



CITY OF ALPINE
REGULAR CITY COUNCIL MEETING
803 W. Holland Avenue, Alpine, Texas 79830
Tuesday, June 6, 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 6, 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. 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. 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** –
 1. Presentation to Eileen Rouke for her 7+ years of service to the City of Alpine on the Planning & Zoning Commission.
5. **Reports** –
 - City Mayor Report** –
 1. Update from Recent Meetings.
 - a. Alpine Housing Authority.
 - b. Alpine Business Association.
 - c. Alpine Community Projects.
 - d. Alpine Historic Association.
 2. Water Leak.
 3. June 1st 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 MOU.
 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 Update** – None.
6. **Public Hearings** –
 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.
 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.

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.
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.
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 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)
8. **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)
 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)
 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:

a) Provide the list by major department of the current headcount funded and actual headcount.

b) Discuss strategy for filling Finance Director, Utilities Director, and Parks Position along with any other key positions. (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 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)

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)

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)

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)

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

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)

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 –

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)

12. 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)

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 pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on Friday, 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 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** –
 1. Presentation to Eileen Rouke for her 7+ years of service to the City of Alpine on the Planning & Zoning Commission.

Certificate of Honor and Recognition

Hereby presented to

Eileen Rouke

On the 6th day of June 2023
For her 7 years of Service to the City of Alpine
Planning & Zoning Commission

Presented by

Catherine Eaves
Mayor

Attest

Geoffrey R. Calderon
City Secretary

REPORTS OVERVIEW

5. Reports –

City Mayor Report –

1. Update from Recent Meetings.
 - a. Alpine Housing Authority.
 - b. Alpine Business Association.
 - c. Alpine Community Projects.
 - d. Alpine Historic Association.
2. Water Leak.
3. June 1st 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 MOU.
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 COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

REPORTS

City Mayor Report

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BACKGROUND

NONE.

SUPPORTING MATERIALS

NONE.

STAFF RECOMMENDATION

N/A



**CITY COUNCIL
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JUNE 6, 2023**

REPORTS

City Attorney Report –

1. Municipal Court Update.
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BACKGROUND

NONE.

SUPPORTING MATERIALS

NONE.

STAFF RECOMMENDATION

N/A



**CITY COUNCIL
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City Manager Report –

1. Current Projects – Pueblo Nuevo, Airport Lighting, Gas Rectifier, HOT Nonpayment.
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BACKGROUND

NONE.

SUPPORTING MATERIALS

NONE.

STAFF RECOMMENDATION

N/A

PUBLIC HEARINGS OVERVIEW

6. Public Hearings –

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.
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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.
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 5. Approval of April 2023 City Attorney Invoice. (M. Antrim, City Manager)



**CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023**

CONSENT AGENDA

1. Approval of May 16, 2023 Regular Meeting Minutes (G. Calderon, City Secretary)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. May 16, 2023 Regular Meeting Minutes.

STAFF RECOMMENDATION

APPROVE.

City of Alpine
Regular City Council Meeting
Tuesday, May 16, 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:

Councilor Sara Tandy

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 May 12, 2023.

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

1. Tommy Lewis, Ward 4, addressed the City Council to support Resolution 2023-05-19, a resolution approving TxDOT Mobility Grant.
2. Reagan Stone, Ward 1, addressed the City Council to support Resolution 2023-05-19, a resolution approving TxDOT Mobility Grant.
3. Steve Pedigo, Ward 5, wished to record his support of Resolution 2023-05-19, a resolution approving TxDOT Mobility Grant.

4. **Public Hearing** –

1. Public Hearing to obtain Citizen Views and Comments regarding Ordinance 2023-05-03, an ordinance canvassing the returns and declaring the results of the May 6, 2023, General Election held for the purpose of electing citizens of Alpine to the offices of City Council Member Ward 1, City Council Member Ward 3, and City Council Member Ward 5.

Public Comments: None.

5. **Canvass of May 6, 2023, General City Election** –

Approve Ordinance 2023-05-03, an ordinance canvassing the returns and declaring the results of the May 6, 2023, General Election held for the purpose of electing citizens of Alpine to the offices of City Council Member Ward 1, City Council Member Ward 3, and City Council Member Ward 5. (M. Antrim, City Manager)

RESOLUTION 2023-05-18: On a motion by Council Member Stokes and seconded by Council Member Sandate to approve, the City Council unanimously voted to adopt the motion.

1. Issuance of Certificate of Election. (C. Eaves, Mayor)
2. Swearing-in of newly elected officials by the City Secretary, Geoffrey R. Calderon.
 - Judy Stokes – Council Member Ward 1.
 - Darin Nance – Council Member Ward 3.
 - Rick Stephens – Council Member Ward 5.

6. Presentations, Recognitions, and Proclamations –

1. National Police Week – May 15-21.

The Proclamation for National Police Week was presented by Mayor Eaves and accepted by Lt. Kirk Caughman.

2. National Public Works Week – May 21-27.

The Proclamation for National Police Week was presented by Mayor Eaves.

7. Reports – Copies of presentations displayed during the meeting are posted on the City website at www.cityofalpine.com/reports –

City Mayor Report

1. Welcome to the new Council Members.
2. A challenge to attend Housing Authority Board Meetings and/or Hospital District Board Meetings, and/or AISD Board Meetings.
3. A challenge to join or volunteer for one or more of our local nonprofits: Alpine Business Alliance, Alpine Historic Association, Alpine Community Projects, Ambassadors, The Women's Club, Lions, Kiwanis, Sunshine House, Family Crisis Center, Alpine Humane Society, Casa, etc.
4. Budget Workshops.
5. Council Budget Worksheet.
6. Snippet from the Charter.

City Attorney Report – None.

City Manager Report –

1. Request for Proposals for Street Paving.

City Staff Updates – None.

8. Public Hearings –

Open (5:52 P.M.)

1. Public Hearing to obtain citizen views and comments regarding the second and final reading of Ordinance 2023-05-02, an ordinance amending Chapter 10 - Animals to the Alpine Code of Ordinances; Establishing a uniform fee structure for all Animal Services Fees; Amending Permit Requirements for Kennels, private boarding, boarding as a business, raisers, or breeders of dogs, cats, and other animals.

Public Comments: None.

2. Public Hearing to obtain citizen views and comments regarding the City of Alpine's application for an Alpine Mobility Plan through the Texas Department of Transportation Alternative Program.

Public Comments: None.

Close (5:54 P.M.)

9. **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.) –

Approval of May 9, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)

Approval of the excused absence of Councilor Tandy from the May 9, 2023 Regular City Council Meeting. (G. Calderon, City Secretary)

Approval of March 2023 City Attorney Invoice. (M. Antrim, City Manager)

Councilor Rodriguez requested that item no. 3 be discussed separately.

RESOLUTION 2023-05-19: On a motion by Councilor Stephens and seconded by Councilor Sandate to approve items no. 1 and 2, the City Council unanimously voted to adopt the motion.

RESOLUTION 2023-05-20: Councilor Rodriguez moved to adjust the City Attorney invoice by removing \$360.00 from the total. Councilor Stokes seconded the motion. Councilor Rodriguez and Councilor Stephens voted to adopt the motion. Councilor Sandate and Councilor Stokes voted against 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.

10. **Information or Discussion items** – None.

11. **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 second and final reading of Ordinance 2023-05-02, an ordinance amending Chapter 10 - Animals to the Alpine Code of Ordinances; Establishing a uniform fee structure for all Animal Services Fees; Amending Permit Requirements for Kennels, private boarding, boarding as a business, raisers, or breeders of dogs, cats, and other animals. (M. Antrim, City Manager)

RESOLUTION 2023-05-21: On a motion by Councilor Stokes and seconded by Councilor Rodriguez to approve, the City Council unanimously voted to adopt the motion.

2. Approve Resolution 2023-05-18, a resolution approving the appointment of Council Member Darin Nance to serve as the City representative for the Appraisal Board. (M. Antrim, City Manager)

RESOLUTION 2023-05-22: On a motion by Councilor Stephens and seconded by Councilor Stokes to approve, the City Council unanimously voted to adopt the motion.

3. Approve Resolution 2023-05-19, a resolution approving TxDOT Mobility Grant (M. Antrim, City Manager)

RESOLUTION 2023-05-23: On a motion by Councilor Stokes and seconded by Councilor Nance to approve, the City Council unanimously voted to adopt the motion.

4. Approve the Interlocal Agreement with Brewster County establishing the Alpine Emergency Services Board for management of the Alpine Volunteer Fire Department. (M. Antrim, City Manager)

RESOLUTION 2023-05-24: 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 appointment of Mayor Pro Tem. (G. Calderon, City Secretary)

RESOLUTION 2023-05-25: Councilor Rodriguez moved to approve. Discussion ensued.

RESOLUTION 2023-05-26: Councilor Rodriguez moved to amend the original motion to include Rick Stephens as the Mayor Pro Tem. The motion was seconded by Councilor Nance. Councilor Stokes, Councilor Rodriguez, Councilor Nance, and Councilor Sandate voted to adopt the motion. Councilor Stephens abstained. The motion was adopted. The City Council subsequently voted to approve the original motion as amended with Councilor Stokes, Councilor Rodriguez, Councilor Nance, and Councilor Sandate voting to adopt the motion. Councilor Stephens abstained. The motion to approve the original motion as amended was adopted.

6. Award RFP 2023-04-01 Pueblo Nuevo Concrete and Concrete Pad Services to Big Bend Concrete. (M. Antrim, City Manager)

RESOLUTION 2023-05-27: On a motion by Councilor Stokes and seconded by Councilor Nance to approve, the City Council unanimously voted to adopt the motion.

7. Award RFP 2023-04-02 for Road Materials to Ergon for CR2 and MS2 and Capital Aggregates for Pre-Mix Asphalt. (M. Antrim, City Manager)

RESOLUTION 2023-05-28: On a motion by Councilor Stephens and seconded by Councilor Nance to approve, the City Council unanimously voted to adopt the motion.

12. 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).

13. Executive Session – None.

14. Action – Executive Session – None.

There being no further business, the meeting was adjourned.

15. Adjourn. (6:40 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 pursuant to Section 551.043, Texas Government Code. The said notice was posted by 2:00 P.M. on May 12, 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 for further information.

Geoffrey R. Calderon, City Secretary



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

CONSENT AGENDA

2. Approval of Richard Portillo to the Place 1 position on the Planning & Zoning Commission.
(J. Stokes, City Council)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. Boards and commission questionnaire/ application.

STAFF RECOMMENDATION

APPROVE.

ADMINISTRATION: BOARDS & COMMISSION APPLICATION

[Print](#)

Submitted by: Richard Portillo

Submitted On: 2023-05-12 20:05:58

Submission IP: (65.65.157.229)
proxy-IP (raw-IP)

Status: Open

Priority: Normal

Assigned To: Records Clerk

Due Date: Open

RECEIVED
City of Alpine, Texas

MAY 15 2023 8:00 A.M.

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

Richard

* Last Name

Portillo

* Street Address

501 E June St

* City

Alpine

* State

Texas

* Zip

79830

* Email Address

rich_2023@yahoo.com

* Phone

432 230-0572

* Occupation

Business Owner JRP Electric

* Are you a resident of Alpine, Texas?

- ☒ Yes
☐ No

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

7 years

* 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:

Planning and Zoning

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

I own an electrical company JRP Electric, and deal with the city on permits and other matters. I have been in business for 6.5 years and work in the tri-county area

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

I have always given back to the community I was raised in. I would enjoy being involved in whatever our town has to offer

* 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

Richard Portillo

* Date

05/12/2023

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 6, 2023**

CONSENT AGENDA

3. Approval of Herman Acosta to the Place 5 position on the Parks and Recreation Board. (R. Stephens, City Council)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. Boards and commission questionnaire/ application.

STAFF RECOMMENDATION

APPROVE.

ADMINISTRATION: BOARDS & COMMISSION APPLICATION



Submitted by: Herman Acosta

Submitted On: 2023-05-26 02:45:20

Submission IP: (65.65.157.28)
proxy-IP (raw-IP)

Status: Open

Priority: Normal

Assigned To: Records Clerk

Due Date: Open

RECEIVED
City of Alpine, Texas

MAY 26 2023 8:00 A.M.

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**

Herman

*** Last Name**

Acosta

*** Street Address**

506 East Sul Ross Avenue

* City

Alpine

* State

Tx

* Zip

79830

* Email Address

hermanarnoldacosta@gmail.com

* Phone

4322941101

* Occupation

Readymix Concrete

* Are you a resident of Alpine, Texas?

☒ Yes

☐ No

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

15 Years

* 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:

Parks and Recreation

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

My name is Herman Acosta Jr. I have my High School Diploma and attended Texas Tech University for 1 year for Civil Engineering. I currently run a Ready-Mix Concrete plant in Alpine Tx and in Presidio Tx. Our main client is TXDOT, with that comes the experience of understanding requirements set forth by the State of Tx in terms of quality control and how to file paperwork with the State of Tx.

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

I want to become more active in my community and with my experience I believe I would be beneficial to the city and to the community.

* 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**

Herman Acosta

* **Date**

05/25/2023

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
MAY 16, 2023**

CONSENT AGENDA

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)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. Short Term Rental Special Use Permit.

STAFF RECOMMENDATION

APPROVE.



TRANSIENT/SHORT TERM RENTAL INSPECTION CHECKLIST

Initial inspection:

At the time of initial application, the short-term rental shall be inspected by the Building Official or designee. The purpose of this inspection is to assure conformance of the dwelling unit with the International Residential Code, Property Management Code and the City of Alpine Short-Term rental ordinance, related to potential safety issues and to establish maximum occupancy, including but not limited to an approved means of egress from every bedroom. A follow up inspection is included in the initial fee. Any further inspections will cost \$80.00 each. An inspection won't occur until all required documents have been received by the city.

PROPERTY OWNER:	ALEX FLEMING (JENNIFER HATCH)
PROPERTY ADDRESS:	610 N PHELPS
PROPERTY OWNER PHONE:	325-374-9681
LOCAL REPRESENTATIVE:	JENNIFER HATCH
LOCAL REPRESENTATIVE PHONE:	512-516-0303

GENERAL REQUIREMENTS:

PARKING DIAGRAM APPROVED: YES ☒ NO ☐

Home address is not hidden and clearly visible from the street

☒ Smoke alarms installed in all sleeping rooms.

☐ Carbon Monoxide detectors as required by Fire Code

☒ Fire Extinguisher visibly labeled or displayed.

(1-A-10-BC rating required)

SANITATION:

☒ All plumbing fixtures connected to sanitary sewer with approved P-Traps.

☒ All plumbing fixtures connected to approved water supply with hot & cold water.

☒ No signs of mold or mildew on wall surfaces.

☒ No signs of infestation from rodents or insects.

☒ All sanitary facilities installed and maintained in a safe and sanitary condition.

SAFETY:

☒ Basement & all sleeping rooms are provided with windows designed to meet egress standards or exterior doors.

☒ All stairs, decks, and balconies over 30" in height are provided with approved guardrails.

☒ Requirements of the IBC & IRC are met for dwelling units.

☒ Dwelling has no broken windows or doors.

☒ No broken, rotted, split, buckled of exterior wall or roof coverings that affect the protection of the structural elements behind them.

NUMBER OF OCCUPANTS APPROVED: YES ☒ / NO ☐

OCCUPANT LOAD TOTAL:

2

MECHANICAL:

☒ Every habitable room contains at least two electrical outlets and light fixtures.

☒ All electrical equipment, wiring, and appliances have been installed and are in safe manner.

☒ Dwelling is equipped with heating facilities in operating condition.

☒ All solid fuel burning appliances are installed per applicable codes, maintained in a safe working condition.

☒ Dwelling has proper ventilation in all rooms and areas where all fuel burning appliances are installed.

STRUCTURAL:

☒ Dwelling has no sags, splits or buckling of ceiling, roofs, roof supports or other horizontal members due to defective material or deterioration.

☒ No split, lean, list, or buckle of dwelling walls, partitions other vertical supports due to defective material or deterioration.

☒ No evidence of decay or damage to exterior or decks.

NOTES:

NEEDS VISIBLE ADDRESS FROM STREET*
CORRECTIONS WILL BE MADE BEFORE
OCCUPANCY

Any of the above items which have been checked must be corrected and re-inspected prior to the issuance of a transient/ short-term rental permit.

To request an inspection please call (432) 837-3281

INSPECTED BY:	Andrew Devaney	APPROVED <input checked="" type="checkbox"/> DATE:	05/22/2023
FAILED: <input type="checkbox"/> DATE:		RE-INSPECTION REQUIRED:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>



SHORT-TERM RENTAL PERMIT APPLICATION

RECEIVED

MAY 11 2023

BY: 5/11/23

STR-CUP Application Fee is \$350.00 per property (non-refundable)

Please complete one application per property



PAID
CH

☒ New Application / ☐ Change in Application

☒ Existing Structure / ☐ New Construction

STR Type: ☐ Owner Occupied ☐ Single Unit Non-Owner-Occupied ☐ Multi-Unit Non-Owner Occupied

SECTION 1: PROPERTY INFORMATION

Property Name (Trade Name) La Casita Algerita	Street Number 610 1/2	Street Name N Phelps St	
LEGAL DESCRIPTION (must provide copy of survey or describe meets and bounds on 8 1/2 x 11 sheet)			
Addition Hancock	Block 75	Lot 10	
Present zoning district R-2	Square footage of property 1600 230	Size of property lot 1600	Total Number of Units in Building 1

SECTION 2: PROPERTY OWNER INFORMATION - Complete at least one of section A or B

A. Individual Ownership

Owner First Name Alex	Owner Last Name Fleming	Primary Telephone Number 325.374.9681
Mailing Address 610 N Phelps St. Alpine TX 79830		Email Address rfleming42011@gmail.com

B. Corporate Ownership

Ownership Form: <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> Kiosk <input type="checkbox"/> Other (Please Explain)		
Business Name		
Contact First Name	Contact Last Name	Primary Telephone Number
Mailing Address (cannot be P.O. Box)		Email Address

SECTION 3: PROPERTY MANAGER /DESIGNATED OPERATOR'S INFORMATION

First Name Jennifer	Last Name Hatch	Primary Telephone Number 512.516.0303
Physical Address (must be located within 30 minutes of STR property) 610 N Phelps St Alpine TX 79830		Email Address jenny@brewstercountylodging.com

CITY OF ALPINE STR LOCAL REPRESENTATIVE CERTIFICATION

☒ New ☐ Change

24-hour Representative: The short-term rental owner and designated representative's name, physical address, email address and phone number must be provided to the City upon permit application and annual renewal. The information shall be kept current at all times. The owner or representative shall be available by phone (24 hours a day, seven days a week) to ensure a response to complaints regarding emergencies and the condition, operation, or conduct of the occupants. A 24-hour representative must be able to physically respond to the short-term rental site within 30 minutes, and if requested they must respond. If there is a change in the designated representative the property owner must immediately submit to the City the name and contact information of the new representative.

Property Owner First Name <u>Alex</u>	Property Owner Last Name <u>Fleming</u>
Short-term Rental Address <u>610 B 1/2 N Phelps St</u>	

LOCAL REPRESENTATIVE:		
First Name <u>Jennifer</u>	Last Name <u>Hatch</u>	Primary Telephone Number <u>512.516.0303</u>
Physical Address (cannot be P.O. Box) <u>610 N Phelps St</u>		
Mailing Address <u>PO Box 1652 Alpine TX 79831</u>		Email Address <u>jenny@brewstercountylodging.com</u>

Local Representative Responsibilities:

- The owner or representative shall be available by phone (24 hours a day, seven days a week) to ensure a response to complaints regarding emergencies and the condition, operation, or conduct of the occupants.
- A 24-hour representative must be able to physically respond to the short-term rental site within 30 minutes.
- If there is change in the designated representative the property owner must submit to the City the name and contact information of the new representative.
- Neighbor Notice: The City shall provide an initial mailing or email to neighbors within a 200-foot radius of the short-term rental property address. The notice shall contain the owner and representative contact information, a parking plan, and the city website address where the information is also posted. The neighbors and the city shall be immediately informed whenever there is a change in contact information.

By signing below, the local representative acknowledges that he/she has read, fully understands and agrees to comply with the responsibilities outlined above. Please provide a copy of Driver's License if different from STR property owner.

Local Representative Signature: Jennifer Hatch Date: 5/8/23

Property Owner's Signature: R Fleming Date: 5/8/23

STR HOMEOWNER'S ASSOCIATION DECLARATION

I **DECLARE** the homeowner's association for which this property belongs allows transient rental /short-term rental dwellings.

Address

Managing HOA Representative Signature

Date

Or:

I **DECLARE** there is no Homeowners Association requirement for this property.

610 1/2 N Phelps St
Address

[Signature]
STR Owners Signature

5/08/2023
Date

STR PROOF OF PROPERTY INSURANCE

___ I declare that I have obtained short-term rental insurance or an insurance policy that specifically states it includes short-term rentals for the property listed on my STR-SUP application. I have attached proof of this insurance policy to my STR-SUP application.

Property Owner's Signature

Date

Property Owner's Signature

Date

Or:

☒ I declare that I do not have specific short-term rental coverage on the property listed in my STR-SUP application. I understand that my homeowners or landlord insurance may not adequately cover my short-term rental.

[Signature]
Property Owner's Signature

5/08/2023
Date

Property Owner's Signature

Date

GENERAL RELEASE OF LIABILITY

I, Jennifer Hatch, of 610 N Phelps St,
Short-Term Rental Operator Street Address
Alpine, Texas, 79830 (Hereinafter the "Releasor") have agreed to this General
City State Zip
Release of Liability ("Agreement") for no payment or consideration.

THEREFORE under the terms of this Agreement and sufficiency of which is hereby acknowledged, do hereby release and forever discharge City of Alpine, of 100 N. 13th Street, Alpine, Texas, 79830 (Hereinafter the "Releasee") including their agents, employees, successors, and assigns, personal representatives, affiliates successors and assigns, and any and all persons, firms or corporations liable or who might be claimed to be liable, whether or not herein named, none of whom admit any liability to the undersigned, but all expressly denying liability, from any and all claims demands, damages. Actions, causes of action or suits of any kind or nature whatsoever, which I now have or may hereafter have, arising out of or in any way relating to any and all injuries and damages that may develop in the future, as a result or in any way relating to the undersigned's decision, as a Short-Term Rental Operator in Alpine, Texas to operate a Short-Term Rental.

It is understood and agreed that this Agreement is made and received in full and complete settlement and satisfaction the causes of action, claims, and demands mentioned herein; that this Release contains the entire Agreement between the parties; and that the terms of this Agreement are contractual and not merely a recital. Furthermore, this Release shall be binding upon the undersigned, and his respective heirs, executors, administrators, personal representatives, successors, and assigns. This release shall be subject to and governed by the laws of the State of Texas.

This Release has been read and fully understood by the undersigned and has been explained to me.

EXECUTED this 8th day of May, 20 23

Releasor's Signature: Jennifer Hatch

Releasor's Printed Name: Jennifer Hatch

SIGNATURE TO AUTHORIZE FILING OF A STR-SUP

Submit an additional signature page if necessary.

Jennifer Hatch
Print Applicant Name

Jennifer Hatch
Applicant signature

The State Of Texas

County Of Brewster

Before Me Judy L. Stokes
Notary

on this day personally appeared Jennifer Hatch
Applicant

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

Seal

Given under my hand and seal of the office this 11th day of May, A.D. 2023



Judy L. Stokes
Notary in and for the State of Texas

Print Applicant Name

Applicant signature

The State Of _____

County Of _____

Before Me _____
Notary

on this day personally appeared _____
Applicant

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

Seal

Given under my hand and seal of the office this _____ day of _____, A.D. _____

Notary in and for the State of Texas

SHORT TERM RENTAL INSPECTION CHECKLIST

Initial inspection: At the time of the initial application, the short-term rental shall be inspected by the Building Official or designee. The purpose of this inspection is to assure conformance of the dwelling unit with the International Residential Code, International Fire Code, Property Management Code and City of Alpine Short term Rental ordinance, related to potential safety issues and to establish maximum occupancy, including but not limited to an approve means of egress from every bedroom. A follow up inspection is included in the initial fee. Any further inspections will cost \$35.00 each.

An inspection won't occur until all required application documents and permit fee have been received by the City.

To request an inspection please call Building Services. 432.837.3281

General requirements:

- House numbers installed and clearly visible from street.
- Smoke alarms installed in all sleeping rooms.
- Carbon monoxide detectors as required by fire code.
- Fire extinguisher or sprinkler system.

Sanitation:

- All plumbing fixtures connected to sanitary sewer with approved P-traps.
- All plumbing fixtures connected to approved water supply Hot and Cold water.
- No signs of mold or mildew on wall surfaces.
- No signs of infestation from rodents or insects.
- All sanitary facilities installed and maintained in safe and sanitary conditions

Safety:

- Basement and all sleeping rooms are provided with windows designed to meet egress standards or exterior doors.
- All stairs, decks and balconies over 30 inches in height are provided with approved guardrails.
- Requirements of the IBC and IRC are met for dwelling units.
- Dwelling has no broken windows or doors.
- No broken, rotted, split, buckled or exterior wall or roof coverings that affect the protection of the structural elements behind them.

Mechanical:

- Every habitable room contains at least two electrical outlets and light fixtures.
- All electrical equipment, wiring and appliances have been installed and are in a safe manner.
- Dwelling is equipped with heating facilities in operating condition.
- All solid fuel burning appliances are installed per applicable codes maintained in safe working conditions.
- Dwelling has proper ventilation in all rooms and areas where fuel. All fuel burning appliances are installed.

Structural:

- Dwelling has no sags, splits or buckling of ceilings, roofs, ceiling or roof supports or other horizontal members due to defective material or deterioration.
- No split, lean, list or buckle of dwelling walls, partitions or other vertical supports due to defective material or deterioration.
- No evidence of decay or damage to exterior stairs or decks.

I acknowledge the Short-term inspection checklist requirements



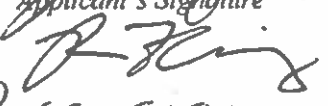
 Applicant's Signature	 Printed Name	5/8/23 Date
 Ross sign	ROSS FLEING	5/8/23

Exhibit A

To: City of Alpine
STR Application

From: Jennifer Hatch
Brewster County Lodging
PO Box 652
Alpine Texas 79831

Re: 610 ½ N Phelps St "La Casita Algerita"

Dear City,

I am writing about my vacation rental behind my home at 610 N Phelps St. I have operated one or more short term rentals in Alpine since 2011. I have collected and remitted city occupancy tax the entire time. As a host, I have received hundreds of 5-star reviews and enjoyed getting to know many return guests. I have recently completed remodeling a tiny casita at my new home at 610 N Phelps St. The property is owned by my partner, Alex Ross Fleming.

The property has its own yard and driveway. Guests can park off the street and neighbors will never be inconvenienced because of additional vehicles on the street.

I hope you will approve my application for a Short-Term Rental Special use permit so that I may provide additional quality housing for guests to the area.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Hatch". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Hatch".

Jennifer Hatch

TAX RECEIPT

05/09/2023 09:33AM

Brewster County Tax Office
107 W Ave E #1 432-837-2214
Alpine, TX 79830

Receipt Number

956673

Date Posted 12/20/2022
Payment Type P
Payment Code Full
Total Paid \$5,357.72

PAID BY:

CORELOGIC INC

Property ID 11008	Geo 971700750009000040	Legal Acres 0.2073	Owner Name and Address FLEMING ALEX ROSS, CHARLES L. FL & CHERYL C. FLEMING PO BOX 1457 ALPINE, TX 79831								
Legal Description HANCOCK B, BLOCK 75, LOT 9 W13.89 FT OF 9 & ALL OF 10											
Situs 610 N PHELPS ALPINE, TX			DBA Name								
Entity	Year	Rate	Taxable Value	Stmnt #	Void	Original Tax	Discnts	P&I	Att Fees	Overage	Amount Pd
Brewster County	2022	0.39554	291,610	6467	N	1,153.45	0.00	0.00	0.00	0.00	1,153.45
Big Bend Regional											
Hospital District	2022	0.08324	291,610	6467	N	242.74	0.00	0.00	0.00	0.00	242.74
City of Alpine	2022	0.46633	296,610	6467	N	1,383.17	0.00	0.00	0.00	0.00	1,383.17
Alpine ISD	2022	1.13610	226,949	6467	N	2,578.36	0.00	0.00	0.00	0.00	2,578.36
											5,357.72
Balance Due As Of 12/20/2022: .00											

Exhibit F

Operator Batch
clemencia 10819 (CER 12/20/2022)

Total Paid
5,357.72

Exhibit F

Lease Agreement
610 ½ N Phelps St
Alpine TX 79830

Alex Ross Fleming, (owner), agrees to rent premises to Brewster County Lodging DBA, (Jennifer Hatch) for the purposes of operating a Short-Term Rental. Rent in the amount of \$400 will be due on the first of each month. This lease is effective beginning on June 1, 2023 for a term of five years.

Brewster County Lodging is authorized to conduct all business necessary to operate the short-term rental, "La Casita Algerita" at 610 ½ N Phelps St, Alpine in Brewster County, Texas.

Furthermore, Jennifer Hatch is responsible for all booking, communications and payments by guests as well as collecting and remitting local and state occupancy taxes.

Owner R Fleming

Date 5/08/2023

Operator Jennifer Hatch

DBA Brewster County Lodging

Date 5/8/2023

Exhibit G

Welcome to

La Casita Algerita
610 ½ N Phelps St
Alpine, Texas 79830

This apartment has been carefully stocked with cooking utensils, dishes, extra sheets and towels, as well as Big Bend Coffee Roasters Coffee and Aveda amenities from Americana, an Aveda Concept Salon, located downtown, at 210 W Avenue E.

Wireless Internet access is available for your use. Please connect to the SSID ' ', using the passphrase .

Thank you for not smoking inside, and for disposing of any exterior smoking debris as well as your pet's waste in the dumpster in the alley.

Please let us know if there is anything we can do to make your stay more enjoyable.

24 hour contact number for owner: Jenny Hatch 512-516-0303

Emergency 911

Non-Emergency Police (432) 837-3486

Fire (432) 837-2366

For severe weather alerts, you may go to your weather app or to:

<https://www.wunderground.com/severe/us/tx/alpine>

Local alert service is available at: brewstercountytexas.com/hyper-reach

LESS THAN 1000 SQUARE FEET

ALLEY

Exhibits ~~B~~ B and C

PHILIPS STREET

DRIVE WAY

Parking for
2 cars maximum
←

LA CASTA ALBERTA

TITLE

CAD FILE NAME

philips castle v2022.wvx

610 W2 PHILIPS STREET
ALPINE, TX 79650

SCALE

DRAWING NUMBER

LESS THAN 1000 SQUARE FEET



**CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023**

CONSENT AGENDA

5. Approval of April 2023 City Attorney Invoice. (M. Antrim, City Manager)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. April 2023 City Attorney Invoice.

STAFF RECOMMENDATION

APPROVE.

BIG BEND LAW2301 N Hwy 118
Alpine, Texas 79830
bigbend.law

Bill to:

City of Alpine
100 N 13 Street
Alpine, TX 79830**INVOICE**

To April 30, 2023

Invoice Date	June 02, 2023
Invoice Number	302
Due Date	Due Upon Receipt

City Attorney 0247

Account Summary

Previous Balance	\$16,782.35
Payments Received	(\$7,302.35)
Outstanding Balance	\$9,120.00
Current Invoice	\$6,573.80

Total Due	\$15,693.80
------------------	--------------------

Fee Detail

Date		Description	Hours	Rate	Total
4/3/2023	RP	Review 4/4 CC agenda-packet; City Attorney Report item prep	2.10	\$200.00/hr	\$420.00
4/3/2023	RP	Review Holguin materials forward by CM to TML counsel	0.80	\$200.00/hr	\$160.00
4/4/2023	RP	Prep-attend CC meeting	4.50	\$200.00/hr	\$900.00
4/4/2023	RP	Daugherty well follow up; email to CC-CM	0.90	\$200.00/hr	\$180.00
4/4/2023	RP	City-County AESB interlocal revisions	1.20	\$200.00/hr	\$240.00
4/4/2023	RP	Review - Fwd. to CC TWDB workshop/ funding info for Alpine PWS	0.50	\$200.00/hr	\$100.00
4/5/2023	RP	CM-CS emails on Skyway timeline; proposed changes	0.40	\$200.00/hr	\$80.00

Date		Description	Hours	Rate	Total
4/5/2023	RP	Alpine-BC-AESB follow up to BC Judge	0.50	\$200.00/hr	\$100.00
4/5/2023	RP	Review well report from CS	0.80	\$200.00/hr	\$160.00
4/6/2023	RP	Revise Skyway MSA	1.50	\$200.00/hr	\$300.00
4/10/2023	RP	Franchise follow up to AEP	0.50	\$200.00/hr	\$100.00
4/11/2023	RP	Review animal ordinance from CS	0.60	\$200.00/hr	\$120.00
4/11/2023	RP	Revise Skyway Dev. Agreement	1.30	\$200.00/hr	\$260.00
4/11/2023	RP	Review CM/CS changes to Skyway MSA and Annex Ord.; further revision to MSA	1.30	\$200.00/hr	\$260.00
4/14/2023	RP	Franchise discussion w/ AEP, follow up to CC	1.50	\$200.00/hr	\$300.00
4/14/2023	RP	Review 4/18 CC agenda-packet	0.80	\$200.00/hr	\$160.00
4/17/2023	RP	Review well data from Daugherty counsel received	0.80	\$200.00/hr	\$160.00
4/17/2023	RP	Skyway follow up; need for USP	0.80	\$200.00/hr	\$160.00
4/17/2023	RP	City ROW abandon/convey research; memo draft; pot. ordinance	2.40	\$200.00/hr	\$480.00
4/18/2023	RP	Further revision TDS notice letter; CM follow up	0.90	\$200.00/hr	\$180.00
4/18/2023	RP	Finalize ROW abandon/convey memo, TML exhibits, cites	1.00	\$200.00/hr	\$200.00
4/18/2023	RP	Prep-attend CC meeting	3.30	\$200.00/hr	\$660.00
4/19/2023	RP	Review-advise on Stephens TPIA fwd. by CM on 309 Sul Ross	0.80	\$200.00/hr	\$160.00
4/19/2023	RP	Daugherty well follow up and CM response review	1.00	\$200.00/hr	\$200.00
4/25/2023	RP	Skyway follow up; R. Lopez email	0.30	\$200.00/hr	\$60.00
4/25/2023	RP	Finalize TDS notice letter, CM approval	0.30	\$200.00/hr	\$60.00
4/26/2023	RP	City Attorney item review; report points to CS	0.80	\$200.00/hr	\$160.00
4/26/2023	RP	Review CM email on Daugherty matter, provided info	0.60	\$200.00/hr	\$120.00

Date		Description	Hours	Rate	Total
4/28/2023	RP	Initial review P&Z question from CS re DG, future pot. limits	0.60	\$200.00/hr	\$120.00
			Hours Total	32.80	Fee Total
					\$6,560.00

Expense Detail

Date		Description	Quantity	Rate	Total
4/28/2023	RP	TDS notice mailing, priority FR + cert.	0	\$0.00	\$13.80
					Expenses Total
					\$13.80

Fees	\$6,560.00
Expense	\$13.80
Current Due	\$6,573.80
Outstanding Balance	\$9,120.00
Total Due	\$15,693.80

City Attorney 0247
City of Alpine

Due Date	Due Upon Receipt
Invoice #	302
Total Due	\$15,693.80
Amount Paid	\$

Make payment to:

BIG BEND LAW
2301 N Hwy 118
Alpine, Texas 79830

.....

INFORMATION OR DISCUSSION OVERVIEW

8. 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)
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)
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:
 - a) Provide the list by major department of the current headcount funded and actual headcount.
 - b) Discuss strategy for filling Finance Director, Utilities Director, and Parks Position along with any other key positions. (R. Stephens, City Council)



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Geoffrey R. Calderon, City Secretary

INFORMATION OR DISCUSSION

1. Discuss updates and options regarding potential vacation, abandonment, and/or sale of City property to Jonathan Rutledge. (J. Stokes, City Council)

BACKGROUND

- Mr. Rutledge attempted to obtain a permit to alter a fence on his property. Upon further review, Building Services determined that a portion of the property his fence is on was owned by the City. The permit was not issued because of this reason.
- Mr. Rutledge had discussions with the City and presented facts as to why he believes the property is not partially owned by the City. After further review, the City determined that the property is partially owned by the City.
- Mr. Rutledge submitted the paperwork to purchase the public property and the first reading of Ordinance 2023-03-02 was scheduled for March 21, 2023. The March meeting was cancelled and the first reading occurred on April 4, 2023.
- Mr. Rutledge addressed the City Council at the first reading, and he claimed that he still believes he already owns the property. The City Manager brought up a recent instance where the City just abandoned the property. The City Manager explained that we need a thorough and fair ordinance process by which determinations about the sale of the property should be made.
- Based on the feedback, the City Attorney was tasked with writing an updated ordinance. The draft ordinance that he provided was sent back by the City Manager because she wanted additional parameters added that were discussed at the April 4, 2023, City Council Meeting.
- Councilor Stokes added the discussion item to the agenda to inquire about the options and the status for Mr. Rutledge's request.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Geoffrey R. Calderon, City Secretary

INFORMATION OR DISCUSSION

2. Discuss speed limit changes and the addition of a stop sign in Ward 1. (J. Stokes, City Council)

BACKGROUND

- Councilor Stokes added this discussion item to facilitate a conversation regarding updates in reference to increased traffic control measures in Ward 1.

SUPPORTING MATERIALS

- Memo from the Chief of Police.
- Crash Report / Query.

STAFF RECOMMENDATION

- NONE



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 8th Street and Uvalde but due to the traffic study and speed survey on Del Rio. I believe that this intersection is much better suited.

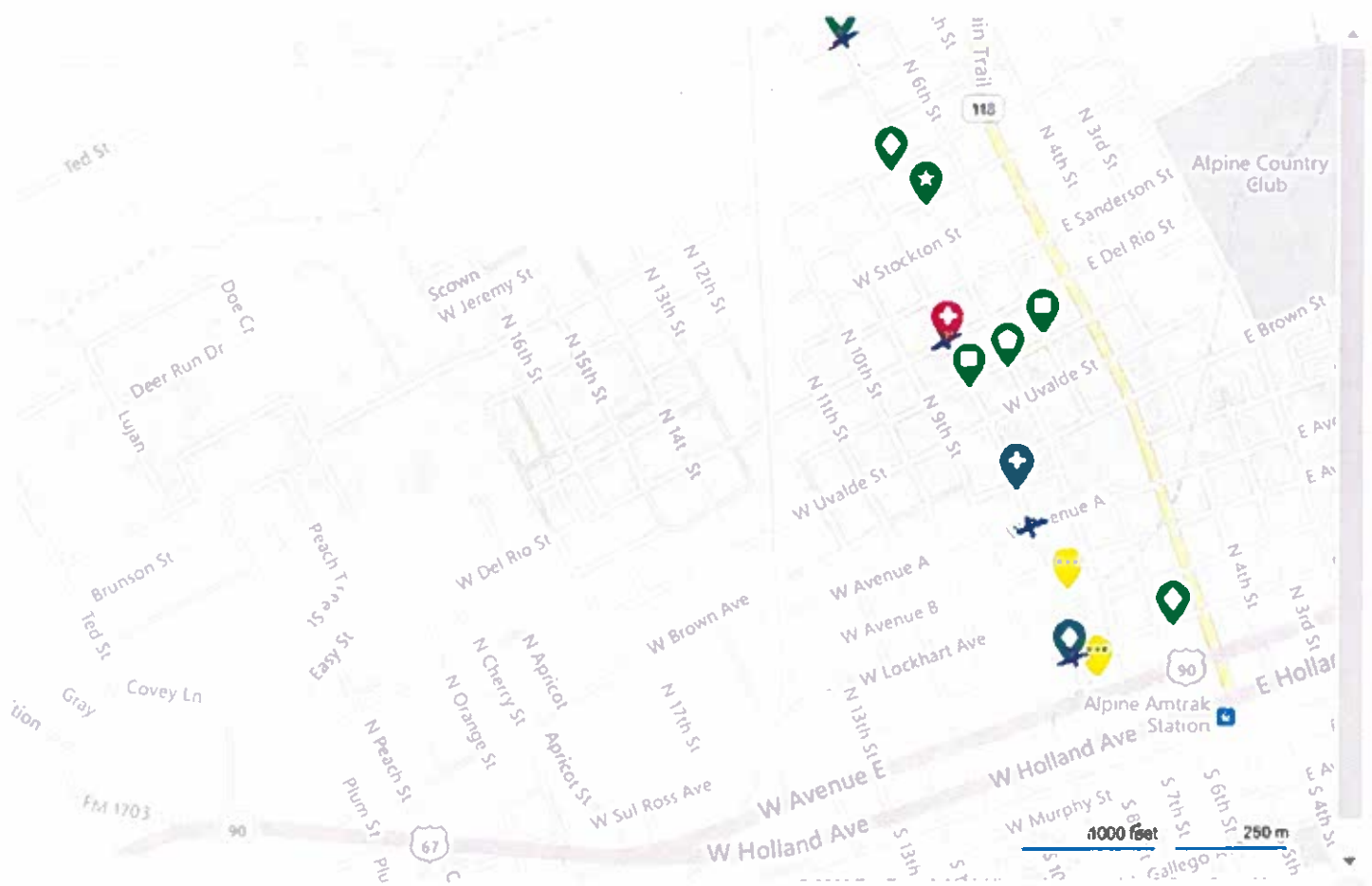
I am recommending a city wide speed limit change to 25 miles per hour in city streets.

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 | 2017 and Not Injured | 2021 and Possible Injury |
| 2015 and Not Injured | 2021 and Suspected Minor Injury | 2022 and Not Injured |
| 2016 and Not Injured | | 2022 and Possible Injury |



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Geoffrey R. Calderon, City Secretary

INFORMATION OR DISCUSSION

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

BACKGROUND

- NONE.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE.



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Rick Stephens, City Council

INFORMATION OR DISCUSSION

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)

BACKGROUND

- In 2019 the State Legislature passed HB2840 that provided greater latitude for Texas government entities in meetings. In late 2019, the Alpine City Council implemented a change to the City Council agenda that allowed resident/citizen comments during the meeting over requiring all comments to be made at the beginning of the meeting. One of the key comments received from Ward 5 residents is that they would like City Council to return to the previous approach, thereby allowing comments at the time a particular item is being discussed by council.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE.



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Rick Stephens, City Council

INFORMATION OR DISCUSSION

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)

BACKGROUND

- After each election cycle, the respective Council members are to appoint/reappoint members.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE.



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Rick Stephens, City Council

INFORMATION OR DISCUSSION

6. Discuss the status of the Skyway Gardens Housing development and actions necessary for resolution of the key issues. (R. Stephens, City Council)

BACKGROUND

- The last time the topic was discussed at City Council, there were four key issues:
 1. Redlines to the agreement between the developer and City had not been discussed nor resolved.
 2. Chip-seal/overlay pavement of 30 ft of Lechuguilla Road had not been completed.
 3. The studies to ensure that the City can provide water and wastewater hook ups to the new development had not been complete.
 4. Concerns were expressed about drainage issues associated with Phase 2 development and where the water would go.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE.



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Rick Stephens, City Council

INFORMATION OR DISCUSSION

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)

BACKGROUND

- The Waste Water Treatment Plant has had a number of improvements that may not be well understood by the new Council members.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE.



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Rick Stephens, City Council

INFORMATION OR DISCUSSION

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)

BACKGROUND

- The City website provides information on the paving plan for last year.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

- NONE.



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

Memo Prepared By: Rick Stephens, City Council

INFORMATION OR DISCUSSION

9. City Manager:

- a) Provide the list by major department of the current headcount funded and actual headcount.
- b) Discuss strategy for filling Finance Director, Utilities Director, and Parks Position along with any other key positions. (R. Stephens, City Council)

BACKGROUND

- As of May 30, 2023 the City website shows two open employment positions, Intern and Finance Director. A number of employees have retired or left the City.

SUPPORTING MATERIALS

- List by major department of the current headcount funded and actual headcount.

STAFF RECOMMENDATION

- NONE.

FY 2022-2023 STAFFING INFORMATION
AS OF MAY 31, 2023

Department	Budgeted Full Time	Budgeted Part Time	FILLED	VACANT
Administration	5	0	4	1
Municipal Court	1	0	1	0
Police/HIDTA	20	2	19	3
Fire	0	0	0	0
Building Services	2	0	2	0
Human Resources	1	0	1	0
Finance	5	1	4	2
Animal Control Service	5	1	6	0
Building Maintenance	0	0	0	0
Parks & Pool	6	0	3	3
Streets	14	0	7	7
Water	17	0	12	5
Wastewater	3	0	2	1
Environmental Services	2	2	4	0
Airport	2	0	2	0
Tourism - Visitor Center	1	1	2	0
Gas Dept.	10	0	8	2
Elected Officials	6	0	6	0
TOTAL	100	7	83	24

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



CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

JUNE 6, 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

SYNOPSIS

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)

BACKGROUND

- 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 28th 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 9th and May 16th, 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 28th, and a news article with the public notice was posted on May 4th. Notice of the preliminary and final readings was published in the Alpine Avalanche in the May 4th 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.
- 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 has been scheduled for June 6, 2023. As of June 6, 2023, the City has sent an updated publication to the Alpine Avalanche advising the public of the scheduled second and final reading scheduled for June 20, 2023.
- The City will also be required to send another certified letter to AISD and send notice to surrounding property owners as required by Ordinance 2023-02-01. Any final changes should be 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
2. Skyway Gardens revision latest revision request to the Development Agreement.

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 Lots two through twelve, Block One, Allen Addition, 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 20TH 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:

Rod Ponton, City Attorney



**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 May 16, 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.

ORDINANCE 2023-05-01: 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 is 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:** Water and Wastewater services will be provided by the City to the annexed area. Skyway Gardens will construct all water and sewer infrastructure within the development to city standards.
- (8) **NATURAL GAS:** Natural Gas Services will be provided by the City to the annexed area. Skyway Gardens will construct all gas infrastructure within the development, to City standards.
- (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. Skyway Gardens will complete all unfinished roads and drainage to city standards before such roads and drainage is transferred to and accepted by the City.
- (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:** Skyway Gardens will develop a drainage plan acceptable to City, and construct any such drainage improvements necessary to inhibit street flooding.
- (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.

ORDINANCE 2023-05-01: EXHIBIT "A"

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. Skyway Gardens will install fire hydrants within the development.
- (3) **EMERGENCY MEDICAL SERVICES:** No capital improvements are necessary at this time to 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 will be required to provide water services to the area. If additional waterline development becomes necessary, the City and developer will jointly plan such improvements, and developer will pay its pro rata share of the costs of such upgrade or improvement.
- (6) **WASTEWATER:** No new capital improvements will be required to provide waste water services to the area. If additional sewer line capacity is needed, developer will construct and pay for such improvement. If a pump station is needed for sewer delivery, such will be constructed and paid for by developer.
- (7) **NATURAL GAS:** No new capital improvements will be required to provide natural gas services to the area.
- (8) **ROADS AND STREETS:** No new road or street-related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and public streets within the annexed area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- (9) **LIGHTING:** No capital improvements are necessary at this time to provide services. Lighting in new and existing subdivisions will be installed and maintained in accordance with the applicable standard policies and procedures.
- (10) **PARKS, PLAYGROUNDS, AND SWIMMING POOLS:** No capital improvements are necessary at this time to provide services.
- (11) **OTHER PUBLICLY OWNED FACILITIES, BUILDINGS, OR SERVICES:** In general, other City functions and services and the additional services described above can be provided for the annexed area by using existing capital improvements, except for necessary water and wastewater capital improvements.
- (12) **CAPITAL IMPROVEMENTS PLANNING:** The annexed area will be included with the other

ORDINANCE 2023-05-01: EXHIBIT "A"

territory 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.

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. FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Agreement, in which the City is forced to temporarily divert its personnel and resources away from the annexed area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexed area of the level described in this Plan as soon as reasonably possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, pandemics, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City.

G. LEVEL OF SERVICE

The City will provide municipal services" in the annexed area in the manner and time required by Texas Local Government Code 43.056. 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

ORDINANCE 2023-05-01: EXHIBIT “A”

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.

H. 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 municipality was not complying with the 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 the Agreement. Written notice is to be delivered or sent to the City Manager at the following address:

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

**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]

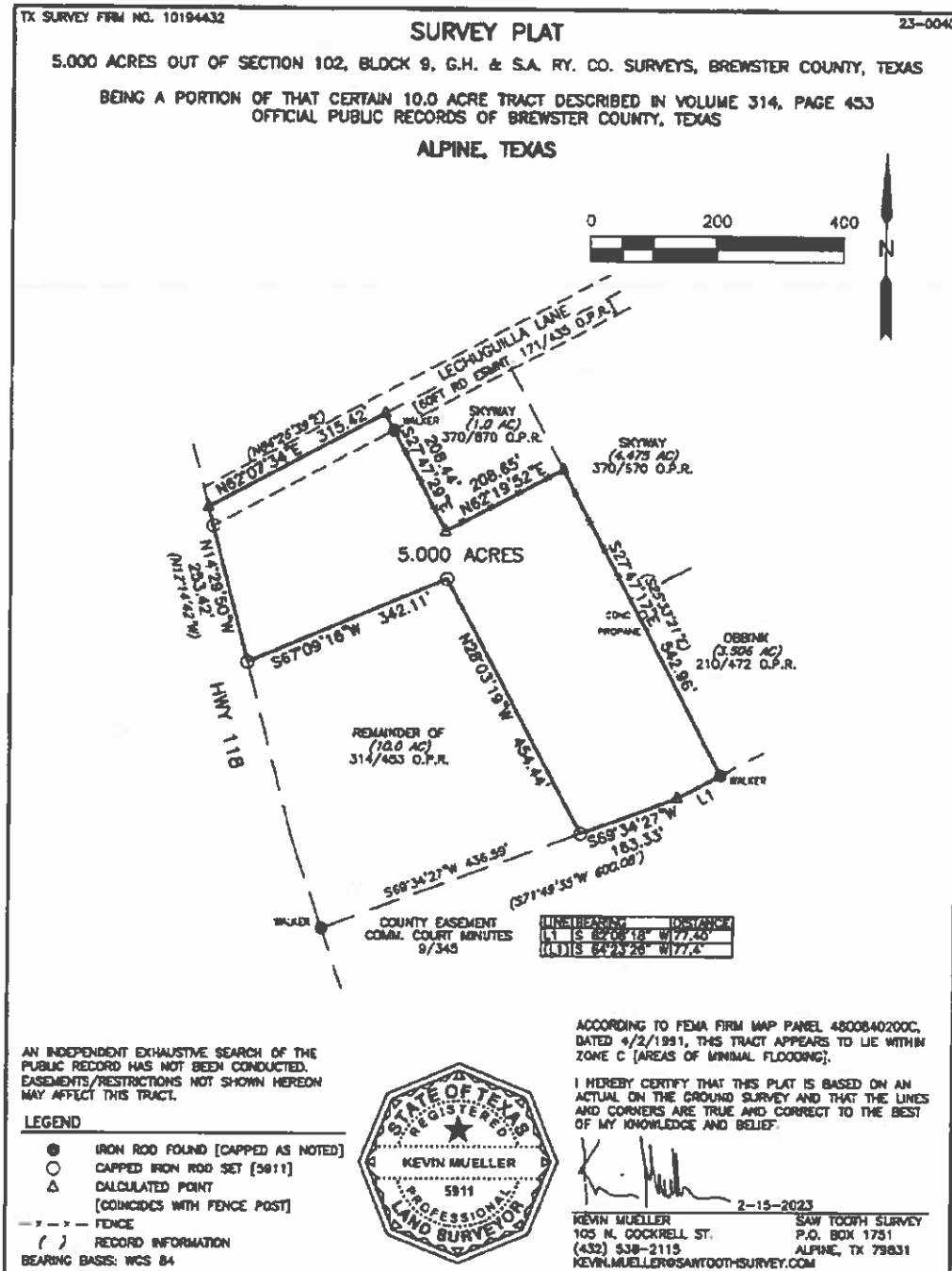
NOTARY PUBLIC, State of Texas

Printed Name: _____

Commission Expires: _____

ORDINANCE 2023-05-01: EXHIBIT "A"

MAP OF AREA PROPOSED FOR ANNEXATION ON REQUEST BY PROPERTY OWNERS



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 March 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.

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.¹

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 Lechugilla 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 water storage tanks, a pump station, and a backflow prevention valve (collectively, the "On-Site Water System").² 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.³ 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 Lechugilla 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 a sewer pump station and force main (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.⁴

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 Lechugilla 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. Developer will construct all on-site gas facilities required to serve the Development (the "On-Site Gas").

¹ Alpine Ordinances, Appendix B – Section I-II – Utility Site Plan – Subdivisions

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

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

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

ORDINANCE 2023-05-01: EXHIBIT "B"

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.⁵ The City and Developer will cooperate to ensure all roads, streets and alleyways 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, in cooperation with the City, will develop a drainage plan acceptable to the City. The Developer will construct any such drainage improvements necessary to inhibit street flooding.^{6 7}

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.⁸

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.

CITY OF ALPINE

SKYWAY GARDENS, LTD.

By: _____

Megan Antrim

Its: City Manager

Date: _____

By: _____

Roy Lopez

Its: Senior Vice President

Date: _____

APPROVED AS TO FORM:

Rod Ponton, City Attorney

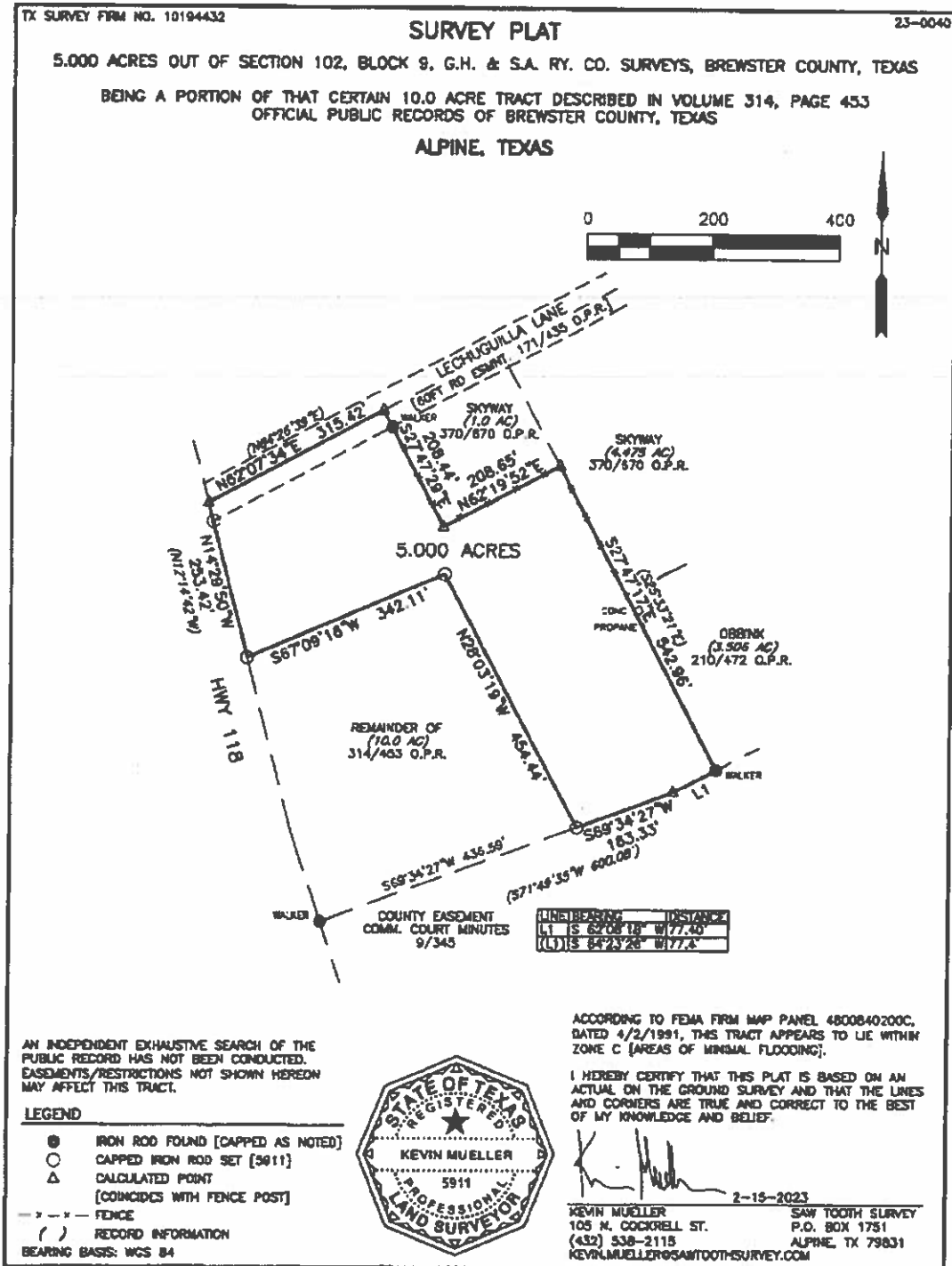
⁵ Alpine Ordinances, Sec. 86-4. – Prohibition of allowing accumulation of water

⁶ Alpine Ordinances, Sec. 86-4 – see note 5

⁷ Alpine Ordinance, Ch. 50 – Flood damage prevention

⁸ Alpine Ordinances, Appendix B – Section I-III Subdivisions – Inspections

EXHIBIT "A"



ORDINANCE 2023-05-01: EXHIBIT "B"

EXHIBIT "B"

SAW TOOTH SURVEY
FORM NO. 10154432

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 [S911] 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 [S911] 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 [S911] 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 [S911] 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;

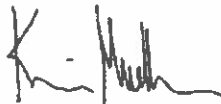
THENCE with the center line of said road easement, N 62°07'34" E, a distance of 315.42 feet to a calculated point for the northernmost northeast corner of the herein described tract;

THENCE over and across said 10.0 acre 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



DEVELOPER REQUESTED REVISIONS

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 March 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.¹

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 Lechugilla 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, a pump station booster pumps, and a backflow prevention valve valves (collectively, the "On-Site Water System").² 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.³ 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 Lechugilla 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 station stations and force main 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.⁴

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

¹ Alpine Ordinances, Appendix B – Section I-II – Utility Site Plan – Subdivisions

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

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

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

DEVELOPER REQUESTED REVISIONS

main located on the North side of Lechugilla 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. 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.^{5,6} provided, however, that notwithstanding anything to the contrary herein, Lechugilla 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, in cooperation with the City, will develop a drainage plan acceptable to the City. The Developer will construct any such drainage improvements necessary to inhibit street flooding.⁷⁻⁸~~

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 Lechugilla Street and adjoining properties. Developer will operate and maintain the storage ponds in accordance with all applicable local, state and federal laws. The Developer and City agree to work together and make reasonable efforts to cause the Army Corps of Engineers to clean and remove all obstructions in the existing berm located south of the Development, with neither party making any guaranty to the other that the Army Corps of Engineers will do so.

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.⁹

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.

⁵ ~~Alpine Ordinances, Sec. 86-4. — Prohibition of allowing accumulation of water~~

⁶ ~~Alpine Ordinances, Sec. 86-4. — Prohibition of allowing accumulation of water~~

⁷ ~~Alpine Ordinances, Sec. 86-4 — see note 5~~

⁸ ~~Alpine Ordinance, Ch. 50 — Flood damage prevention~~

⁹ ~~Alpine Ordinances, Appendix B — Section I-III Subdivisions — Inspections~~

DEVELOPER REQUESTED REVISIONS

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: _____

APPROVED AS TO FORM:

Rod Ponton, City Attorney

DEVELOPER REQUESTED REVISIONS

EXHIBIT "B"

SAW TOOTH SURVEY
FORM NO. 10154432

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:

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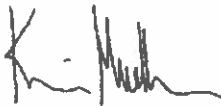
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I, Kevin Mueller, do hereby certify that this description was prepared from a survey performed under my supervision during February of 2023, and is true and correct to the best of my knowledge.



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 6, 2023

To: Honorable Mayor and City Council
Agenda Item: Action Item 2 – Resolution 2023-06-01
Agenda Sponsor: Megan Antrim, City Manager
Memo Prepared By: Geoffrey R. Calderon, City Secretary

SYNOPSIS

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

BACKGROUND

- The City Council approved Ordinance 2023-05-02 on May 16, 2023. The ordinance extracted fee data from the Animal Ordinances and established *Appendix C: Animal Services Fees*.
- This type of fee schedule mirrors the fee schedules that the City has approved for Utilities Fees and Building Services Fees. The structure provides for a more cost-effective method of updating fees because the City Council can update fees via annual resolution vs having to go through the ordinance process that involves payment of costly publication and codification costs each time fees are updated.
- Resolution 2023-06-01 contains the proposed fee updates as recommended by the Animal Services Department and the Animal Advisory Board.

SUPPORTING MATERIALS

1. Resolution 2023-06-01, including Exhibit "A," *Appendix C: Animal Services Fees*.

STAFF RECOMMENDATION

APPROVE.

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2023-06-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS
AMENDING APPENDIX C: ANIMAL SERVICES FEES; SETTING RATES AND FEES
FOR ANIMAL SERVICES WITHIN THE CITY.**

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

WHEREAS, the City Council passed Ordinance 2023-05-02, which established a streamlined fee structure that improved the readability and accessibility of animal services fees; and

WHEREAS, pursuant to Ordinance 2023-05-02, the City Council shall pass an annual resolution updating the fee schedule in the Animal Services Appendix; and

WHEREAS, the City Council has determined that the City and Citizens of Alpine will benefit from an updated fee schedule.

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

SECTION I. All of the premises attached in the form hereto described as Exhibit "A" are hereby found to be true and correct findings of the City Council of the City of Alpine.

SECTION II. The City Manager is hereby directed to implement the updated fees.

SECTION III. This resolution is effective upon its passage.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS THE 6TH DAY OF JUNE 2023 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Catherine Eaves, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

EXHIBIT "A"

Appendix C: Animal Services Fees				
Section	Description	Code Section	Fee	Proposed Fee
I	<i>Impound Fees</i>			
	Regular impound fee/ night stay	10-120 (a)	\$15	\$15
	Impound fees for large animals (livestock)	10-120 (a)	fees depend on the charge from the holding facility used	
	Small animal quarantine fee for full 10 night stay	10-120 (c)	\$200	\$200
	Small animal quarantine fee/ night stay \$20	-	\$20	\$20
	Large animal quarantine fee due to known exposure	10-120 (c)	fees depend on the charge from the holding facility used	
	Small animal quarantine due to known exposure	10-147 (h)(1)	\$25/ day	\$25/day
II	<i>Cremation</i>			
	Communal prices per pound			
	0-30 lbs	-	\$30	\$30
	31-50lbs	-	\$45	\$45
	51-70 lbs	-	\$60	\$60
	71-90 lbs	-	\$75	\$75
	over 90 lbs	-	\$90	\$90
	Private prices per pound			
	0-30 lbs	-	\$90	\$90
	31-50 lbs	-	\$110	\$110
	51-70 lbs	-	\$130	\$130
	71-90 lbs	-	\$150	\$150
	over 90 lbs	-	\$170	\$170
	Removal of deceased animal	10-50	-	-
	Pets (owned pets)	10-50	\$5	\$15
III	<i>Microchipping</i>			
	Includes chipping and registration	-	\$15	\$15
IV	<i>Medical</i>			
	Vaccines			
	Feline Felv/FVRCP combo	-	\$12	\$12
	Canine bordetella	-	\$5	\$5
	Canine Distemper	-	\$5	\$5
	Snap tests			
	Feline Felv/FIV snap test	-	\$19	\$19
	Canine 4DX snap test	-	\$17	\$17

	Other medical	-	Prices may vary depending on treatment from veterinarian	
	Small animal euthanasia	10-120 (e)	\$30	\$50
	Large animal euthanasia	10-120 (e)	Prices may vary depending on veterinary clinic used	
V	<i>Adoption</i>			
	Regular adoption	10-120 (d)	\$100	\$100
	Thrift store cats	-	\$50	\$50
	Pet of the week	-	\$50	\$50
	Adoption events	-	\$50	\$50
VI	<i>Surrender</i>			
	Cat or dog surrender	10-120(f)	\$30	\$30
VII	<i>City Licensing</i>	10-48		
	City license for spayed/ neutered animals	10-120 (g)	\$10	\$10
	City license for unaltered animals	10-120 (g)	\$20	\$20
	City license renewal	10-120 (g)	\$5	\$5
VIII	<i>Permits</i>			
	Large livestock	10-91	\$25	\$25
	Small livestock	10-91	\$25	\$25
	Yearly renewal for large and small	10-91	\$10	\$10
	Relocation of permit to different address	10-89	\$10	\$25
	Permit for kennels	10-221(a)(11)	\$50	\$50
	Yearly renewal for kennels	10-221(a)(11)	\$10	\$25
IX	<i>Dangerous dogs</i>	10-186		
	Registration fee	10-186(c)(1)	\$100	\$100
	Removal of animal from City Limits	10-186(k)	\$100	\$100



CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

To: Honorable Mayor and City Council
Agenda Item: Action Item 3 – Special Use Permit 2023-06-01
Agenda Sponsor: Megan Antrim, City Manager
Memo Prepared By: Geoffrey R. Calderon, City Secretary

SYNOPSIS

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)

BACKGROUND

- GPM Southeast, LLC, dba Uncles #6390 has applied for a special use permit in order to be able to obtain a BQ (Wine and Malt Beverage Off-Premise) alcohol permit/license from the Texas Alcoholic Beverage Commission. The subject property is a convenience store that was purchased by the applicant. They wish to continue operating the convenience store including the sale of alcoholic beverages.
- Cities may regulate the sale of alcohol through zoning. Due to a lack of a strong alcohol zoning ordinance, the City began considering applications for proposed licenses/permits through the Special Use Permit (SUP) process. The sale of alcohol is a unique operating characteristic and the SUP process encourages broad public review and evaluation of site development features and operating characteristics to ensure adequate mitigation of potentially unfavorable impacts (such as alcohol being sold/served in a neighborhood).
- Per the Texas Alcoholic Beverage Code Sec. 11.37, the City has 30 days to take action on the certification of the TABC application. Due to these time constraints set by State law, the City has to forego consideration of the SUP by the Planning and Zoning Commission.
- City Administration will be working towards drafting an updated alcohol ordinance to address the issues with the current process to ensure that the City is able to regulate the sale of alcohol while meeting state requirements. The two possibilities would be to establish an ordinance that regulates the sale of alcohol through zoning or establish an

ordinance that outlines that all requests are approved through the special use permit process.

- 8 letters were sent to surrounding property owners within 200 feet of the subject property. The letters advised the property owners of the public hearing scheduled for June 6, 2023. None were returned as undeliverable.

SUPPORTING MATERIALS

1. Application for Special Use Permit 2023-06-01.

STAFF RECOMMENDATION

APPROVE.

**BUILDING SERVICES**

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

FOR STAFF USE ONLYPERMIT # 23-006824-1

TOTAL FEE: \$350.00 (non-refundable)

DATE: 05/08/23**CONDITIONAL/SPECIAL USE PERMIT***Name of applicant/agent/company/contact:*

GPM Southeast, LLC dba Uncle's #6390

Street address of applicant/agent:

8565 Magellan Pkwy, Suite 400

City/State/Zip Code of applicant / agent:

Richmond, VA 23227

Telephone number of applicant/agents:

(804) 730-1568 Ext. 1176

Fax number of applicant/agents:

(804) 215-8371

Email address of applicant /agent:

licensing@gpminvestments.com

*Mobile phone of applicant/agent:***PART 2. PROPERTY INFORMATION***Street address of public property:*

708 N. 5th St., Alpine, TX 79830

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

Lot: 6-8

Block: W6

Addition:

*Size of subject property:**Square footage:*

3157

Acres:

0.4

Present zoning classification:

Comm North Commercial North

Proposed use of the property:

Convenience store and gas station

Zoning ordinance provision requiring a conditional use (description & hours of operation):

Change of legal business ownership only effective 6/6/23. Convenience store selling gasoline, snacks, lottery, tobacco products and alcoholic beverages for off-premises consumption. Monday-Sunday 5:30 am to 10:00pm.

PART 3. PROPERTY OWNER INFORMATION **Name of current property owner:*

Wrangler ALTX 160200 Portfolio Owner LLC (effective date of closing - anticipated 06/06/2023)

Street address of property owner:

Oak Street Real Estate Capital, c/o Asset Management, 30 N. LaSalle Street, Suite 4140

City/State/Zip code of property owner:

Chicago, IL 60602

Telephone number of property owner:

317-410-9694

Fax number of property owner:

*Wrangler ALTX 160200 Portfolio Owner LLC will be the property owner upon the acquisition of the store by GPM Southeast, LLC. This application is being signed in contemplation of a transaction which is expected to occur on 06/06/2023.

PAID
✓ CK# 0293177
(2 permits 1 check)



<input type="checkbox"/>	Submit a letter describing the proposed conditional use and note the request on the site plan document
	In the same letter: <ol style="list-style-type: none">1. Describe or show on the site plan, and conditional requirements or conditions imposed upon the conditional use by applicable district regulations (example: buffer yards, distance between users).2. Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood.3. Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.

N/A

SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND LACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

Donald Bassell, CFO

Print Applicants Name

Applicant Signature

The State of Virginia

County Of Henrico

Before Me Brittany Parrish on this day personally appeared Donald Bassell, CFO
(notary) (applicant)

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

Given under my hand and seal of office this 24 day of April, A.D. 2023
(Seal)

Brittany Parrish
Notary in And for State of Texas Virginia



Wrangler ALTX 160200 Portfolio Owner LLC

Print Property Owners Name

Property Owners Signature

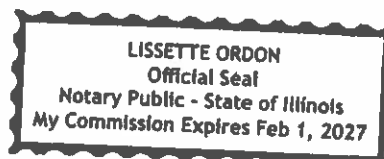
The State Of Illinois

County Of Cook

Before Me Lisette Ordon on this day personally appeared Michael Reiter
(Notary) (Applicant)

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

(Seal) Given under my hand and seal of office this 3rd day of May, A.D. 2023
Notary in And for State of Texas





CITY COUNCIL
MEETING AGENDA ITEM COVER MEMO
JUNE 6, 2023

To: Honorable Mayor and City Council
Agenda Item: Action Item 4 – Special Use Permit 2023-06-02
Agenda Sponsor: Megan Antrim, City Manager
Memo Prepared By: Geoffrey R. Calderon, City Secretary

SYNOPSIS

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)

BACKGROUND

- GPM Southeast, LLC, dba Uncles #6410 has applied for a special use permit in order to be able to obtain a BQ (Wine and Malt Beverage Off-Premise) alcohol permit/license from the Texas Alcoholic Beverage Commission. The subject property is a convenience store that was purchased by the applicant. They wish to continue operating the convenience store including the sale of alcoholic beverages.
- Cities may regulate the sale of alcohol through zoning. Due to a lack of a strong alcohol zoning ordinance, the City began considering applications for proposed licenses/permits through the Special Use Permit (SUP) process. The sale of alcohol is a unique operating characteristic and the SUP process encourages broad public review and evaluation of site development features and operating characteristics to ensure adequate mitigation of potentially unfavorable impacts (such as alcohol being sold/served in a neighborhood).
- Per the Texas Alcoholic Beverage Code Sec. 11.37, the City has 30 days to take action on the certification of the TABC application. Due to these time constraints set by State law, the City has to forego consideration of the SUP by the Planning and Zoning Commission.
- City Administration will be working towards drafting an updated alcohol ordinance to address the issues with the current process to ensure that the City is able to regulate the sale of alcohol while meeting state requirements. The two possibilities would be to establish an ordinance that regulates the sale of alcohol through zoning or establish an

ordinance that outlines that all requests are approved through the special use permit process.

- 3 letters were sent to surrounding property owners within 200 feet of the subject property. The letters advised the property owners of the public hearing scheduled for June 6, 2023. None were returned as undeliverable.

SUPPORTING MATERIALS

1. Application for Special Use Permit 2023-06-02.

STAFF RECOMMENDATION

APPROVE.

**BUILDING SERVICES**

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

FOR STAFF USE ONLY

PERMIT # **23-006824-2**

TOTAL FEE: \$350.00 (non-refundable)

DATE: **05/08/23****CONDITIONAL/SPECIAL USE PERMIT***Name of applicant/agent/company/contact:*

GPM Southeast, LLC dba Uncle's #6410

Street address of applicant/agent:

8565 Magellan Pkwy, Suite 400

City/State/Zip Code of applicant / agent:

Richmond, VA 23227

Telephone number of applicant/agents:

(804) 730-1568 Ext. 1176

Fax number of applicant/agents:

(804) 215-8371

Email address of applicant /agent:

licensing@gpminvestments.com

*Mobile phone of applicant/agent:***PART 2. PROPERTY INFORMATION***Street address of public property:*

2705 E Highway 90, Alpine, TX 79830

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

Lot: 100

Block: 9

Addition:

*Size of subject property:**Square footage:*

4292

Acres:

5.2

*Present zoning classification:**Proposed use of the property:*

Convenience store and gas station

Zoning ordinance provision requiring a conditional use (description & hours of operation):

Change of legal business ownership only effective 6/6/23. Convenience store selling gasoline, snacks, lottery, tobacco products and alcoholic beverages for off-premises consumption. Monday-Sunday 5:30 am to 10:00pm.

PART 3. PROPERTY OWNER INFORMATION **Name of current property owner:*

Wrangler ALTX 160300 Portfolio Owner LLC (effective date of closing - anticipated 06/06/2023)

Street address of property owner:

Oak Street Real Estate Capital, c/o Asset Management, 30 N. LaSalle Street, Suite 4140

City/State/Zip code of property owner:

Chicago, IL 60602

Telephone number of property owner:

317-410-9694

Fax number of property owner:

*Wrangler ALTX 160300 Portfolio Owner LLC will be the property owner upon the acquisition of the store by GPM Southeast, LLC. This application is being signed in contemplation of a transaction which is expected to occur on 06/06/2023.

PAID
CITY OF ALPINE
23-006824-2
(2 PERMITS 1 check)



<input type="checkbox"/> N/A	<p>Submit a letter describing the proposed conditional use and note the request on the site plan document</p> <p>In the same letter:</p> <ol style="list-style-type: none"> 1. Describe or show on the site plan, and conditional requirements or conditions imposed upon the conditional use by applicable district regulations (example: buffer yards, distance between users). 2. Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood. 3. Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.
-------------------------------------	---

SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND LACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

Donald Bassell, CFO

Print Applicants Name

Applicant Signature

The State of Virginia

County Of Henrico

Before Me Brittany Parrish on this day personally appeared Donald Bassell, CFO
(notary) (applicant)

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

Given under my hand and seal of office this 24 day of April, A.D. 2023
(Seal)

Brittany Parrish
Notary in And for State of Texas Virginia



Wrangler ALTX 16300 Platform Owner LLC

Print Property Owners Name

Property Owners Signature

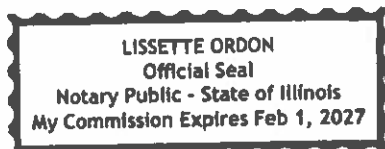
The State Of Illinois

County Of Cook

Before Me Lissette Ordon on this day personally appeared Michael Reiter
(Notary) (Applicant)

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

(Seal) Given under my hand and seal of office this 3rd day of May, A.D. 2023
Notary in And for State of Texas.



Lissette Ordon



CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

JUNE 6, 2023

To: Honorable Mayor and City Council

Agenda Item: Action Item 5 – Far West Texas Water Planning Group – Administrative Costs

Agenda Sponsor: Megan Antrim, City Manager

SYNOPSIS

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

BACKGROUND

- The Rio Grande Council of Governments serves as the administrative entity and public involvement coordinator for the Far West Texas Water Planning Group, a citizen body tasked with developing a 50-year regional water resources management plan under Texas Senate Bill1 (75th Legislative Session). This project, funded by the Texas Water Development Board and by contributions from local government entities and water supply districts, has enabled our region to prepare a legislatively mandated regional water plan for a seven-county planning region in West Texas
- Administrative costs associated with the planning effort enables the members of the Far West Texas Water Planning Group to continue to work on everyone's behalf to carry out the state's mandate to plan for the future of the region's water resources.
- The City of Alpine has been a member since 2005.
- The schedule shows the pro rata share of administrative costs assigned to each city, county, and water supplier in the planning region. The pro rata share amounts were determined utilizing the Texas Water Development Board Water User Group (WUG) population data.

SUPPORTING MATERIALS

1. FY 2023-2024 Administrative Cost Agreement for the Far West Texas Water Plan
2. FY 2022-2023 Invoice

STAFF RECOMMENDATION

APPROVE

City Manager

Megan Antrim

City Secretary

Geoffrey Calderon

**FY 2023 - FY 2024 ADMINISTRATIVE COST AGREEMENT FOR THE
FAR WEST TEXAS WATER PLAN**

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

RECITALS:

- A. WHEREAS, the 75th Legislature of the State of Texas mandated regional water planning under the direction of the Texas Water Development Board (the "TWDB") in an Act known as Senate Bill 1 and required that the regional plans be updated every five years.
- B. WHEREAS, the Planning Group is charged with providing a comprehensive regional water plan (the "Water Plan") for Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, and Terrell counties, Texas (the "Planning Group"), which was designated by the TWDB as Planning Area E (the "Planning Area").
- C. WHEREAS, the rules of the TWDB currently require that 100% of the administrative costs of developing the water plan ("the Administrative Costs") will be met with voluntary contributions from entities and individuals in the Planning Area.
- D. WHEREAS, the Planning Group, the RGCOG, and City of Alpine have agreed to cooperate in funding a portion of the Administrative Costs for the fiscal year 2023 ("FY 2023", October 1, 2022, through September 30, 2023) and fiscal year 2024 ("FY 2024", October 1, 2023, through September 30, 2024).

AGREEMENT:

NOW, THEREFORE, in connection with and as a result of the foregoing, and for and in consideration of the mutual covenants and agreements contained herein, the Parties agree as follows:

- 1. **Administrative Contribution.** City of Alpine will contribute the amount of Four Hundred and Forty-Five Dollars (\$445.00) in FY 2023 and FY 2024 toward the Administrative Costs of the water plan (the "Payment"). The Payment shall be made from the current revenues of City of Alpine and does not constitute a commitment of future revenues.
- 2. **Administrative Agent and Payment.** City of Alpine agrees that the RGCOG will act as the administrative agent for the Planning Group to accept, hold, and distribute the Payment. Payment should be made payable to Rio Grande Council of Governments.
- 3. **Independent Contractors.** The Parties agree that all employees, representatives, agents, officials, contractors and consultants of the Planning Group are not employees of any Party to the Agreement.
- 4. **Change in Cost or Funding of the Administrative Costs.** The RGCOG and the Planning Group presently estimate that the administrative costs for FY 2023 and FY 2024 will be \$63,692. In the event that the Administrative Costs are less than these amounts, a pro rata

FY 2023 – FY 2024 ADMINISTRATIVE COST AGREEMENT

Page 2 of 3

portion of the payment by City of Alpine will be refunded to City of Alpine promptly. In the event that the legislature of the State of Texas (or the TWDB) decides to fund any portion of the Administrative Costs, City of Alpine pro rata portion of the excess will be refunded to City of Alpine promptly. In the event that the Administrative Costs exceed \$63,692 in FY 2023 or FY 2024, City of Alpine will owe no portion of the deficiency unless the parties may subsequently agree.

5. **Entire Agreement and Subsequent Agreements.** The Agreement contains the entire agreement between the Parties and supersedes any prior understandings or agreements. No amendment, modification, alteration, or extension of the terms of the Agreement shall be binding unless the change or amendment is in writing, dated subsequent to the date the Agreement was executed, and duly executed by the Parties.
6. **Severability.** In case anyone or more of the provisions contained in the Agreement shall, for any reason, be held to be invalid in any respect, then and in that event all remaining provisions of the Agreement shall continue in full force and effect the same as if such invalidity had never been contained in the Agreement.
7. **Notices.** Any and all notices required by the Agreement or desired to be given by any party shall be given personally or by certified, registered, or express mail, or by commercial courier service, sent to the party entitled to the notice at the address set forth below that Party's signature to the Agreement unless the party shall have notified the other in a similar manner of a change of address.
8. **Term.** This Agreement will be in full force and effect from October 1, 2022, through September 30, 2024, (the "Term") unless otherwise terminated prior to that time by either Party, as provided under the terms of this Agreement. Either Party may terminate this Agreement upon sixty (60) days written notice delivered to the other Party. In the case of termination by the RGCOG, notice shall be effective and delivered to the County Judge. In the case of termination by the County, notice shall be effective and delivered to the RGCOG Executive Director.
9. **Applicable Laws.** This Agreement is subject to and will be construed in accordance with the laws of the State of Texas, the laws of the federal government of the United States of America, and all rules and regulations of any regulatory body or officer having jurisdiction. This Agreement is performable in Alpine, Texas.
10. **Captions and Headings.** The section headings contained in this Agreement are for convenience only and shall in no manner be construed as part of this Agreement.
11. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which will be considered an original and all of which, taken together, will constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties execute this Agreement as follows.

RIO GRANDE COUNCIL OF GOVERNMENTS

FY 2023 – FY 2024 ADMINISTRATIVE COST AGREEMENT

Page 3 of 3

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

City of Alpine

By: Mayor Catherine Eaves
Mayor
City of Alpine
100 North 13th St.
Alpine, TX 79830
Date:

APPROVED AS TO FORM ONLY

FWTWPG FY 2024 Proposed Membership Dues

	County	Entity Name	2030 Pop	% of Population	% of \$ Amount per entity	\$ Amount per entity
1	BREWSTER	Alpine	6,980	0.75%	0.70%	\$445
2	BREWSTER	County-Other, Brewster	1,812	0.19%	0.28%	\$181
3	CULBERSON	County-Other, Culberson	252	0.03%	0.03%	\$16
4	CULBERSON	Van Horn	1,683	0.18%	0.17%	\$107
5	EL PASO	El Paso County WCID 4	5,155	0.55%	0.52%	\$329
6	EL PASO	El Paso Water	715,658	76.85%	75.59%	\$48,145
7	EL PASO	Horizon Regional MUD	45,564	4.89%	4.56%	\$2,906
8	EL PASO	Lower Valley Water District	63,909	6.86%	6.40%	\$4,076
9	EL PASO	Anthony	3,843	0.41%	0.38%	\$245
10	EL PASO	County-Other, El Paso	2,316	0.25%	3.33%	\$2,123
11	EL PASO	El Paso County Tornillo WID	3,320	0.36%	0.33%	\$212
12	HUDSPETH	County-Other, Hudspeth	915	0.10%	0.28%	\$176
13	JEFF DAVIS	County-Other, Jeff Davis	1,070	0.11%	0.17%	\$111
14	PRESIDIO	County-Other, Presidio	316	0.03%	0.03%	\$20
15	PRESIDIO	Marfa	1,674	0.18%	0.17%	\$107
16	PRESIDIO	Presidio	2,470	0.27%	0.25%	\$158
17	TERRELL	County-Other, Terrell	138	0.01%	0.05%	\$35
Total Population			931,194		Subtotal	\$59,392
			\$ 59,392.00			

	County	Entity Name				
18	Culberson	Culberson County GCD	\$ 300.00			\$300
19	Brewster	Brewster County GCD	\$ 300.00			\$300
20	Hudspeth	Hudspeth County UWCD#1	\$ 300.00			\$300
21	Hudspeth	Hudspeth County CRD#1	\$ 300.00			\$300
22	Jeff Davis	Jeff Davis County UWCD	\$ 300.00			\$300
23	Presidio	Presidio County UWCD	\$ 300.00			\$300
24	El Paso	El Paso County WID#1	\$ 2,500.00			\$2,500
			\$ 4,300.00		Subtotal	\$4,300

Total Request \$63,692



Date: Tuesday, May 09, 2023

INVOICE

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

Invoice # FY 23-2301
For: Far West Texas Water Planning Group
FY 2023 Administrative Cost Share

Bill To:

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

DESCRIPTION	AMOUNT
FY 2023 Administrative Cost Share for the Far West Texas Water Planning Group	\$445.00
TOTAL	\$445.00

Make all checks payable to **Rio Grande Council of Governments** and
note "FY 2023 Administrative Cost Share" on check.

Please provide check within 30 days.

THANK YOU!



CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

JUNE 6, 2023

To: Honorable Mayor and City Council

Agenda Item: Action Item 6 – Memorandum of Understanding with Stephen F. Daugherty

Agenda Sponsor: Megan Antrim, City Manager

SYNOPSIS

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)

BACKGROUND

- In June 2022 the City initiated step one in their Drought Contingency Plan, which requested residents to voluntarily reduce water use.
- Shortly after notifying the public, Mr. S. Daugherty reached out to possibly provide assistance to the City and offered use of one of his wells. (City had prior use of the well and in 2005/2006 terminated the agreement and use of the well).
- Both the Utility Director and City Attorney were notified of the proposal
- Utility Staff began working with TCEQ on requirements the City would need to follow if the City wanted to add the well back into the public water system.
- October 18, 2022, City Council authorized the City Attorney to start working on a contract with Mr. Daugherty
- December 6, 2023 – Status Update on contract
- February 7, 2023 – City Attorney Report update
- March 10, 2023 – the attorney working on behalf of Mr. Daugherty provided their term sheets in regards to the use of Daugherty Well 1.
- March 21, 2023 – City Attorney Report update
- April 4, 2023 – City Attorney Report update
- May 4, 2023 – City Attorney provided Council with a Memorandum in regards to the Daugherty Well.
- May 9, 2023 – Status Update on Contract
- May 10, 2023 – City Attorney sent Memorandum of Understanding directly to Daugherty

SUPPORTING MATERIALS

1. Memorandum of Understanding

STAFF RECOMMENDATION

APPROVE

City Manager

Megan Antrim

City Secretary

Geoffrey Calderon

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding ("MOU") between the City of Alpine, Texas (the "City"), with address 100 N 13th St., Alpine, TX 79830, and the Stephen F. Daugherty Revocable Trust ("Daugherty"), with address 2904 Winn Mor Drive, Clarksville, TN 37043 (the City and Daugherty hereinafter jointly referred to as the "Parties").

RECITALS

Whereas, Daugherty has offered to lease to the City the Daugherty Well #1 (the "Well"), with Brewster County Groundwater Conservation District Production Permit No. GPP-002 and located on the following described land: "BLK 9, SEC 23, GH&SA RR Survey, Brewster County, Texas" with Brewster County Appraisal District Property ID of (21670) (the "Property");

Whereas, the City has previously made use of the Well as part of its public water system ("PWS");

Whereas, the City is interested in investigating the feasibility of entering into agreement with Daugherty for water purchase upon terms to be agreed upon by the Parties;

Whereas, renewed use of the Well by the City, or use of any other potential well on the Property by the City, is subject to approval by the Texas Commission on Environmental Quality ("TCEQ");

Whereas, in order to receive TCEQ approval, the City is required to consult with TCEQ to determine the feasibility of either utilizing the Well or other, new well on the Property; and

Whereas, the Parties wish to enter into this MOU to allow the City and TCEQ to investigate the Well and Property so that the Parties may potentially enter into a lease agreement and demonstrate to TCEQ that the City may have a right to utilize the Well or Property for the City PWS.

Now, therefore, the Parties agree to the following:

- 1) The City may seek a PWS permit from TCEQ concerning use of the Well.
- 2) Daugherty will allow TCEQ and City representatives access to the Property and Well for investigative and regulatory purposes.
- 3) The intended amount of water to be produced from the Well for City use is from a base quantity of 130 acre feet per year ("AFPY") to up to 190 AFPY.

- 4) Daugherty will cooperate with the City in the permit application process.
- 5) The Parties will cooperate with TCEQ to evaluate the Well, Property, and intended AFPY quantities discussed for a potential lease.
- 6) Nothing herein constitutes a binding obligation on the City to enter into a future agreement with Daugherty concerning the Well or Property.

AGREED:

Stephen F. Daugherty Revocable Trust

By:  Date: May 12, 2013
Stephen F. Daugherty

City of Alpine, Texas

By: _____ Date: _____
Megan Antrim, Alpine City Manager

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 –

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)

15. Adjourn.