

City of Alpine

Regular City Council Meeting

Tuesday, September 15, 2020

Notice is hereby given that the City Council of the City of Alpine, Texas will hold **a Regular Meeting at 5:30 P. M. on Tuesday, September 15, 2020 via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at www.cityofalpine.com** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

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

Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Public Comments – (limited to 3 minutes per person)
4. Presentation, Recognitions and Proclamations – (A. Ramos, ,Mayor)
 1. Resolution Congratulating First Christian Church of Alpine on their 130th Anniversary

5. Reports -

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

City Attorney's Report – None

City Manager Report

- Coronavirus Update
- Initiatives / Priorities and Challenges
- New Event: Midweek Mercantile and Music

City Staff Update –

- Update - Utility Billing (Stephanie Ladesic)
- Building Services / Code Enforcement - including AISD HS Build Project (David Hale)
- Update - Alpine Fire Department (Chief Martin)

6. Public Hearings – None

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

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

1. Approval of minutes from City Council meeting on September 1, 2020. (E. Zimmer, City Manager)
2. Approval of Bibiana (Bibi) Gutierrez for the Parks Board At Large for Ward 5. (R. Stephens, City Council)

8. Information or Discussion items –

1. Share information and discuss actions and strategies focused on updating the City lighting Ordinance that takes account improvements in technology and considerations of dark sky initiatives. (R. Stephens, City Council)
2. Information and discussion on issues the City of Alpine is encountering with Brewster County. The discussion will also include the magistration process -

related to the County accepting arrested individuals by Alpine Police Department (E. Zimmer, City Manager)

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

1. Discuss and Consider approving and adopting the 2020/2021 tax year proposed tax rate for the City of Alpine, Texas by Ordinance 2020-08-01. A tax rate of \$0.553753 per \$100 valuation has been recommended for FY 2020/2021. Maintenance and Operations is \$0.512833 and Interest and Sinking is \$0.04092. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on Resolution 2020-09-15 to accept the recommended solicitation of Brokers on the submitted Broker List as required by our Investment Policy. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on Resolution 2020-09-16 to approve Strategies and Guidelines to invest according to our Investment Policy. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the recommendations on the Woodward Lease at the Airport. (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action approving Resolution 2020-09-02, to adopt the official newspaper for FY 2020-2021. (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action on recommendations from the HOT committee on the HOT allocation. (E. Zimmer, City Manager)

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

11. Executive Session - - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

1. Discussion of Alpine Police Department Internal Investigation related to the recent case in Media (R. Stephens, City Council)
2. Discussion of the Municipal Prosecutor / City Attorney. (R. Stephens, City Council)

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

12. Action – Executive Session – None

1. Discuss, consider, and take appropriate action, if any, on the Alpine Police Department Internal Investigation related to the recent case in Media (R. Stephens, City Council)
2. Discuss, consider, and take appropriate action, if any, on the Municipal Prosecutor / City Attorney. (R. Stephens, City Council)

I certify that this notice was posted at 2:00 P. M. on September 11, 2020, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email city.secretary@ci.alpine.tx.us for further information.

A handwritten signature in black ink, appearing to read 'Erik Zimmer', written over a horizontal line.

Erik Zimmer, City Manager
City of Alpine

**RESOLUTION CONGRATULATING
FIRST CHRISTIAN CHURCH, ALPINE
UPON
THE 130TH ANNIVERSARY
OF
THE FOUNDING OF THE CONGREGATION**

Whereas, the congregation of First Christian Church, a congregation of the Christian Church (Disciples of Christ), was founded in June, 1890 through the evangelistic ministry of General R. M. Gano;

And Whereas, First Christian Church, Alpine has, together with the other churches of Alpine, ministered to the physical, emotional, and spiritual needs of Alpine and the region for 130 years;

And Whereas, First Christian Church, Alpine has been an active and vital part of the social, cultural, and civic life of Alpine and the region for 130 years;

And Whereas, First Christian Church, Alpine is on this weekend of September 19 and 20, 2020, gathering in worship and fellowship to celebrate the founding and the founders of the congregation;

Be It Resolved that the City of Alpine extend its best wishes and congratulations to Pastor Lana Covington and to the congregation upon this celebration of the 130th anniversary of the founding of First Christian Church and to express this Council's appreciation for the congregation's 130 years of service to Alpine, Texas and the Big Bend Region.



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

Fwd: First Christian Church

1 message

Cynthia Salas <city.secretary@ci.alpine.tx.us>
To: Geo Calderon <g.calderon@ci.alpine.tx.us>

Sat, Sep 5, 2020 at 6:19 PM

Cynthia Salas

City of Alpine – City Secretary

100 North 13th St.

Alpine, Texas 79830

0 - 432-837-3301

7 - 432-837-2044

city.secretary@ci.alpine.tx.us



"Don't find fault, find a remedy"Henry Ford

****Attention Elected Officials - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.**

----- Forwarded message -----

From: **Case, Jimmy** <jcase@sulross.edu>

Date: Fri, Sep 4, 2020 at 3:40 PM

Subject: RE: First Christian Church

To: Cynthia Salas <city.secretary@ci.alpine.tx.us>

Cc: fcc_alpine@att.net <fcc_alpine@att.net>, Erik Zimmer <erik.zimmer@ci.alpine.tx.us>, Case, Jimmy <jcase@sulross.edu>

Cindy,

Thank you. Attached are both a Word file and a pdf of the resolution . I always like to have a Word file for editing purposes. Take care....and thanks, again.

Jimmy

Jim Case, Ph.D.

Professor of Political Science and Public Administration

Department of Behavioral and Social Sciences

Box C-157

Lawrence Hall 210

Sul Ross State University

Alpine, Texas 79832

tele: 432.837.8468

jcase@sulross.edu

www.sulross.edu



From: Cynthia Salas <city.secretary@ci.alpine.tx.us>

Sent: Wednesday, September 02, 2020 8:08 PM

To: Case, Jimmy <jcase@sulross.edu>

Cc: Erik Zimmer <erik.zimmer@ci.alpine.tx.us>

Subject: Re: First Christian Church

Dr. Case,

Doing well, thanks for asking. If you will draft the Resolution with the language and send it to me no later than September 9 at 5:00pm we will have it on the agenda for the September 15th meeting. If you have any questions please let me know.

Stay Safe 🧐

Cynthia Salas

City of Alpine – City Secretary

100 North 13th St.

Alpine, Texas 79830

0 - 432-837-3301

7 - 432-837-2044

city.secretary@ci.alpine.tx.us



"Don't find fault, find a remedy"Henry Ford

****Attention Elected Officials - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.**

On Wed, Sep 2, 2020 at 4:20 PM Case, Jimmy <jcase@sulross.edu> wrote:

Cynthia,

Greetings. I hope you are doing well.

I have a question for you: On the weekend of September 19 and 20, the congregation of First Christian Church, Alpine will be celebrating the congregation's 130th anniversary/birthday/whatever. Do you think the City Council would be open to passing a congratulatory resolution. Our numbers may be small, but we have been a part of this community since June, 1890, and we have been worshipping at 6th and Sul Ross Streets for over 100 years in the same sanctuary. If Mayor Ramos and the Council would be willing to issue the resolution , I would be willing to draft a resolution for you to consider if that would be helpful.

Thanks for considering the request.

Jimmy

Jim Case, Ph.D.

Professor of Political Science and Public Administration

Department of Behavioral and Social Sciences

Box C-157

Lawrence Hall 210

Sul Ross State University

Alpine, Texas 79832

tele: 432.837.8468

jcase@sulross.edu

www.sulross.edu



2 attachments



Resolution Congratulating FCC 130th Anniversary of Founding.docx
13K



Resolution Congratulating FCC 130th Anniversary of Founding.pdf
69K

5. Reports –

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

City Attorney's Report –

City Manager Report

- Coronavirus Update
- Initiatives / Priorities and Challenges
- New Event: Midweek Mercantile and Music

City Staff Update –

- Update - Utility Billing (Stephanie Ladesic)
- Building Services / Code Enforcement - including AISD HS Build Project (David Hale)
- Update - Alpine Fire Department (Chief Martin)

City Manager Report

- Coronavirus Update
- Initiatives / Priorities and Challenges
- New Event: Midweek Mercantile and Music

City Staff Update –

- Update - Utility Billing (Stephanie Ladesic)
- Building Services / Code Enforcement - including AISD HS Build Project (David Hale)
- Update - Alpine Fire Department (Chief Martin)

6. Public Hearings – None

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

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

1. Approval of minutes from City Council meeting on September 1, 2020. (E. Zimmer, City Manager)
2. Approval of Bibiana (Bibi) Gutierrez for the Parks Board At Large for Ward 5. (R. Stephens, City Council)

1. Approval of minutes from City Council meeting on September 1, 2020. (E. Zimmer, City Manager)

City of Alpine
Regular City Council Meeting
Tuesday, September 1, 2020
5:30 P.M.
Minutes

1. Call to Order, and Pledge of allegiance to the flags – Mayor Pro-Tem Rick Stephens called the meeting to order. The meeting was held via Zoom Conference in the City of Alpine, Texas. Mayor Pro-Tem Rick Stephens led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Councilor Curry, Councilor Olivas, Councilor Betty Fitzgerald, Councilor Escovedo, Councilor Stephens were present via zoom. Mayor Ramos was absent and excused. City Secretary, Cynthia Salas reported that the agenda was posted at 2:00 P.M. on August 28, 2020. City Manager Erik Zimmer, City Secretary, Cynthia Salas, and City Attorney Rod Ponton also attended via zoom.
3. Public Comments (limited to 3 minutes per person) –
4. Presentations, Recognitions and Proclamations – (A. Ramos, Mayor) – None
5. Reports – Copies of the charts presented during the meeting are posted on the City website at <https://www.cityofalpine.com/Alpine%20City%20Council%20-%20CM%20Report%203-17-2020.pdf>

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

City Attorney's Report – None

City Manager Report –

- Coronavirus Update
- Readout from Emergency Service Workshop
- TxDOT Presidio Regional Freight Mobility Plan
- TACVB Press Release

City Staff Updates – None

6. Public Hearings –
 - Public Hearing on citizen's views and comments concerning Ordinance 2020-08-02, an Ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2020 and ending September 30, 2021; appropriating money to a sinking fund to pay interest and principal on the City of Alpine, Texas for the FY 2020-2021.
 - Public Hearing on citizen's views and comments concerning Ordinance 2020-07-02, an Ordinance of the City of Alpine, amending the Alpine Code of Ordinances Chapter 46 Fire Prevention and Preservation for fire fee's for the City of Alpine.
 - Public Hearing on citizen's views and comments concerning Ordinance 2020-08-03, an Ordinance of the City of Alpine, Texas changing the criteria for membership of the Parks and Recreation Board.

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

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

1. Approval of minutes from City Council meeting on August 18, 2020. (E. Zimmer, City Manager)
2. Approval of hangar lease rental rate increase of \$0.01 per square foot for ground lease rate at Alpine Casparis Municipal Airport. (E. Zimmer, City Manager)

Motion was made by Councilor Curry, by Resolution 2020-09-01 to approve the consent agenda as presented. Motion was seconded by Councilor Escovedo. Motion passed 4 to 0.

8. Information or Discussion items –

1. Museum Readout by Executive Director Mary Bones. (E. Zimmer, City Manager)
 - MoBB Logo
 - Image of Touchscreen
 - Museum Assessment Figures
 - True West Top Ten Museum Logo

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

1. Discuss, consider, and take appropriate action approving Resolution 2020-09-02, to adopt the official newspaper for FY 2020-2021. (E. Zimmer, City Manager) – Motion was made by Councilor Curry, by Resolution 2020-09-02, approving Resolution 2020-09-02, to adopt the official newspaper for FY 2020-2021. Motion was seconded by Councilor Olivas. Motion was made by Councilor Curry to amend the motion to table this item. Motion was seconded by Councilor Betty Fitzgerald. Motion passed 4 to 0.
2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2020-08-02, an Ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2020 and ending September 30, 2021; appropriating money to a sinking fund to pay interest and principal on the City of Alpine, Texas for FY 2020-2021. (E. Zimmer, City Manager)- Motion was made by Councilor Curry, by Resolution 2020-09-03, on the first reading of Ordinance 2020-07-02, an Ordinance of the City of Alpine, amending the Alpine Code of Ordinance Chapter 46 Fire Prevention and Preservation for fire fee's for the City of Alpine. Motion was seconded by Councilor Escovedo. Councilor Curry voted to approve. Councilor Ramon voted to approve. Councilor Betty Fitzgerald voted to approve. Councilor Escovedo voted to approve. Councilor Stephens voted to approve. Motion passed 5 to 0.
3. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2020-07-02, an Ordinance of the City of Alpine, amending the Alpine Code of Ordinance Chapter 46 Fire Prevention and Preservation for fire fee's for the City of Alpine. (E. Zimmer, City Manager) – Motion was made by Councilor Curry, by Resolution 2020-09-04, on the first reading of Ordinance 2020-08-02, an Ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2020 and ending September 30, 2021; appropriating money to a sinking fund

to pay interest and principal on the City of Alpine, Texas for the FY 2020-2021. Motion was seconded by Councilor Betty Fitzgerald. Motion passed 4 to 0.

4. Discuss, consider, and take appropriate action approving animal permits for three (3) horses. Horses to be located at 4002 Peach Tree Circle in Alpine, Texas. Application is Riley White. (E. Zimmer, City Manager) – Motion was made by Councilor Olivas, by Resolution 2020-09-05 to take appropriate action approving animal permits for three (3) horses. Horses to be located at 4002 Peach Tree Circle in Alpine, Texas. Application is Riley White. Motion was seconded by Councilor Curry. Motion passed 4 to 0.
5. Discuss, consider, and take appropriate action approving animal permit for a donkey (standing Jack). Donkey is to be located at 3009 Peach Tree Circle in Alpine, Texas. Applicant is Bethany and Larry Cordova. (E. Zimmer, City Manager) – Motion was made by Councilor Curry, by Resolution 2020-09-06, to approve animal permit for a donkey (standing Jack). Donkey is to be located at 3009 Peach Tree Circle. In Alpine, Texas. Applicant is Bethany and Larry Cordova. Motion was seconded by Councilor Escovedo. Motion passed 4 to 0.
6. Review, discuss, consider, and take appropriate action approving the Joint Election Service Agreement Contract between the City of Alpine and Brewster County for the November 3, 2020 City of Alpine Elections. (E. Zimmer, City Manager) – Motion was made by Councilor Curry, by Resolution 2020-09-07 to review, discuss, consider, and take appropriate action approving the Joint Election Service Agreement Contract between the City of Alpine and Brewster County for the November 3, 2020 City of Alpine Elections. Motion was seconded by Councilor Olivas. Motion passed 4 to 0.
7. Discuss, consider, and take appropriate action regarding the City Manager's annual performance assessment, including any proposed compensation adjustment. (R. Stephens, City Council) – Motion was made by Councilor Stephens, by Resolution 2020-09-08 proposed that City Council make a change regarding the City Manager's annual compensation. Motion was made by Councilor Escovedo. Motion was made by Councilor Stephens to amend the proposed to reflect that the City Managers annual compensation be adjusted by a 3% raise. Motion was seconded by Councilor Curry. Motion passed 4 to 0
8. Discuss, consider, and take appropriate action regarding the second and final reading on Ordinance 2020-08-03, an Ordinance of the City of Alpine, Texas changing the criteria for membership of the Parks and Recreation Board. (R. Stephens, City Council) – Motion was made by Councilor Stephens, by Resolution 2020-09-09 to approve the first reading of Ordinance 2020-08-03, an Ordinance of the City of Alpine, Texas changing the criteria for membership of the Parks and Recreation Board. Motion was seconded by Councilor Curry. Motion passed 5 to 0.
10. City Councilmember Comments and Answers – No discussion or action may take place.
11. Executive Session - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

Motion was made by Councilor Olivas, by Resolution 2020-09-10 to move into executive session. Motion was seconded by Councilor Curry. Motion passed 4 to 0. (7:16pm)

1. Discussion on the process and procedures of the Municipal Court. (M. Curry, City Council)
2. Discussion of the Municipal Judge, Prosecutor, and City Attorney. (M. Curry, City Council)

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

Council minutes: 09-01-2020

Approved: 09-15-2020

Pursuant to Texas Government Code 551.071 (consultation with an attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development)

Motion was made by Councilor Curry, by Resolution 2020-09-11 to come out of executive session. Motion was made by Councilor Olivas. (8:12pm)

Motion was made by Councilor Curry, by Resolution 2020-09-12 to go back into open session. Motion was seconded by Councilor Olivas. Motion passed 4 to 0. (8:13pm)

12. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, on the process and procedures of the Municipal Court. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2020-09-13 to take no action. Motion was seconded by Councilor Olivas. Motion passed 5 to 0.
2. Discuss, consider, and take appropriate action, if any, on the Municipal Judge, Prosecutor, and City Attorney. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2020-09-14 to take no action. Motion was seconded by Councilor Olivas. Motion passed 5 to 0.

I certify that this notice was posted at 1:00 P.M. on August 28, 2020, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

Rick Stephens, Mayor Pro-Tem

Attest:

Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 2:00 P.M. on August 28, 2020, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Cynthia Salas, City Secretary

2. Approval of Bibiana (Bibi) Gutierrez for the Parks Board At Large for Ward 5. (R. Stephens, City Council)



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

* First Name

Bibiana

* Last Name

Gutierrez

* Street Address

409 PINON DRIVE

* City

Alpine

* State

TX

* Zip

79830

* Email Address

bmg15th@sulross.edu

* Phone

4323863223

* Occupation

Professor and Psychologist

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

5 years

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

☒ Yes

☐ No

* Board or Commission you have interest in serving on:

Ward 5 City of Alpine's Parks Advisory Board

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

I am a professor of psychology at Sul Ross State University (SRSU) and have a small private practice in Alpine, so professionally and personally I have dedicated my life to serving others. I have a vested interest in sustainability issues and am the founding member of the Sustainability Council at Sul Ross. I serve on many other university and community organizations including but not limited to: Friends of Big Bend Ranch State Park, Kokernot Park/Poets Grove Projects, founding member of the Institutional Review Board of SRSU. Additionally I provide psychological services to the Big Bend area including psychological evaluations and in-service training for all the local law enforcement agencies, and pro bono services. Prior to living in Alpine, I lived in San Antonio for over 30 years working as a clinical psychologist with under served and marginalized persons, including working and volunteering for state and non-profit agencies.

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

I would like to serve on the Ward 5 City of Alpine's Parks Advisory Board to represent the interests of our community in growing and improving our community parks. I feel that I have the skills, knowledge, and abilities to inform and represent the interests of stakeholders.

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

☒ Yes

☐ No

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

- ☒ Yes
☐ No

If yes, in what capacity?

How long?

I receive payment for conducting psychological testing for Alpine Police Department applicants.

4 years

If yes, please explain:

Police officers are required by the Texas Commission for Law Enforcement (TCOLE), as part of their employment process, to complete the L-3 psychological evaluation. I am the only licensed psychologist in the Big Bend area who is certified to provide this testing.

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

* Electronic Signature

* Date

Bibiana M. Gutierrez, Ph.D.

08/11/2020

Format: MM/DD/YYYY

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

☒ Option 1

8. Information or Discussion items –

1. Share information and discuss actions and strategies focused on updating the City lighting Ordinance that takes account improvements in technology and considerations of dark sky initiatives. (R. Stephens, City Council)

Executive Summary

Alpine Outdoor Lighting Ordinance

Introduction

For decades, night sky proponents in Alpine and surrounding Big Bend communities have advocated to protect our exceptionally dark night skies. The Big Bend region is a renowned night sky destination. Big Bend National Park and Big Bend Ranch State Park have each received dark sky certifications from the International Dark Sky Association. Together the two parks form the largest contiguous area under dark sky protection in the United States. In 2009, the 3,100 acre Sierra la Rana development south of Alpine was certified as a Dark Sky Friendly Development of Distinction.

Many inside and outside of the Alpine community place high value on the protection of night skies, the benefits are numerous. Studies have shown that light pollution can be detrimental to health and negatively impact wildlife. The success of the world-renowned McDonald Observatory depends on the quality of the dark skies surrounding the observatory. Safety of residents and visitors can be increased with properly installed and aimed night-sky friendly lighting that improves nighttime visibility. Light trespass and nuisances created by overly-lit properties can be mitigated through enhanced protections for neighbors and residents.

Most importantly, protecting and promoting dark skies also has the economic benefit of boosting tourism to Big Bend communities. Over 80,000 visitors come to McDonald Observatory annually and Fort Davis hosts the Texas Star Party, one of the largest annual gatherings of amateur astronomers in the country. A 2016 National Park Service Report indicated that Big Bend National Park's 388,290 visitors had an economic impact of \$37.9 million to the local economies; 2019 visitor metrics recorded 463,832 visitors, demonstrating a dramatic increase in tourism and correlating economic impact to the region. Without the protection of night skies, communities would lose the economic benefit astro- and eco-tourism brings to the region and the City of Alpine.

History and Background

The existing Outdoor Lighting Ordinance of the City of Alpine was adopted on September 7, 2010. It preceded the passage of HB 2857 which went into effect on January 1, 2012. HB 2857 mandated that a municipality located in a county any part of which is located within 57 miles of the McDonald Observatory shall regulate, by ordinance, the installation and use of outdoor lighting. While HB 2857 is primarily meant to protect the quality of skies for scientific study at the Observatory, all of the communities in the 28,000 square miles surrounding the Observatory also benefit.

Since the existing Alpine Outdoor Lighting Ordinance went into effect in 2010, there have been many technological advances to lighting design. Transition away from incandescent and mercury vapor lights to the LED allows for new design and options for lighting. Adaptive controls allow users to determine when lights are turned on. The science around the impacts of light pollution has become more refined and new solutions created. It is important to ensure that Alpine's lighting regulations are periodically updated to reaffirm community values and adapt to changing technology, best practices, and to position Alpine to seek its own dark sky community certification.

Ordinance Revisions

The proposed revisions seek to strengthen and enhance the existing ordinance. An effort was made to keep the language as simple as possible and give flexibility to city residents and administrators where

needed. Definitions and provisions have been updated to reflect current lighting technologies and practices. Some proposed revisions clarify inconsistent language of the existing ordinance, while other provisions are new and further enhance night sky protections. Additionally, the updated ordinance conforms to the International Dark Sky Association requirements to become a certified Dark Sky Community. A summary of changes are listed below:

- Updated and clarified definitions
- Set maximum color temperature of lights to 2700 Kelvin
- Set maximum lumens per acre cap for commercial and residential properties
- Instituted prohibition against light trespass
- Incorporated provisions for the treatment of indoor lighting impacting outdoor lighting
- Clarified non-conforming lights and process for bringing into compliance over time
- Removed inconsistencies of existing ordinance
- Accounted for new technologies in lighting design such as the use of adaptive controls
- Determined process for application for the installation of new lighting and spelled out enforcement mechanisms
- Updated and clarified the categories for exempt and temporary lighting

Approach

Proposed changes to the City lighting ordinance impact many organizations and entities in the area. The approach for discussing and working the numerous impacts is a three step process:

1. Hold a community workshop with the intent of sharing the proposed changes, receive feedback on potential impacts and make recommendations
2. Develop and distribute the draft/revised proposed ordinances for comments and recommendations
3. Follow the City process for review and approval of ordinance changes, which includes presentation at City Council, public hearings regarding the proposed changes, and final vote by City Council



Laura Gold

September 15, 2020

International Dark Sky
Community Update
and Draft Outdoor Lighting
Ordinance Revision Discussion



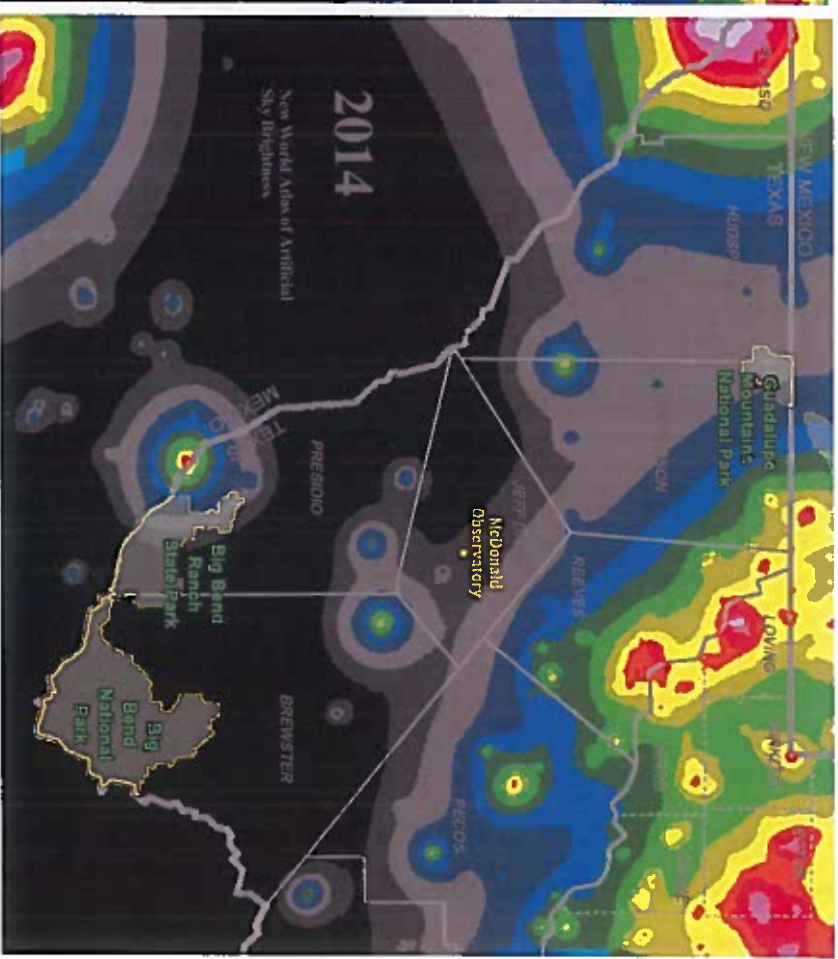
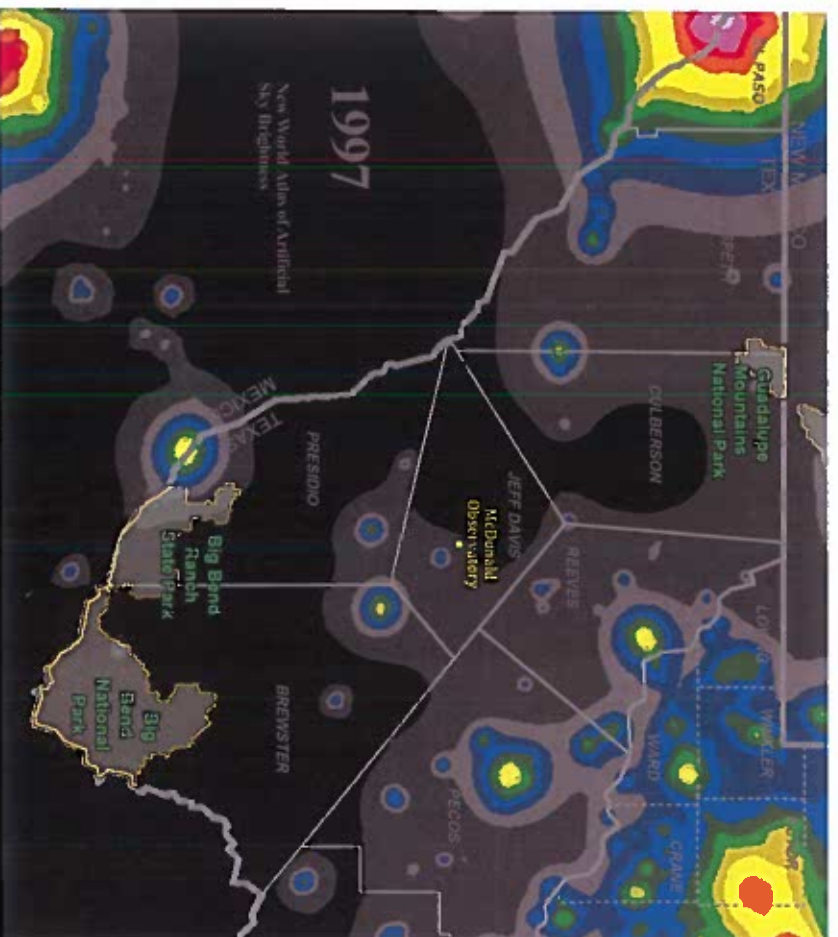
Alpine Texas, 2020, from
McDonald Observatory

Alpine Texas, 2020, from
McDonald Observatory

RAS

SRSU (Mountainside)

Welcome to Preserving Alpine's Dark
Skies



- Alpine, Texas, located on Highways 90 and 118, at the junction of Brewster, Presidio, and Jeff Davis Counties is considered an attractive city location for many reasons.
- Rapid growth areas are clearly visible in the 2014 image.
- The seven counties referred to in Texas HB 2857 are illustrated here.

- Rapid growth areas are clearly visible in the 2014 image.

- The seven counties referred to in Texas HB 2857 are illustrated here.



Overview

- Alpine City Council approved the City of Alpine applying to the International Dark Sky Association (IDA) for “Dark Sky Community” status in 2009
- Technology continues to evolve which provides the City of Alpine opportunities to promote and support consistent Dark Sky compliance strategies
- Existing and proposed lighting ordinances affect many area organizations, businesses and entities
- Workshop is required to gain community interest, input, and recommendations



Dark Sky and Ordinance Key Objectives

1. Reduce and eliminate glare to improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces;
2. Encourage efficient, controlled lighting that conserves energy;
3. Make our community a better place to live and work and a more inviting place for tourists to visit;
4. Protect neighbors and properties from light trespass;
5. Preserve our heritage of a clear, dark and starry night sky;
6. Be mindful of the needs of McDonald Observatory for minimal artificial light at night to conduct ongoing astronomical research; and
7. Position the City to apply for a designation as an International Dark Sky Community.

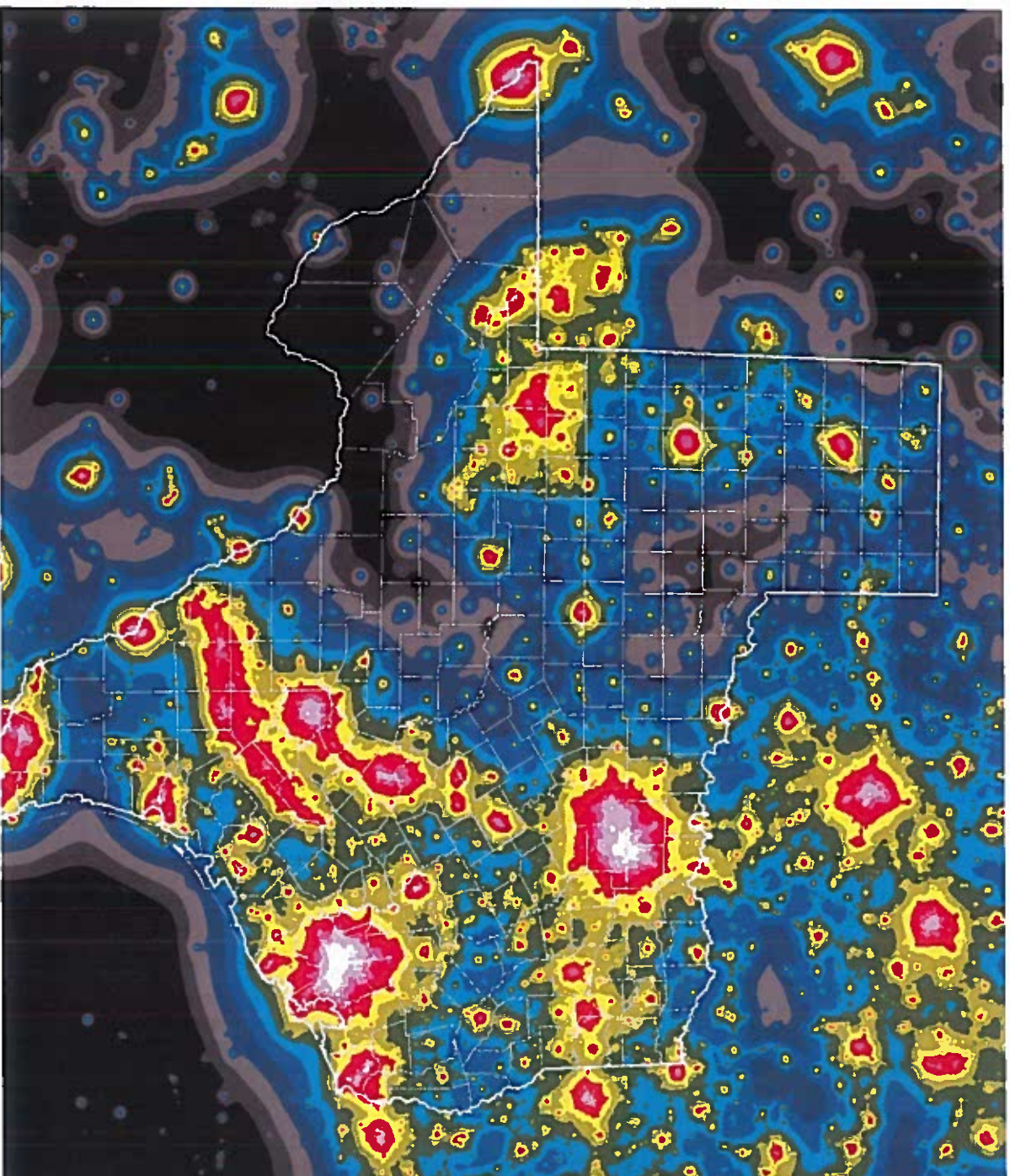


Next Steps

1. Hold a community workshop with the intent of reviewing the existing and proposed changes, understand why the ordinance needs to be updated, receive feedback on potential impacts and make recommendations
2. Distribute the draft/revised proposed ordinances for comments and recommendations
3. Follow the City process for review and approval of ordinances changes, which includes presentation at City Council, public hearings regarding proposed changes, and final vote by City Council

Example of lighting done well. Support them!





Texas'
borders
2014
and
West Texas
night sky
resources



BIG BEND LAW
ATTORNEYS AT LAW
www.bigbendlaw.net

ROD PONTON

ATTORNEY AT LAW

123 North 6th Street
Alpine, TX 79830
432-837-0990
fax 432-837-0995
pontonrod@gmail.com

MEMORANDUM

To: Alpine City Council & Alpine Chief of Police
From: Rod Ponton, Alpine City Attorney
Re: Brewster County Jail Duties
Date: June 18, 2020
CC: Area law enforcement agencies, Brewster County Judge Eleazar Cano

On June 16, 2020, Brewster County Sheriff Ronny D. Dodson circulated a memorandum to all law enforcement agencies (Exhibit A) detailing new inmate intake procedures at the Brewster County Jail in response to the COVID-19 emergency. These procedures state that upon intake of an inmate "[b]oth the Officer and the inmate's temperature will be taken before the Inmate will be allowed to enter the Jail. If either shows signs of fever, inmate will be denied and that Agency will need to make arrangements elsewhere." However, under statute and as upheld by Attorney General Opinions, a Sheriff is required to accept all inmates who have been brought to the jail for confinement by a magistrate's order.

Texas Code of Criminal Procedure, Article 2.18 states, "When a prisoner is committed to jail by warrant from a magistrate or court, he shall be placed in jail by the sheriff. It is a violation of duty on the part of any sheriff to permit a defendant so committed to remain out of jail...." (Exhibit B). Further, in Attorney General Opinion DM-313 (1995), the AG relied on Article 2.18 and held the following: "If a city police officer arrests a person for violating a state statute and a magistrate issues a commitment order for the prisoner, the county is required to incarcerate the prisoner...Should the sheriff refuse to take custody of the prisoner, the county is responsible for the prisoner's maintenance." (Exhibit C).

The Sheriff is therefore required to take custody of all inmates ordered confined regardless of health status. If the Sheriff refuses to accept such an inmate, the County is the entity required to "make arrangements elsewhere"—not the City or Alpine Police Department. If an agency has to take an inmate to another jail due to the refusal by the Brewster County Jail to accept an inmate ordered confined therein, then Brewster County will be responsible for paying for the costs of time, transportation, and incarceration of the prisoner at another facility.

The Brewster County Jail refuses to accept arrested persons from the Alpine Police Dept., before such person has been seen by a magistrate, and there is a magistrate order of detention. However, arrested persons awaiting appearance before a magistrate are accepted by the Brewster County Jail from Texas DPS, BCSO, Sul Ross DPS, U.S. Border Patrol, and USCBP. By the Sheriff accepting inmates before a court orders detention, from state/federal agencies, such as the Texas Department of Public Safety, TPWD Game Warden, U.S. Border Patrol, CBP/ICE, etc., but refusing the same only to the Alpine Police Dept., the Sheriff and Brewster County are in violation of equal protection guarantees under the U.S. Constitution. The Brewster County Sheriff's Office has an obligation to treat all agencies and arrested persons equally.



Brewster County Sheriff's Office

201 West Avenue E

Alpine, Texas 79830

Telephone: (432) 837-3488

Facsimile: (432) 837-5960

Exhibit A

Ronny Dodson
Sheriff

Ryan Skelton
Chief Deputy

MEMORANDUM

TO: All Law Enforcement Agencies
FROM: Ronny D. Dodson, Sheriff
DATE: 16 June 2020
SUBJECT: Procedure for inmate intake at the Brewster County Jail

Effective immediately!

The Brewster County Jail under the directive of Sheriff Ronny Dodson will be implementing new procedures.

Upon intake both the Officer/Agent and the inmate in custody will be requested to wear a protective mask, if not the inmate will not be seen.

Both the Officer and the inmate's temperature will be taken before the Inmate will be allowed to enter the Jail. If either shows signs of fever, inmate will be denied and that Agency will need to make arrangements elsewhere.

Brewster County Sheriff's Office is going above and beyond to maintain the health and hygiene of our staff and those who we oversee. Thank you for your cooperation.

Vernon's Texas Statutes and Codes Annotated
Code of Criminal Procedure (Refs & Annos)
Title 1. Code of Criminal Procedure
Introductory
Chapter Two. General Duties of Officers (Refs & Annos)

Vernon's Ann. Texas C.C.P. Art. 2.18

Art. 2.18. Custody of prisoners

Currentness

When a prisoner is committed to jail by warrant from a magistrate or court, he shall be placed in jail by the sheriff. It is a violation of duty on the part of any sheriff to permit a defendant so committed to remain out of jail, except that he may, when a defendant is committed for want of bail, or when he arrests in a bailable case, give the person arrested a reasonable time to procure bail; but he shall so guard the accused as to prevent escape.

Credits

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722, eff. Jan. 1, 1966.

Vernon's Ann. Texas C. C. P. Art. 2.18, TX CRIM PRO Art. 2.18

Current through the end of the 2019 Regular Session of the 86th Legislature

End of Document

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OFFICE OF THE
83RD DISTRICT ATTORNEY

Presidio, Brewster, Jeff Davis, Pecos Counties

Sandy Wilson District Attorney

Marisol Skelton
Paralegal

John Harrell
INVESTIGATOR

Chris Rodriguez
VICTIMS COORDINATOR

Brittany Fox
OFFICE MANAGER

September 1, 2020

Brewster County Judge Eleazar Cano
Brewster County Sheriff Ronny Dodson
Alpine City Manager Erik Zimmer
Alpine Chief of Police Robert Martin

RE: Admission of arrested individuals into the Brewster County Jail

Gentlemen:

It has come to my attention that the Alpine Police Department is not allowed to admit arrested individuals during the night time prior to being magistrated. It is also my understanding that this requirement suddenly began the middle of April of this year.

While Sheriff Dodson can require magistration prior to admittance into the jail, it is not feasible to do so for the City of Alpine for several reasons. First, this new requirement apparently was implemented overnight with no notice to the city, preventing them from being able to come up with alternate means to ensure that a person committing a crime in the city limits will be placed into a proper holding facility until a magistrate is available. Since the city magistrate and county justice of the peace officers have a 24-48 hour window in which to magistrate an arrestee, they are not willing to come out at night for most cases, as long as they stay within the time frame allotted by Texas statutes. Unfortunately, this leaves the arresting city officer in a risky situation. He/she either has to find a place to keep the arrested individual or release them back into the community. This refusal is not only a safety issue for our citizens, but a big liability issue for the city, who is ultimately responsible for the actions of the arrestee if released back into the community. Staff is typically lighter at night and I cannot imagine any county or city official in Alpine, Brewster County believing this is okay.

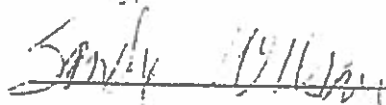
As you are all aware, the City of Alpine has no holding area for these arrestees. In addition, it has been the standard for as long as I can remember that the city officers are allowed to place arrested individuals into the jail any time day or night, most of them prior to being magistrated. Adding to the problem is the fact that all other law enforcement agencies are not bound by this sudden policy change by Sheriff Dodson. This sudden refusal is very concerning to my office, especially in light of the fact that it only affects the Alpine Police Department.

I would like to meet with you gentlemen as soon as possible, to see what can be done to resolve this very volatile issue, before an innocent member of our community is injured or killed. This is

a serious issue that needs to be resolved in a timely fashion, and as leaders of this community, you each have a duty to ensure the public remains safe.

Please feel free to contact me with some dates this week you can be available to discuss this issue. The only time I am unavailable this week is Friday morning. I appreciate your rapid response to this issue. In the interest of public safety, I would ask Sheriff Dodson to immediately retract this new requirement until we meet to see what other options are available. This would go a long way towards ensuring our citizens remain safe.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sandy Wilson", followed by a date "1/11/2011".

Sandy Wilson
83rd District Attorney
210 N 6th Street
Alpine, TX 79830
da-83@att.net
Tel: 432-837-4420
Fax: 432-837-4421
Cell: 432-249-2321

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

1. Discuss and Consider approving and adopting the 2020/2021 tax year proposed tax rate for the City of Alpine, Texas by Ordinance 2020-08-01. A tax rate of \$0.553753 per \$100 valuation has been recommended for FY 2020/2021. Maintenance and Operations is \$0.512833 and Interest and Sinking is \$0.04092. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on Resolution 2020-09-15 to accept the Approval Broker List as required by our Investment Policy. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on Resolution 2020-09-16 to approve Strategies and Guidelines to invest according to our Investment Policy. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action on the recommendations on the Woodward Lease at the Airport. (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action approving Resolution 2020-09-02, to adopt the official newspaper for FY 2020-2021. (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action on recommendations from the HOT committee on the HOT allocation. (E. Zimmer, City Manager)

1. Discuss and Consider approving and adopting the 2020/2021 tax year proposed tax rate for the City of Alpine, Texas by Ordinance 2020-08-01. A tax rate of \$0.553753 per \$100 valuation has been recommended for FY 2020/2021. Maintenance and Operations is \$0.512833 and Interest and Sinking is \$0.04092. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	SEPTEMBER 15, 2020	AGENDA REQUEST NO:	ACTION
		RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS AND CONSIDER APPROVING AND ADOPTING THE 2020/2021 TAX YEAR PROPOSED TAX RATE FOR THE CITY OF ALPINE, TEXAS BY ORDINANCE 2020-08-01. A TAX RATE OF \$0.553753 PER \$100 VALUATION HAS BEEN RECOMMENDED FOR FY 2020/2021. MAINTENANCE AND OPERATIONS IS \$0.512833 AND INTEREST AND SINKING IS \$0.04092. (E. ZIMMER, CITY MANAGER)		
EXHIBITS:			
CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____
BUDGET			
EXPENDITURE REQUIRED:		\$	0
SAVINGS ANTICIPATION:		\$	
CURRENT BUDGET FY2018-2019:		\$	0
ADDITIONAL FUNDING:		\$	
RECOMMENDED ACTION			
EXECUTIVE SUMMARY			

Approval of Tax Rate

Second and Final Reading
City Council Meeting, 9-15-2020

Honorable Mayor and City Council,

This will be the second and final reading of the Tax Rate for FY 2020-2021.

The final reading and adoption of the Tax Rate has to occur in a meeting 'after' the budget is adopted, hence we are having it on the meeting on the 15th.

The motion will need to be read as written in the Agenda.

Although a roll-call vote is not necessary for the Tax Rate, I think it would be good to have one (it won't hurt).

Please let me know if you have any questions.

Kind regards,

Erik

A handwritten signature in black ink, appearing to be 'Erik', written over the printed name 'Erik'.

STATE OF TEXAS
CITY OF ALPINE

COUNTY OF BREWSTER

ORDINANCE 2020-08-01

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ALPINE, TEXAS FOR THE 2020/2021 FISCAL YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND, SUSPENDING THE SECOND READING OF THE ORDINANCE; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

WHEREAS, a budget was presented to the City Council for the Fiscal Year 2020/2021 for the support of the municipal government and where a public hearing was ordered by the City Council and published notice of said hearing was caused to be given by the City Council and said notice was published in the avalanche and said hearing was held to discuss tax revenues according to said notices.

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

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Alpine, Texas, and to provide an Interest and Sinking fund for the 2020/201 Fiscal Year, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a rate of \$0.553753 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

1. For the maintenance and support of general government (General Fund), \$.512833 on each \$100 valuation of property; and
2. For the interest and sinking fund, \$.04092 on each \$100 valuation of property.

SECTION 2. This tax rate will raise more taxes for maintenance and operations than last year's tax rate.

SECTION 3. The tax rate will effectively be raised by 1.6% percent and will raise taxes for M&O on a \$100,000 home by approximately \$8.65.

SECTION 4. That taxes levied under this ordinance shall be due October 1, 2020 and if not paid on or before January 31, 2021, shall immediately become delinquent.

SECTION 5. All taxes shall become a lien upon the property against which assessed, and the city tax collector of the City of Alpine, Texas is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Alpine, Texas and shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes,

penalty and interest, and the interest and penalty collected from such delinquent taxes shall be apportioned to the general fund of the City of Alpine, Texas. All delinquent taxes shall bear interest from date of delinquency at the rate prescribed by state law.

SECTION 6. That this ordinance shall take effect and be in force from the date after its publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS, THIS THE 1st DAY OF SEPTEMBER 2020.

INTRODUCTION AND FIRST READING

AUGUST 18, 2020

SECOND AND FINAL READING

SEPTEMBER 1, 2020

Andres "Andy" Ramos, Mayor
City Of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine

APPROVED AS TO FORM:

Rod Ponton, City Attorney
City of Alpine

2. Discuss, consider, and take appropriate action on Resolution 2020-09-15 to accept the Approved Broker List as required by our Investment Policy. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	SEPTEMBER 15, 2020	AGENDA REQUEST NO:	ACTION
		RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	
		ADDITIONAL DIRECTOR (S):	

SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RESOLUTION 2020-09-15 TO ACCEPT THE APPROVED BROKER LIST AS REQUIRED BY OUR INVESTMENT POLICY. (E. ZIMMER, CITY MANAGER)
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EXHIBITS:	
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CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET	
EXPENDITURE REQUIRED:	\$ 0
SAVINGS ANTICIPATION:	\$
CURRENT BUDGET FY2018-2019:	\$ 0
ADDITIONAL FUNDING:	\$

RECOMMENDED ACTION	
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EXECUTIVE SUMMARY	
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Approved Broker List

City Council Meeting, 9-15-2020


Honorable Mayor and City Council,

This is the first of two resolutions related to our Investment Policy. The Investment Policy adopted by the City of Alpine is included in this section of the packet.

The goal of this resolution is to authorize the City Manager and Finance Director to solicit bids for services from the list of Brokers/Dealers and Government Pools listed in the packet.

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

Kind regards,
Erk





CITY OF ALPINE
100 NORTH 13TH STREET
ALPINE, TEXAS 79830
432-837-3301

Recommended List for Solicitation of Qualified Broker/Dealers

Brokers/Dealers and Financial Institutions

Wells Fargo Securities, LLC
Hilltop Security
First Southwest Company

Government Pools

TexSTAR Local Government Investment Pool
Texas Class Local Government Investment Pool

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-09-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AUTHORIZING SOLICITATION OF BROKERS AS REQUIRED BY THE INVESTMENT POLICY.

WHEREAS, the City Council of the City of Alpine adopted the official investment policy on the 16th day of June 2020; and

WHEREAS, in alignment with the investment policy, the City seeks to solicit the services of qualified brokers/dealers and financial institutions authorized to engage in investment transactions with the City.

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

The City of Alpine hereby accepts the Recommended Solicitation of Brokers List heretofore attached as "Exhibit A," as required by the official investment policy.

PASSED AND APPROVED THIS THE 15th DAY OF SEPTEMBER 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

ATTEST:

Andres "Andy" Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-06-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ADOPTING AN INVESTMENT POLICY REGARDING FUNDS FOR THE CITY OF ALPINE AND PROVISIONING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Alpine SHALL adopt an investment policy regarding funds for the City of Alpine, Texas; and

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

WHEREAS, the City Council desires to adopt an investment policy in order to reflect the changes in the Public Funds Investment Act (PFIA), as well as incorporate needed administrative and procedural modifications which have occurred over time.

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


SECTION 1. The policy attached hereto as "Exhibit A" and made a part hereof, is hereby adopted as the official Investment Policy of the City of Alpine, Texas.


SECTION 2. The attached policy shall be filed in the official records with the City Secretary.

SECTION 3. This Resolution and aforementioned Investment Policy shall take effect immediately upon its passage and approval.

PASSED AND APPROVED THIS THE 16th DAY OF JUNE 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

ATTEST:


Andres "Andy" Ramos, Mayor
City of Alpine


Cynthia Salas, City Secretary
City of Alpine

CITY OF ALPINE

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

I. PURPOSE

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

II. SCOPE

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

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

- B. Funds covered by this Policy may include:

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

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

C. This Policy shall not govern funds, which are managed under separate investment programs in accordance with the Tex. Gov't Code Sec. 2256.004. The City Shall and will maintain responsibility for these funds to the extent required by federal and state law, and donor stipulations. This Policy also does not apply to monies held in escrow to retire bonds which are subject to defeasance requirements stated under their respective bond ordinances.

III. INVESTMENT OBJECTIVES AND STRATEGIES

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

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

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

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

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

IV. INVESTMENT STRATEGY FOR SPECIFIC FUND GROUPS

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

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

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

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

V. DELEGATION OF AUTHORITY

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

VI. RESPONSIBILITY AND STANDARD OF CARE

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

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

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

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

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

E. Reporting

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

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

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

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

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

VII. SUTABLE AND AUTHORIZED INVESTMENT SECURITIES

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

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

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

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

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

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

To be eligible to receive funds from and invest funds on behalf of the City, an investment pool must furnish to the Investment Officer or other authorized representative an offering circular or other similar disclosure instrument that contains information required by the Tex. Gov't. Code Sec. 2256.016.

Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the City Council which shall at least annually review, revise and adopt the local government investment pool(s).

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

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

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

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

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

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

By Institution

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

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

VIII. COMPETITIVE BIDDING

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

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

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

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

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

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

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

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

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

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

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

X. COLLATERALIZATION, SAFEKEEPING AND CUSTODY

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

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

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

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

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

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

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

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

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

XI. MANAGEMENT AND INTERNAL CONTROLS

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

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

Imperative Controls

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

Controls Where Practical

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

XII. INVESTMENT POLICY ADOPTION

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

3. Discuss, consider, and take appropriate action on Resolution 2020-09-16 to approve Strategies and Guidelines to invest according to our Investment Policy.
(E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	SEPTEMBER 15, 2020	AGENDA REQUEST NO:	ACTION
		RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RESOLUTION 2020-09-16 TO APPROVE STRATEGIES AND GUIDELINES TO INVEST ACCORDING TO OUR INVESTMENT POLICY. (E. ZIMMER, CITY MANAGER)		
EXHIBITS:			
CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____
BUDGET			
EXPENDITURE REQUIRED: \$		0	
SAVINGS ANTICIPATION: \$			
CURRENT BUDGET FY2018-2019: \$		0	
ADDITIONAL FUNDING: \$			
RECOMMENDED ACTION			
EXECUTIVE SUMMARY			

Strategies and Guidelines to Invest

City Council Meeting, 9-15-2020

Honorable Mayor and City Council,

This is the second of two resolutions to review and approve according to our Investment Policy for the City of Alpine.

This two page document outlines the strategies and controls in place for the City with a focus on low volatility and sound control procedures and communications in place.

Please feel free to reach out to Megan or myself with any questions and we look forward to the discussion Tuesday.

Kind regards,

Erik





CITY OF ALPINE
100 NORTH 13TH STREET
ALPINE, TEXAS 79830
432-837-3301

September 9, 2020

INVESTMENT STRATEGY AND CONTROLS

STRATEGY

Separate portfolios will be maintained for the various funding sources (general fund, enterprise funds, special revenue, debt, etc).

1. General/ Enterprise/Special Revenue Funds
 - a. Primary objective assurance – anticipated liabilities are matched and adequate investment liquidity provided.
 - b. Secondary objective – create a portfolio structure which will experience minimal volatility.
 - i. May be accomplished by purchasing high quality, short to medium term maturity securities (0-2 years), which will complement each other in a ladder maturity structure permitting some extension for yield enhancement.
 - ii. Maximum dollar weighted average maturity of twelve (12) months or less will be calculated using the stated final maturity date of each security.
2. Debt Service Funds
 - a. Primary objective – assurance of available funds adequate to fund debt service obligations on a timely basis. (Successive debt service dates will be fully funded before extension)
 - b. Secondary objective – ability to generate a revenue stream to the debt service funds from high quality securities with a low degree of volatility.
 - i. Securities should be high credit quality, except as may be required by the bond ordinance specific to an individual issue, and of short to intermediate-term maturities.
 - ii. Potential for loss shall be further controlled through the purchase of securities within the desired maturity range.

3. Capital Projects

- a. Primary objective – assurance that anticipated cash flows are matched and provide adequate investment liquidity.
- b. Secondary objective – final maturity dates of securities held may not exceed the estimated project completion date.

The City of Alpine shall pursue conservative portfolio management strategies. Securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade but the strategy will be primarily buy-and-hold.

CONTROLS

1. Separation of transaction authority from accounting and record keeping
2. Custodial safekeeping
3. Delegation of authority – City Council provides authorization to invest City funds at the recommendation of the Investment Office and City Manager
4. Written confirmation for all transactions
5. Review, maintenance and monitoring of security procedures both manual and automated
6. Quarterly reports provided to Council
7. Credit rating reviewed on all authorized investments no less than quarterly (to be changed as needed)
 - a. All prudent measures shall be taken to liquidate an investment that is downgraded to less than the required minimum rating.
8. Review of bank status and ownership issuing brokered CDs – based upon information from the FDIC
 - a. Banks acquired or merged with another bank in which brokered CDs are owned, the Investment Officer shall immediately liquidate any brokered CD which is above the FDIC insurance level

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-09-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS APPROVING THE OFFICIAL STRATEGY AND GUIDELINES FOR THE CITY OF ALPINE IN ALIGNMENT WITH THE INVESTMENT POLICY.

WHEREAS, the City Council of the City of Alpine adopted the official investment policy on the 16th day of June 2020; and

WHEREAS, in alignment with the investment policy, the City seeks to approve the official strategy and guidelines for investments of the City of Alpine.

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

The City of Alpine hereby accepts the Strategy and Guidelines heretofore attached as “Exhibit A,” as required by the official investment policy.

PASSED AND APPROVED THIS THE 15th DAY OF SEPTEMBER 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

ATTEST:

Andres “Andy” Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine

4. Discuss, consider, and take appropriate action on the recommendations on the Woodward Lease at the Airport. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

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

SEPTEMBER 15, 2020

**AGENDA
REQUEST NO:**

ACTION

**RESPONSIBLE
DEPARTMENT:**

ADMINISTRATION

PRESENTED BY:

ERIK ZIMMER

**FINANCE
DIRECTOR:**

MEGAN ANTRIM

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON THE RECOMMENDATIONS ON THE
WOODWARD LEASE AT THE AIRPORT. (E. ZIMMER, CITY MANAGER)

EXHIBITS:

CLEARANCES

APPROVAL

LEGAL: CITY ATTORNEY

ROD PONTON:

FINANCE: FINANCE DIRECTOR

**MEGAN
ANTRIM:**

APPROVAL: CITY MANAGER

ERIK ZIMMER:

BUDGET

EXPENDITURE REQUIRED: \$ 0

SAVINGS ANTICIPATION: \$

CURRENT BUDGET FY2018-2019: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

August 26, 2020

To Whom it Concerns:

Woodward Aviation originally lease 14,400 sq ft ground lease from City & only build only on 7,200 sq feet due to COVID & have no plans to build within the allotted 2 years. We need reduce our overall ground lease by 7,200 sq ft.

Also we need to assign city ground lease for 2 of the 4 t- Hangars to another owner.

Need the ground lease to reflect 7,200 sq feet- which 4 t- hangars were built. Our construction started on the far East side of the survey attached.

Lease 1)

Hangar #43,46 Chopelas Land Management LP P.O. Box 98
Alpine, Texas 79831. 3,600 sq ft

Lease 2)

Hangar #44, 45- Woodward Aviation LLC. 3,600 Sq ft

Best,
Raphael Woodward

2 Sept 2020

Alpine Advisory Board

Resolution Recommending City Re-Structure Woodward Aviation Ground Lease

Whereas Chapter 14 of the City of Alpine Code of Ordinances specifies in Paragraph 42 that the Alpine Advisory Board is established for the purposes of advising the city in planning, development, and operation of the municipal airport, and;

Whereas the Alpine Advisory Boards' sole function is to advise the City Council on matters of the municipal airport, and;

Whereas a tenant request was presented to the Board;

Be it hereby resolved that the Alpine Advisory Board does offer advice to and does recommend to the City Council of Alpine that the City negotiate with Woodward Aviation to restructure their existing lease by eliminating half of the square footage of the original lease and re-assigning half of the remainder to Woodward Aviation and the other half of the remainder to another entity. The Board further advises that the negotiations take into consideration the area utilized by the septic system that was constructed outside of the original leased area.

This resolution was passed by the Alpine Advisory Board, 3 for, 0 against with 1 abstention on 2 Sept 2020.

A handwritten signature in black ink, appearing to read "Marbert Moore", is written over the printed name.

Chairmen of the Board/Marbert Moore

0122031
 BOARDMAN LANE
 BRIMLEY ROAD
 BRIMLEY
 ELECTRIC UTILITY
 2 3
 TELEPHONE UTILITY
 WATER UTILITY

[illegible]

10222 GARNER FIELD RD.
SUITE C
UVALDE, TEXAS 78801
PHONE 830-591-0850

INVESTIGATING AGENTS ARE LIMITED TO MAJOR SOURCE AGENTS AND SPECIAL AGENTS TRAINED IN RELATIONS, DRUGS, AND OTHER SPECIAL NETWORK CAPABILITIES IN THE FIELD. COOPERATION FROM AGENTS IN AMERICAN BUREAU OFFICE, FIELD BUREAU, CENTRAL, FOREIGN, AND MAJOR SOURCE AGENTS IS REQUIRED. ALL AGENTS MUST BE TRAINED IN THE USE OF THE "A-1" ALL CORRESPONDENCE MUST BE HANDLED BY THE "A-1" AGENT.

RAYMOND AND CARL WICKMANN
4300 F.M. HWY 1703
ALBUQ, NM 87103

has obtained upon application the status of a player and
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MINUTES - ALPINE ADVISORY BOARD MEETING

2 SEPTEMBER 2020

Posted: 2:00pm, 28 August, 2020

Mtg. Date: 2 September 2020

Time: 4:00pm

Place: Zoom Mtg

Alpine Advisory Board Members Present:

Marbert Moore – Chairman

Isabelle Blair – Board Secretary

James Blair

Cade Woodward

Jimmy Morris

Others present:

Eric Zimmer – City Manager

Not present:

Scott Perry – Director of Public Utilities/Airport Manager

Johnny Galvan – Airport Operations

Items on Agenda:

- 1. Call to order – 4:06 Marbert Moore (MM)**
- 2. Determination of quorum and proof of notice of meeting – verified by Isabelle Blair (IB)**
- 3. Approve minutes of previous Board Meetings – IB –**
 - a. 12 February 2020 Regular Meeting - Motion by James Blair (JB) to accept minutes as presented. Second by Jimmy Morris (JM). Motion carried unanimously.**
- 4. Discuss and Consider request from Woodward Aviation – Cade Woodward (CW)**

presented his request to restructure his existing ground lease on his recently completed and downsized project. After some discussion, MM motioned the board make a recommendation to City Council via attached resolution. Second by JM. IB read the resolution. Motion carried and Resolution passed 3 – 0 with CW abstaining.
- 5. Update:**
 - a. Ongoing Projects – Design MIRL replacement - EZ – nothing new to report.**

- b. Future Airport Capital Improvement Projects Funding/timeline – EZ/MM –**
MM reported on upcoming Rehabilitation of runway 01-19 through the ‘State Wide Maintenance Program’. Site visit possibly on 10 Sept; project design in fall; construction in spring 2021.
EZ confirmed the City would include MM in communications and invited board members and tenants to join design and construction meetings.
- 6. Board Member Comments –** JB requested the new AWOS project, specifically conduit placement, be considered during any paving rehabilitation. EZ advised that this had been taken care off in the ongoing runway light project.
MM reported having been approached by someone interested in building a new hangar. He was pleased to point them to the City website where the ‘construction packets’ are now posted. MM also pointed to the large pile of dirt left by/during previous construction and reiterated his recommendation that it would be beneficial to move this to the three acres along highway 118 where there is a large depression/low spot.
- 7. Citizen Comments –** IB – noted Total Jet fuel sales for current FY Oct 2019 through July 2020 was 106,322 gls; up by 22,000 gls from previous FY. The 59 cent per gallon increase implemented in June 2019 has not resulted in lower sales, and has increased revenues. This FY the City has received \$62,730 in additional airport revenue.
- 8. Items for next Agenda –** CW requested ‘Discuss & Consider paving taxiways around existing and future hangar development’. Proposed Agenda below.
- 9. Schedule next meeting –** 4:00 pm on 21 October, 2020, at City Hall
- 10. Adjourn –** Motion to adjourn by CW, second JB. So moved at 4:32pm

PROPOSED AGENDA - ALPINE ADVISORY BOARD **MEETING 21 OCTOBER 2020**

Posted:

Mtg. Date: 21 October 2020

Time: 4:00pm

Place: City of Alpine Council Chambers

Items on Agenda:

- 1. Call to order – Marbert Moore (MM)**
- 2. Determination of quorum and proof of notice of meeting – Isabelle Blair (IB)**
- 3. Approve minutes of previous Board Meetings – IB –**
 - a. 2 September 2020 Regular Meeting**
- 4. Discuss and Consider Financials – Erik Zimmer (EZ)/Scott Perry (SP)**
 - a. Year End Financials – 2019-2020 – EZ**
 - i) RAMP Grant**
 - ii) Airport Fund/Savings Balance**
 - b. Budget 2020-2021 - EZ**
- 5. Discuss and Consider Airport correspondence:**
 - a. Communications – EZ/SP/JG/MM –**
Eric Zimmer/Scott Perry –

Johnny Galvan –

Marbert Moore –
 - b. Meetings and/or Inspections – EZ/SP/JG/MM –**
Eric Zimmer/Scott Perry –

Johnny Galvan –

Marbert Moore –
 - c. New and re-assigned Leases – JG –**
- 6. Discuss and Consider paving of taxiways around existing and future hangar development – EZ/CW**

7. Update:

- a. Helicopter landing pad – EZ/SP –**
- b. Airspace Study ASN 2017-ASW-1942-NRA: red lights required – SP –**
- c. Joint Airport Zoning Board – EZ/SP –**
- d. Airport Capital Improvement Projects Current/Future/Funding/Timeline – EZ/SP –**
- e. Master Plan and Airport Layout Plan Update - MM –**

8. Board Member Comments –

9. Citizen Comments –

10. Items for next Agenda –

11. Schedule next meeting –

12. Adjourn –

5. Discuss, consider, and take appropriate action approving Resolution 2020-09-02, to adopt the official newspaper for FY 2020-2021. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING: INITIATED BY:	SEPTEMBER 15, 2020	AGENDA REQUEST NO:	ACTION
		RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION APPROVING RESOLUTION 2020-09-02, TO ADOPT THE OFFICIAL NEWSPAPER FOR FY 2020-2021. (E. ZIMMER, CITY MANAGER)		
EXHIBITS:			
CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	<hr/>
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	<hr/>
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	<hr/>
BUDGET			
EXPENDITURE REQUIRED: \$		0	
SAVINGS ANTICIPATION: \$			
CURRENT BUDGET FY2018-2019: \$		0	
ADDITIONAL FUNDING: \$			
RECOMMENDED ACTION			
EXECUTIVE SUMMARY			

Paper of Record

City Council Meeting - 09/15/2020

In follow up to our meeting on September 1st, I've attached the document from TML outlining the designation of an official newspaper along with an AG Opinion letter - GA-0838. The AG opinion letter is interesting as it is from 2011 and outlines papers from two different counties (similar to ours).

I've also reached out to Mike Hodges (Executive Director of the Texas Press Association - <https://www.texaspress.com/>) and spoke with him regarding the question at hand. Both Alpine Avalanche and Big Bend Sentinel are members in good standing with the TPA.

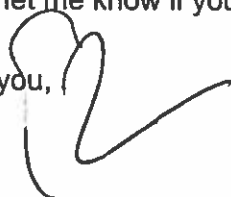
Mike did direct me to review the AG Opinion letter noted above. Because both papers are members of TPA and in good standing, it would have been inappropriate for me to ask Mike for a recommendation.

Both papers qualify under the criteria outlined in the TML Legal Q&A.

My sense is both papers ownership will be represented at Tuesday's City Council meeting.

Please let me know if you have any questions,

Thank you,
Erik

A handwritten signature in black ink, appearing to be 'Erik', written over the typed name 'Erik'.

Legal Q&A

By Christy Drake-Adams, TML Legal Counsel

November 2013

Must a city designate an official newspaper?

State law requires that at the beginning of the fiscal year the city council of a Type A city designate its official newspaper by resolution or ordinance and contract with that paper to publish required notices. TEX. LOC. GOV'T CODE § 52.004(a). Each ordinance, notice, and any other matter required by law or ordinance to be published must be published in the official paper regardless of where else it is published. *Id.* § 52.004(b).

These requirements are not expressly provided in state law for other types of general law cities. However, they arguably apply because of the "borrowing provisions." Specifically, Type B cities have the same duties as a Type A city, unless there is a conflicting state provision regarding only Type B cities. *Id.* § 51.035. And, depending on its population, a Type C city has either the same duties as a Type B city or a Type A city. *Id.* § 51.051.

State law also seems to anticipate that a home rule city designate an official newspaper. *See id.* § 52.013(b) ("If the charter . . . does not provide for the method of publication of an ordinance, the full text of the ordinance or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance may be published at least twice in the municipality's official newspaper."). In some cities, the charter actually "name[s] the official newspaper in which to publish the official city notices." TERRELL BLODGETT, TEXAS HOME RULE CHARTERS 93 (2d. ed. 2010). Any details regarding the designation, such as the timing and form of designation, are found in the city's charter as well.

Must a city seek competitive bids or proposals in designating its official newspaper?

Maybe. With certain exceptions, a city is required to following the bidding or proposal procedures outlined in Local Government Code Chapter 252 when it plans to make an expenditure of more than \$50,000 in city funds. TEX. LOC. GOV'T CODE § 252.021(a)-(b); *id.* § 252.022(a)(16) (providing that Chapter 252 does not apply to an expenditure for advertising, other than legal notices). An informal survey conducted by the Texas Municipal League in 2012 indicates that only the largest cities (500,000+ population) reach this \$50,000 spending threshold for newspaper publications. However, it is important to note that a city may impose on itself a lower dollar threshold and, in that way, trigger the need to competitively bid for an official newspaper.

What criteria must a newspaper meet in order to qualify as the official newspaper?

While there is some dispute among attorneys as to the exact requirements that apply in designating an official newspaper, a city using the criteria in Government Code Sections 2051.044 and 2051.048 is on strong legal footing. Section 2051.044 provides that a newspaper used to convey official notices must as a general matter:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
- (2) be published at least once each week;
- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.

TEX. GOV'T CODE § 2051.044(a).

Section 2051.048 provides that a notice published by a city must, as a general matter, be published in a newspaper:

- (1) that is published in the city; and
- (2) that will publish the notice at or below the legal rate.

Id. § 2051.048(b). (Note: Section 2051.048 provides alternative requirements when no newspaper is published in the city at the specified rate. *Id.* § 2051.048(c)-(d).)

A home rule city must also look to its charter for any additional criteria. *See, e.g., State ex rel. Winn v. City of San Antonio*, 259 S.W.2d 248, 251-52 (Tex. Civ. App.—San Antonio 1953, writ ref'd n.r.e.) (discussing a charter provision that required publication in a “daily newspaper”).

Has a city’s designation of a particular newspaper as its “official newspaper” ever been challenged?

Yes. From time to time, we hear from cities that receive threatening letters from a newspaper claiming that the city has not complied with the law in its designation of an official newspaper. This often arises when a city is located in more than one county, and has multiple papers to choose from, or when a city is changing its official newspaper. Some newspapers have actually sued cities in conjunction with the designation of an official newspaper. *See, e.g., Forney Messenger, Inc. v. Tennon*, 959 F.Supp. 389, 390 (N.D. Tex. 1997) (alleging that city officials conducted a sham bidding process and then voted to switch all city advertising to a different newspaper in violation of the Open Meetings Act).

Is an “official newspaper” the same thing as a newspaper of “general circulation”?

No, not necessarily. The attorney general has opined that a newspaper of general circulation is one that: (1) has more than a de minimis number of subscribers within a specific geographic region; (2) has a diverse readership; and (3) publishes some items of general interest to the community. Tex. Att’y Gen. Op. No. JC-0223 (2000). Thus, if your city is acting under one of the many statutes that requires notice be published in a newspaper of general circulation, the newspaper must meet the three criteria set out above.

In addition, assuming the law under which the city is acting does not specify a contrary manner of publication, the attorney general has opined that a newspaper of general circulation must also meet the requirements of an official newspaper. *Id.* (discussing county publications and concluding that “a newspaper of general circulation must be a newspaper for the purposes of

section 2051.044, in addition to having more than a de minimis number of subscribers and a diverse subscribership”).

What could happen if a city is required, but fails, to use a newspaper of general circulation?

A city that takes an action for which notice must be published in a newspaper of general circulation is subject to having that action challenged if a proper newspaper is not used. *See, e.g., Christy v. Williams*, 292 S.W.2d 348, 350-51 (Tex. Civ. App.—Galveston 1956, writ dismissed)(challenging a bond election notice because the paper was not entered as a second class postal matter); Tex. Att’y Gen. Op. No. GA-0380 (2005) (discussing possible consequences of county’s failure to use a newspaper of general circulation).

How much should a newspaper charge your city to publish a notice?

Section 2051.045 of the Government Code provides that the legal rate for publication of a notice in a newspaper by a governmental entity is the newspaper’s lowest published rate for classified advertising.

If no newspaper published in either the city or the county in which the city is located will publish the notice at or below this legal rate, a city should post the notice at the door of the county courthouse in the court in which the city is located. TEX. GOV’T CODE § 2051.048(d); *see also* Tex. Att’y Gen. Op. No. GA-0856 (2011).

Where is a newspaper published?

The attorney general has opined that, under Texas law, the location of publication is where the newspaper is released to the public. Tex. Att’y Gen. Op. No. GA-0838 (2011) (citing *Christy v. Williams*, 292 S.W.2d 348, 352 (Tex. Civ. App.—Galveston 1956, writ dismissed) and Tex. Att’y Gen. Op. No. O-7112 (1946)).

Which state statutes require a city to publish notice in the newspaper?

A noncomprehensive review of the state law identified over 100 statutes that require cities to publish some type of notice in a newspaper. Many statutes require publication of the same notice multiple times. Following are some of the most common situations in which state law requires a city to publish a notice in a newspaper:

- Adopting an Ordinance. *See, e.g.,* TEX. LOC. GOV’T CODE §§ 52.011-.013.
- Holding an Election. *See, e.g.,* TEX. ELEC. CODE § 4.003, TEX. LOC. GOV’T CODE §9.004 (charter amendment).
- Conducting a Hearing. *See, e.g.,* TEX. LOC. GOV’T CODE §§ 43.0561 (annexation), 102.0065 (budget), 211.006 (zoning).
- Making a Purchase. *See, e.g., id.* § 252.041.

What is one of the most common questions the attorneys at the League receive regarding newspaper notice?

One of the most frequent inquiries our attorneys receive in relation to newspaper notice is whether state law requires a city to advertise job openings in a newspaper. The answer is no. There is no law that requires a city to advertise every job opening in a newspaper. Nevertheless, one way to prevent having an Equal Employment Opportunity Commission (EEOC) discrimination complaint or lawsuit filed against the city is to sufficiently advertise job openings, which may include advertisement in a newspaper.

To avoid a discrimination claim, a city should advertise a job opening so that it reaches a large cross-section of the population. Federal, state, and sometimes local laws prohibit hiring practices that discriminate on the grounds of age, disability, race, color, religion, sex, pregnancy, citizenship, military service and national origin. Thus, a city's hiring practice of merely advertising an opening to a certain geographic area, for example, may be used as evidence of discriminatory intent if a claim is filed against the city. For that reason, many cities choose to advertise job openings not only in a newspaper of general circulation, but in places like trade magazines and on the internet.

If your city does not have a hiring policy, including a policy regarding the advertisement of a job opening, you should seriously consider adopting one. Before advertising a job vacancy, the city should have a written job description in place that provides objective qualifications and responsibilities necessary to perform the job. The description should be devoid of any reference to sex, race, national origin, or any other protected class. In addition, a job description should include the essential functions of the position and other requirements, such as education, skills, and work experience. The job description should be used as a template for the job advertisement.

By taking the time to adopt a hiring policy, and to advertise a job opening to a wide range of people, your city: (1) increases its chance of hiring the best qualified person for the job; and (2) decreases the chance of facing a discrimination claim or lawsuit.

Opinion No. GA-0838

Decided Jan 26, 2011

January 26, 2011.

GREG ABBOTT, Attorney General of Texas

The Honorable Todd Hunter Chair, Committee on Judiciary and Civil Jurisprudence Texas House of
Representatives Post Office Box 2910 Austin, Texas 78768-2910

Re: Proper compliance of a publication with the provisions of section 2051.044, Government Code, in order to
be considered the official newspaper of a municipality (RQ-0907-GA)

Dear Representative Hunter:

On behalf of the City of Ingleside (the "City"), you request an opinion about the qualification of a newspaper to
be the designated newspaper of the City under section 2051.044 of the Government Code and ask whether the
current designated newspaper complied with the City's charter.¹

¹ Request Letter (available at <http://www.texasattorneygeneral.gov>); see Letter from Jim Gray, City Manager of
Ingleside (attachment to Request Letter) [hereinafter Gray Letter].

Chapter 2051, subchapter C, of the Government Code establishes requirements for governmental entities to
post notice by publication in certain limited circumstances. See TEX. GOV'T CODE ANN. §§ 2051.041-.053
(West 2008). Relevant to your request, subsection 2051.044(a)(3) requires that a "newspaper in which a notice
is published . . . be entered as second-class postal matter in the county where published."² *Id.* § 2051.044(a)(3).
The City asks whether the current designated newspaper complies with this requirement. Gray Letter at 5.

² The United States Postal Service changed the designation of "second-class" to "periodicals," but, as this office has
previously recognized, the renaming did not effect a substantive change. Tex. Att'y Gen. LO-96-084, at 3. Because the
Texas statute uses the language "second-class," we also do so here.

The City apparently believes that in order to comply with the literal requirements of section 2051.044(a)(3), its
designated newspaper must be entered as second-class postal matter in San Patricio County, where Ingleside is
located, but the designated newspaper has a second-class postal permit in Aransas County, not San Patricio
County. See Gray Letter at 2. However, the plain language of subsection 2051.044(a)(3) requires only that the
newspaper "be entered as second-class postal matter in the county where published" TEX. GOV'T CODE ANN.
§ 2051.044(a)(3) (West 2008) (emphasis added). This subsection does not separately require the newspaper to
be entered as second-class postal matter in the county where the governmental body is located. *2

A paper is published at the time and place where it is released to the public. *Christy v. Williams*, 292 S.W.2d
348,352 (Tex. Civ. App.-Galveston 1956, writ dismissed w.o.j.); see also Tex. Att'y Gen. Op. No. 0-7112 (1946) at
3 ("publication is legally made in such county when mailed or distributed therefrom"). Based on the facts
presented by the City Manager, the City's designated paper is released to the public, at least in part, in Aransas

County.³ Gray Letter at 2-3. He also explains that the newspaper possesses a second-class mail permit and is entered as second-class postal matter in Aransas County. *Id.* at 2. Thus, based on the facts provided, it appears that the designated newspaper complies with section 2051.044(a)(3).⁴

³ The facts provided also suggest that the newspaper may be published, in part, in San Patricio County. One brief submitted suggests that a newspaper has only one official publishing location, which is a "known office of publication" under the United States postal regulations, and is "at the location where the original entry for Periodicals mailing privileges is authorized." U.S. POSTAL SERVICE, DOMESTIC MAIL MANUAL, 707 Periodicals § 4.6.1 (Dec. 6, 2010), available at http://pe.usps.com/text/dmm300/dmm300_landing.htm; see Letter from Don R. Richards, Attorney for the Tex. Press Ass'n., at 3 (Sept. 9, 2010) (on file with the Opinion Committee) [hereinafter Richards Letter]. The location of publication may be so defined for purposes of the federal regulations, an issue we need not decide here. However, under Texas law and as used in the relevant statute at issue, the location of publication is where the newspaper is released to the public.

⁴ One brief submitted suggests that the City's newspaper violates other Government Code provisions. Richards Letter at 1. However, your request concerns "only the [newspaper's] compliance with 2051.044(a)(3)," and our opinion is limited accordingly. Gray Letter at 2.

The second question raised by the request asks whether the City's publication of sample ballots for the general election complies with provisions of the City's charter. Gray Letter at 6. This office does not determine whether particular actions constitute a violation of a city charter. Tex. Atty Gen. Op. No. GA-0431 (2006) at 3; see also Tex. Atty Gen. Op. No. GA-0648 (2008) at 5 (explaining that this office typically does not construe city charter provisions). Furthermore, answering this question first requires a finding of certain facts, which we cannot do in an attorney general opinion. Tex. Atty Gen. Op. No. GA-0726 (2009) at 3. We therefore decline to answer your question regarding the City's compliance with its own charter. *3

SUMMARY

Because the City of Ingleside's designated newspaper publishes in Aransas County and is entered as second-class postal matter in that same county, it complies with the requirements of [Government Code section 2051.044\(a\)\(3\)](#).

Very truly yours,

GREG ABBOTT Attorney General of Texas

DANIEL T. HODGE First Assistant Attorney General

DAVID J. SCHENCK Deputy Attorney General for Legal Counsel

NANCY S. FULLER Chair, Opinion Committee

Virginia K. Hoelscher Assistant Attorney General, Opinion Committee

1 *1

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-09-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS
DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY OF ALPINE.**

WHEREAS, the City Council of the City of Alpine is charged with addressing interests to enhance transparency of official city business to residents; and

WHEREAS, the City desires to designate the official newspaper of the City by annual City Council resolution in accordance with Sec. 52.004 Texas Local Government Code.

WHEREAS, the City Council chooses to designate _____ as the official newspaper of the City, until otherwise designated by City Council resolution.

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

_____ is hereby designated as the official newspaper of the City of Alpine.

PASSED AND APPROVED THIS THE 15th DAY OF SEPTEMBER 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Andres "Andy" Ramos, Mayor
City of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine

6. Discuss, consider, and take appropriate action on recommendations from the HOT committee on the HOT allocation. (E. Zimmer, City Manager)



CITY COUNCIL

AGENDA REQUEST

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

SEPTEMBER 15, 2020

**AGENDA
REQUEST NO:**

ACTION

**RESPONSIBLE
DEPARTMENT:**

ADMINISTRATION

PRESENTED BY:

ERIK ZIMMER

**FINANCE
DIRECTOR:**

MEGAN ANTRIM

**ADDITIONAL
DIRECTOR (S):**

**SUBJECT /
PROCEEDING:**

DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE HOT COMMITTEE ON THE HOT ALLOCATION. (E. ZIMMER, CITY MANAGER)

EXHIBITS:

CLEARANCES

APPROVAL

LEGAL: CITY ATTORNEY

ROD PONTON:

FINANCE: FINANCE DIRECTOR

**MEGAN
ANTRIM:**

APPROVAL: CITY MANAGER

ERIK ZIMMER:

BUDGET

EXPENDITURE REQUIRED: \$ 0

SAVINGS ANTICIPATION: \$

CURRENT BUDGET FY2018-2019: \$ 0

ADDITIONAL FUNDING: \$

RECOMMENDED ACTION

EXECUTIVE SUMMARY

HOT Fund Event Allocations

City Council Meeting 09-15-2020

Honorable Mayor and City Council,

Our new HOT Advisory Committee met with Chris, Cynthia and me on Thursday September 3, 2020 to review the applications for this year's Events. The group did a wonderful job at scoring the applications first, then narrowing down the requests for dollars to a recommended amount. The two spreadsheets in your packet depict first the requests and second the recommendations. As you will see, there were \$215K in requests that were narrowed down to a \$180K recommendation.

Looking through our projected budget of \$425K in total expenses (which includes the Tourism Director Contract, Running of the Visitor Center, City level advertising and Event Funding), Chris and I had originally discussed an allocation for events in the \$160K range. This is approximately 37% of our total budget and in alignment with the percentage of budget we have allocated in the past for events.

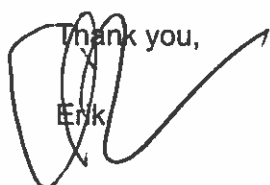
The committee did a great job in their dialogue and discussion about the events and my sense was the \$180K was a solid recommendation. I also believe we are starting to really trend up in our revenues (since the late March shutdown) and there is a good probability we are going to exceed our projection of \$425K in revenues.

My recommendation is to go with our Committee's recommendation as provided in the packet. Chris and I look at the revenues monthly. If we have any concerns that can be addressed mid-fiscal year.

Also, we do have over \$1M in the HOT Fund Balance which can be utilized if necessary.

Please let me know if you have any questions,

Thank you,
Erk



Target:
\$160,000
37.65%

RECOMMENDED GRANT AMOUNTS

Organization	Event Name	Contact Email	Civic Center Use	Advertising	Promotion of the Arts	Historical Restoration / Preservation	Sporting Events	Transportation	Total
Alpine Downtown Association	Harvest Moon 2021	db.jessign@stacoglobal.net		\$2,500	\$1,500				\$4,000
Alpine Downtown Association	Harvest Moon 2020	db.jessign@stacoglobal.net			\$1,800				\$1,800
Alpine's Gallery Night, Inc.	Airwalk	info@airwalkalpin.com		\$15,000	\$5,000				\$20,000
Alpine's Gallery Night, Inc.	Honry Tread Vines & Cheese	info@airwalkalpin.com		\$20,800	\$4,200				\$25,000
Alpine's Gallery Night, Inc.	Alpine Conroys	btsign@abyroncontract.com		\$14,000					\$25,000
Big Bend Community Baseball & Softball Association	Big Bend Comic Con Committee	abca.lipman@sutexas.edu		\$300	\$800				\$1,100
Big Bend Community Baseball & Softball Association	Big Bend Comic Con	directori@stacoglobal.net		\$3,150	\$3,150				\$6,300
Big Bend Community Baseball & Softball Association	Big Bend Film Commission	moke24@stacoglobal.net		\$500					\$2,000
Family Child Center of the Big Bend Area	FCCB9 Cowboy Dance	jrm.campbell@fchcnet.com		\$500	\$0				\$500
Fiesta at Our Lady of Peace Org	Fiesta at Our Lady of Peace	lkarphi@gmail.com		\$10,000	\$15,000				\$25,000
Lone Star Cowboy Poetry Gathering	Lone Star Cowboy Poetry Gathering	moke24@stacoglobal.net	\$0	\$500	\$2,500			\$0	\$3,000
Norfolk of Alpine	July 4th Celebration	muryt@sutexas.edu		\$25,000					\$25,000
Museum of the Big Bend	Museum of the Big Bend	muryt@sutexas.edu		\$25,000					\$25,000
Museum of the Big Bend	Trapshoots of Texas	mayr@sutexas.edu		\$1,250					\$2,500
Texas Mountain Trail Region	Vine Big Bend	tssamonteale@gmail.com			\$15,000				\$15,000
Vine Big Bend	Vine Big Bend	sflower@vrbobpost.com							
TOTALS			\$0	\$118,350	\$80,250	\$2,350	\$10,000	\$0	\$198,950
% of Projected Revenue	\$425,000		0.00%	27.85%	11.82%	0.53%	2.35%	0.00%	42.55%

Target:
3160,000
37.55%

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

11. Executive Session - - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

1. Discussion of Magistration Process - related to the County accepting arrested individuals by Alpine Police Department (E. Zimmer, City Manager)
2. Discussion of Alpine Police Department Internal Investigation related to the recent case in Media (R. Stephens, City Council)
3. Discussion of the Municipal Prosecutor / City Attorney. (R. Stephens, City Council)

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

12. Action – Executive Session – None

1. Discuss, consider, and take appropriate action, if any, on Magistration Process - related to the County accepting arrested individuals by Alpine Police Department (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action, if any, on the Alpine Police Department Internal Investigation related to the recent case in Media (R. Stephens, City Council)
3. Discuss, consider, and take appropriate action, if any, on the Municipal Prosecutor / City Attorney. (R. Stephens, City Council)