to the Firm at your earliest convenience. We are truly honored that you are willing to make our Firm part of your team.

**AGREED TO & ACCEPTED:**

by:   
Megan Antrim, Director of Finance / Interim City Manager, City of Alpine  
date: 12-17-2021

by:   
Alan Bojorquez, Managing Attorney, Bojorquez Law Firm, PC  
date: December 14, 2021

*Please return a signed original of the STANDARD TERMS OF ENGAGEMENT to the Bojorquez Law Firm via mail, fax, or email.*

## CONCLUSION OVERVIEW

12. **City Council Member Comments** – No discussion or action may take place.

**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).

13. **Executive Session** – None.

14. **Action – Executive Session** – None.

15. **Adjourn.**