



City of Alpine
REGULAR CITY COUNCIL MEETING
803 W. Holland Avenue, Alpine, Texas 79830
Tuesday, September 7, 2021 - 5:30 P.M.

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS WILL HOLD A REGULAR MEETING AT 5:30 P.M. ON TUESDAY, SEPTEMBER 7, 2021, AT CITY COUNCIL CHAMBERS AT 803 W. HOLLAND AVENUE AND VIA ZOOM CONFERENCE, IN THE CITY OF ALPINE, TEXAS. **MEETING LOGIN DETAILS MAY BE FOUND AT WWW.CITYOFALPINE.COM**. 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 the determination of quorum and proof of notice of the meeting. Zoom meeting guidelines and procedures may be found on the City Website. **Remarks will be limited to a total of 3 minutes per person. Please speak into the microphone located at the podium and state your name and address for in-person attendance. When addressing the Council, please introduce yourself by first and last name and state aloud the Ward that you reside in or have business interest in.** For public comments made by virtual attendance, please email your name and the Ward that you reside in or have business interest in. For public comments made by virtual attendance, please email your name to the meeting moderator at g.calderon@ci.alpine.tx.us. If you do not live or own property in the City please state that in your email. If you have a petition or other information pertaining to your subject, please email it to the City Secretary beforehand at city.secretary@ci.alpine.tx.us. State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.** The Mayor and/or City Council Members may call a Point of Order to stop personal attacks or meeting disruptions. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred.

REGULAR CITY COUNCIL MEETING AGENDA - 5:30 P.M.

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

City Mayor Report

- COVID

City Attorney Report

- Opioid Settlement
- Airport Update

City Manager Report

- Community Communication
- First Flight
- Financial Report

City Staff Update

6. **Public Hearings** -
 1. Public Hearing to obtain citizen views and comments on the first reading of Ordinance 2021-09-01, an ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2021 and ending September 30, 2022; appropriating money to a sinking fund to pay interest and principal on the City's indebtedness; adopting the annual budget of the City of Alpine for the fiscal year 2021-2022.
 2. Public Hearing to obtain citizen views and comments on the first reading of Ordinance 2021-09-02, an ordinance adopting the FY 2021-2022 tax rate for the City of Alpine. A tax rate of \$0.508345 per \$100 valuation has been recommended for FY 2021-2022. Maintenance and Operations is \$0.468819 and Interest and Sinking is \$.039526 on each \$100 valuation of property.
 3. Public Hearing to obtain citizen views and comments on Resolution 2021-09-03, a resolution approving the 2021-2026 Capital Improvement Plan.
 4. Public Hearing to obtain citizen views and comments on Short Term Rental Special Use Permit Applications.

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

1. Approval of August 17, 2021 Regular Meeting Minutes (M. Antrim, Interim City Manager)
2. Approval of August 31, 2021 Special Meeting Minutes (M. Antrim, Interim City Manager)
3. Approval of 3rd Quarter Investment Report (M. Antrim, Interim City Manager)
4. Approval of Resolution 2021-09-01, a resolution designating the City Manager as the authorized representative for the Department of Justice, Justice Assistance Program Grant (M. Antrim, Interim City Manager)
5. Approval of Resolution 2021-09-02 a resolution designating the City Manager as the authorized representative for the State Homeland Security Program - Regular Projects Grant (M. Antrim, Interim City Manager)
6. Approval of Municipal Court Judge Job Description (M. Antrim, Interim City Manager)
7. Approval of Municipal Court Clerk Job Description (M. Antrim, Interim City Manager)
8. Approval of the appointment of Darin Nance to Parks & Recreation Board Chair (S. Tandy, City Council)
9. Approval of hangar lease rental rate increase of \$0.01 per square foot for ground lease rate at Alpine-Casparis Municipal Airport. (M. Antrim, Interim City Manager)
10. Approval of Short Term Rental Special Use Permit Applications for:
 - a. **401 E. Ave A:** Owner of record is Richard Zimmer.
 - b. **405 E. Ave E:** Owner of record is Shelley & Cary Shackelford.(M. Antrim, Interim City Manager)

8. Information or Discussion items –

1. West Texas Ambulance Service Quarterly Report by Mike Scudder (M. Antrim, Interim City Manager)
2. Discussion regarding appointment of Chair to Animal Advisory Board and Planning & Zoning Commission (M. Antrim, Interim City Manager)

3. Discuss Old School House renovations up to and including:

- a. Progress and Expenditures Update
- b. Progress Budget Status

(C. Rodriguez, City Council)

4. Discuss the Building Official / Building Inspector position up to and including:

- 1. Status of advertisement
- 2. Applications received
- 3. Pending projects and how they are being handled

(C. Rodriguez, City Council)

5. Discussion regarding City Extraterritorial Jurisdiction (J. Stokes, City Council)

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

- 1. Discuss, consider, and approve first reading of Ordinance 2021-09-01, an ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2021 and ending September 30, 2022; appropriating money to a sinking fund to pay interest and principal on the City's indebtedness; adopting the annual budget of the City of Alpine for the fiscal year 2021-2022 (M. Antrim, Interim City Manager)
- 2. Discuss, consider, and approve the first reading of Ordinance 2021-09-02, an ordinance adopting the FY 2021-2022 tax rate for the City of Alpine. A tax rate of \$0.508345 per \$100 valuation has been recommended for FY 2021-2022. Maintenance and Operations is \$0.468819 and Interest and Sinking is \$.039526 on each \$100 valuation of property (M. Antrim, Interim City Manager)
- 3. Discuss, consider, and approve Resolution 2021-08-18, a resolution approving the 2021-2026 Capital Improvement Plan (M. Antrim, Interim City Manager)
- 4. Discuss, consider, and approve Resolution 2021-09-03, a resolution approving recommendation from the Hotel Occupancy Tax Committee, awarding HOT Grants to Applicants for FY 2021-2022 (M. Antrim, Interim City Manager)
- 5. Discuss, consider, and approve Resolution 2021-09-04, a resolution approving the City Investment Plan for FY 2021-2022 (M. Antrim, Interim City Manager)

6. Discuss, consider, and approve Resolution 2021-09-05, a resolution re-establishing collaborative improvement efforts for 2021 between the City of Alpine and the Alpine Country Club to accompany the 2016 lease agreement (J. Johnson, City Council)
7. Discuss, consider, and take action on the City Attorney's most recent invoice (C. Rodriguez, City Council)
8. Discuss, consider, and take action on the curb issue at the old Apache Building (C. Rodriguez, City Council)
9. Discuss, consider, and approve the establishment of two separate committees:
 - a. to determine the process for City Boards and Commissions
 - b. to update the City Council Rules of Procedures to the Alpine Code of Ordinances(C. Rodriguez, City Council)
10. Discuss, consider, and approve the City Attorney Contract (M. Antrim, Interim City Manager)

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

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

11. Executive Session –

1. Deliberate and consider approval of the Interim City Manager Contract (M. Antrim, Interim City Manager)

12. Action – Executive Session –

1. Action, if any, concerning approval of the Interim City Manager Contract (M. Antrim, City Council)

13. Adjournment.

CERTIFICATION

I, Geoffrey R. Calderon, City Secretary, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public and to the City's website www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 2:00 P.M. on September 3, 2021, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This

facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432) 837-3301, option 1, or email city.secretary@ci.alpine.tx.us for further information.



Geoffrey R. Calderon, City Secretary



REGULAR CITY COUNCIL MEETING AGENDA - 5:30 P.M.

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

5. Reports -

City Mayor Report

- COVID

City Attorney Report

- Opioid Settlement
- Airport Update

City Manager Report

- Community Communication
- First Flight
- Financial Report

City Staff Update

6. Public Hearings -

1. Public Hearing to obtain citizen views and comments on the first reading of Ordinance 2021-09-01, an ordinance making appropriations for the support of the City of Alpine, Texas for the fiscal year beginning October 1, 2021 and ending September 30, 2022; appropriating money to a sinking fund to pay interest and principal on the City's indebtedness; adopting the annual budget of the City of Alpine for the fiscal year 2021-2022.
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3. Public Hearing to obtain citizen views and comments on Resolution 2021-09-03, a resolution approving the 2021-2026 Capital Improvement Plan.
4. Public Hearing to obtain citizen views and comments on Short Term Rental Special Use Permit Applications.

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

1. Approval of August 17, 2021 Regular Meeting Minutes (M. Antrim, Interim City Manager)
2. Approval of August 31, 2021 Special Meeting Minutes (M. Antrim, Interim City Manager)
3. Approval of 3rd Quarter Investment Report (M. Antrim, Interim City Manager)
4. Approval of Resolution 2021-09-01, a resolution designating the City Manager as the authorized representative for the Department of Justice, Justice Assistance Program Grant (M. Antrim, Interim City Manager)
5. Approval of Resolution 2021-09-02 a resolution designating the City Manager as the authorized representative for the State Homeland Security Program - Regular Projects Grant (M. Antrim, Interim City Manager)
6. Approval of Municipal Court Judge Job Description (M. Antrim, Interim City Manager)
7. Approval of Municipal Court Clerk Job Description (M. Antrim, Interim City Manager)
8. Approval of the appointment of Darin Nance to Parks & Recreation Board Chair (S. Tandy, City Council)
9. Approval of hangar lease rental rate increase of \$0.01 per square foot for ground lease rate at Alpine-Casparis Municipal Airport. (M. Antrim, Interim City Manager)
10. Approval of Short Term Rental Special Use Permit Applications for:
 - a. **401 E. Ave A:** Owner of record is Richard Zimmer.
 - b. **405 E. Ave E:** Owner of record is Shelley & Cary Shackelford.(M. Antrim, Interim City Manager)

- I. Approval of August 17, 2021 Regular Meeting Minutes (M. Antrim, Interim City Manager)

**City of Alpine
Regular City Council Meeting
Tuesday, August 17, 2021
5:30 P.M.
Minutes**

REGULAR CITY COUNCIL MEETING - 5:30 P.M.

1. **Call to Order & Pledge of Allegiance.** – Mayor Ramos called the meeting to order. The meeting was held at the City Council Chambers located at 803 West Holland Avenue and via Zoom conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. **Determination of a Quorum and Proof of Notice of the Meeting** – Councilor Chris Rodriguez, Councilor Martin Sandate, and Councilor Jerry Johnson attended at the City Council Chambers. Councilor Judy Stokes attended via Zoom. Councilor Sara Tandy was not present with an excused absence. Interim City Manager, Megan Antrim, and City Secretary, Geoffrey Calderon, attended at the City Council Chambers. City Secretary, Geoffrey Calderon, reported that the agenda was posted at 2:00 P.M. on August 13, 2021.
3. **Public Comments** – (limited to 3 minutes per person) – Dr. Avinash Rangra, Rick Stephens
4. **Presentation, Recognitions, and Proclamations** – (A. Ramos, Mayor) –
 - Kirsten Moody – 3.5 Years of Service to the Parks & Recreation Board
5. **Reports** – Copies of the charts presented during the meeting are posted on the City website at www.cityofalpine.com/cmreports.

City Mayor's Report

City Attorney's Report

City Manager Report

- Tourism & Viva Big Bend by Chris Ruggia
- Visitor Center by Heather Yadon
- Animal Services by Jennifer Stewart

City Staff Updates

6. **Public Hearings** –

1. Public Hearing to obtain citizen views and comments on the second and final reading of Ordinance 2021-08-01, an ordinance rescinding a portion of Ordinance 2018-06-01 regarding water utility reserve funds.
2. Public Hearing to obtain citizen views and comments on Short Term Rental Special Use Permit Applications.
3. Public Hearing to obtain citizen views and comments on the 2021-2022 Proposed Budget.
4. Public hearing to obtain citizen views and comments on the 2021-2026 Capital Improvement Plan.

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 August 3, 2021 Regular Meeting Minutes (M. Antrim, Interim City Manager)
2. Approval of Administrative Receptionist Job Description (M. Antrim, Interim City Manager)
3. Approval of Records Clerk Job Description (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-18: A motion was made by Councilor Johnson and seconded by Councilor Sandate to approve the August 3 regular meeting minutes, the administrative receptionist job description and the records clerk job description. The motion was unanimously adopted.

8. Information or Discussion items –

1. Discuss ramifications of illegal dumping and possible solutions (C. Rodriguez, City Council)

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

1. Discuss, consider, and approve the second and final reading of Ordinance 2021-08-01, an ordinance rescinding a portion of Ordinance 2018-06-01 regarding water utility reserve funds (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-19: A motion was made by Councilor Rodriguez and seconded by Councilor Sandate to discuss, consider, and approve the second and final reading of Ordinance 2021-08-01, an ordinance rescinding a portion of Ordinance 2018-06-01 regarding water utility reserve funds. The motion was unanimously adopted.

2. Discuss, consider, and approve the first reading of the 2021-2022 Proposed Budget (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-20: A motion was made by Councilor Rodriguez and seconded by Councilor Johnson to discuss, consider, and approve the first reading of the 2021-2022 Proposed Budget. The motion was unanimously adopted.

3. Discuss, consider and approve Resolution 2021-08-18, a Resolution approving the 2021-2026 Capital Improvement Plan (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-21: A motion was made by Councilor Rodriguez and seconded by Councilor Sandate to discuss, consider, and approve Resolution 2021-08-21 approving the 2021-2026 Capital Improvement Plan. The motion failed with unanimous opposition.

RESOLUTION 2021-08-22: A motion was made by Councilor Johnson and seconded by Councilor Rodriguez to table the item. The motion was unanimously adopted.

4. Discuss, consider, and approve the assignment, bill of sale, and conveyance between the City and West Texas Gas for the relocation of City gates (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-23: A motion was made by Councilor Rodriguez and seconded by Councilor Sandate to discuss, consider, and approve the assignment, bill of sale, and conveyance between the City and West Texas Gas for the relocation of City gates. The motion was unanimously adopted.

5. Discuss, consider, and approve the 2021-2022 Alpine Library Contract (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-24: A motion was made by Councilor Rodriguez and seconded by Councilor Sandate to discuss, consider, and approve the 2021-2022 Alpine Library Contract. The motion was unanimously adopted.

6. Discuss, consider, and approve the appointment of Rod Ponton to full-time City Attorney (J. Stokes, City Council)

RESOLUTION 2021-08-25: A motion was made by Councilor Stokes and seconded by Councilor Sandate to appoint Rod Ponton as full-time City Attorney. Councilor Stokes, Councilor Sandate, and Councilor Johnson voted in favor. Councilor Rodriguez voted against. The motion was adopted 3 to 1.

7. Discuss, consider, and approve Short Term Rental Special Use Permit Applications. (M. Antrim, Interim City Manager)

- a) **202 E. Lockhart:** Owner of record is Jay Myers
- b) **409 N. 5th:** Owners of record is Larry and Shirley Nichols
- c) **304 ½ E Ave B:** Owners of record is Larry and Shirley Nichols

RESOLUTION 2021-08-26: A motion was made by Councilor Rodriguez and seconded by Councilor Sandate to discuss, consider, and approve Short Term Rental Special Use Permit Applications at 202 E. Lockhart, owner of record is Jay Myers; 409 N. 5th, owners of record are

Larry and Shirley Nichols; and 304 ½ E. Ave B, owners of record are Larry and Shirley Nichols. The motion was unanimously adopted.

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

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

RESOLUTION 2021-08-27: A motion was made by Councilor Johnson and seconded by Councilor Sandate to move into executive session. The motion was unanimously adopted. (6:53 P.M.)

11. Executive Session –

1. Deliberate and consider a contract for Interim City Manager Services (J. Stokes, City Council)
2. Deliberate and consider sale of City property located in Block 27 Original Townsite to the City of Alpine (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-28: A motion was made by Councilor Johnson and seconded by Councilor Sandate to move into regular session. The motion was unanimously adopted. (7:18 P.M.)

12. Action – Executive Session –

1. Action, if any, regarding a contract for Interim City Manager Services (J. Stokes, City Council)

RESOLUTION 2021-08-29: A motion was made by Councilor Stokes and seconded by Councilor Sandate to offer Megan Antrim an Interim City Manager Contract for a year. Councilor Stokes, Councilor Sandate, and Councilor Johnson voted in favor. Councilor Rodriguez voted against. The motion was adopted 4 to 1.

2. Action, if any, regarding sale of City property in Block 27 Original Town (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-30: A motion was made by Councilor Johnson and seconded by Councilor Sandate to postpone consideration of the sale of City property located in Block 27 Original Townsite to the City of Alpine. The motion was unanimously adopted.

13. Adjourn. (7:20 P.M.)

ATTEST:

Andres “Andy” Ramos, Mayor

Geoffrey R. Calderon, City Secretary

CERTIFICATION

I, Geoffrey R. Calderon, City Secretary, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 2:00 P.M. on August 13, 2021, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432) 837-3301, option 1, or email city.secretary@ci.alpine.tx.us for further information.

Geoffrey R. Calderon, City Secretary

2. Approval of August 31, 2021 Special Meeting Minutes (M. Antrim, Interim City Manager)

**City of Alpine
Special City Council Meeting
Tuesday, August 31, 2021
5:30 P.M.
Minutes**

SPECIAL CITY COUNCIL MEETING - 5:30 P.M.

1. **Call to Order & Pledge of Allegiance.** – Mayor Andres Ramos called the meeting to order. The meeting was held at the City Council Chambers located at 803 West Holland Avenue and via Zoom conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. **Determination of a Quorum and Proof of Notice of the Meeting** – Councilor Judy Stokes was not present with an excused absence. Councilor Chris Rodriguez, Councilor Sara Tandy, Councilor Martin Sandate, and Councilor Jerry Johnson attended at the City Council Chambers. Interim City Manager, Megan Antrim, and City Secretary, Geoffrey Calderon, attended at the City Council Chambers. City Secretary, Geoffrey Calderon, reported that the agenda was posted at 2:00 P.M. on August 27, 2021.
3. **Public Comments** – (limited to 3 minutes per person) – Priscilla Golden.
4. **Presentation, Recognitions, and Proclamations** – (A. Ramos, Mayor) – None
5. **Reports** – Copies of the charts presented during the meeting are posted on the City website at www.cityofalpine.com/cmreports – None

City Mayor's Report

City Attorney's Report

City Manager Report

City Staff Updates

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.) – None

8. Information or Discussion items – None

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

1. Discuss, consider, and approve Resolution 2021-08-31, a resolution approving the updated Credit Card Policy (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-33: A motion was made by Councilor Rodriguez and seconded by Councilor Johnson to discuss, consider, and approve Resolution 2021-08-31, a resolution approving the updated Credit Card Policy. The motion was unanimously adopted.

2. Discuss, consider, and approve Resolution 2021-08-32, a resolution approving Grant Policies & Procedures (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-34: A motion was made by Councilor Johnson and seconded by Councilor Sandate to discuss, consider, and approve Resolution 2021-08-32, a resolution approving Grant Policies & Procedures. The motion was unanimously adopted.

RESOLUTION 2021-08-35: A motion was made by Councilor Rodriguez to move the Executive Session item to the Regular Session. The motion was unanimously adopted.

3. Deliberate the vacancy and appointment of the Chief of Police. Darrell Losoya is being recommended to be appointed as full-time Chief of Police, with the advice and consent of the City Council (M. Antrim, Interim City Manager)

RESOLUTION 2021-08-35: A motion was made by Councilor Johnson and seconded by Councilor Sandate to appoint Darrell Losoya as the Chief of Police of the City of Alpine. The motion was unanimously adopted.

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

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

11. Executive Session –

Executive Session Item 1 was moved from Executive Session to Regular Session.

1. Deliberate the vacancy and appointment of the Chief of Police. Darrell Losoya is being recommended to be appointed as full-time Chief of Police, with the advice and consent of the City Council (M. Antrim, Interim City Manager)

12. Action – Executive Session –

1. Action, if any, concerning the vacancy and appointment of the Chief of Police. Darrell Losoya is being recommended to be appointed as full-time Chief of Police, with the advice and consent of the City Council (M. Antrim, Interim City Manager)

There being no further action, the meeting was adjourned.

13. Adjourn. (7:20 P.M.)

ATTEST:

Andres “Andy” Ramos, Mayor

Geoffrey R. Calderon, City Secretary

CERTIFICATION

I, Geoffrey R. Calderon, City Secretary, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 2:00 P.M. on August 27, 2021, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary’s Office at (432) 837-3301, option 1, or email city.secretary@ci.alpine.tx.us for further information.

Geoffrey R. Calderon, City Secretary


3. Approval of 3rd Quarter Investment Report (M. Antrim, Interim City Manager)

CITY OF ALPINE
QUARTERLY COUNCIL REPORT
FY 2020 - 2021 3rd QUARTER
INVESTMENT REPORT

ACCOUNT TYPE	PURCHASE DATE	MATURITY DATE	Beginning Balance	INTEREST	CHANGE AMOUNT	INTEREST/DIVIDEND EARNED	BOOK VALUE	MARKET VALUE	Fund Distribution
TexStar	N/A	On Demand	4/1/2021 As of July 31, 2021 \$609.85	0.0676%	\$0.00	\$0.00	\$609.85	\$609.85	All Funds
TXClass - Capital Improvements	7/27/2016	On Demand	\$280,582.55	0.0611%	\$0.00	\$52.16	\$280,634.71	\$280,634.71	General Fund - Road Repair
TXClass - Airport Reserve	8/10/2015	On Demand	\$28,242.04	0.0611%	\$0.00	\$5.21	\$28,247.25	\$28,247.25	Airport
TXClass - HOT Reserve	8/11/2015	On Demand	\$85,911.85	0.0611%	\$0.00	\$15.99	\$85,927.84	\$85,927.84	Tourism
TXClass - Creek Project	7/17/2017	On Demand	\$227,880.70	0.0611%	\$0.00	\$42.38	\$227,923.08	\$227,923.08	General Fund - Creek
TXClass - Fire Dept	7/17/2017	On Demand	\$196,384.56	0.0611%	\$0.00	\$36.49	\$196,421.05	\$196,421.05	General Fund - Fire
TXClass - Water/Sewer Infrastructure Ordinance 2018-06-01 - Reserve Funds	6/20/2017	On Demand	\$575,370.69	0.0611%	\$0.00	\$145.01	\$780,515.70	\$780,515.70	Water/Sewer
Ord 2018-06-01			Rate Analysis Needs Assessment - V Needs Assessment - S	Awarded by Council February 5, 2019 Pending Contract					
Additional funds 9/2017			SCADA Sewer Plant - Office S	\$0.00 Utilized through Operating Budget					
			2012 Series Reserve	\$0.00 Utilized through Operating Budget					
Beginning Total Investments			\$1,599,982.24	Total Interest		\$297.24	Total Investments	\$1,600,279.48	

This quarterly report is in full compliance with the investment strategy as established for the City's funds in the City's Investment Policy and meets the reporting requirements mandated by the Public Funds Investment Act (Chapter 2256) as amended.

Prepared by


Megan Antrim
Director of Finance

4. Approval of Resolution 2021-09-01, a resolution designating the City Manager as the authorized representative for the Department of Justice, Justice Assistance Program Grant (M. Antrim, Interim City Manager)

THE STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2021-09-01

RESOLUTION DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE FOR THE DEPARTMENT OF JUSTICE, JUSTICE ASSISTANCE PROGRAM GRANT.

WHEREAS, the City of Alpine is committed to provide for the safety and welfare of its citizens; and

WHEREAS, The City of Alpine has submitted an application for the FY2021 Justice Assistance Grant (JAG) to procure Patrol Bicycles for the Alpine Police Department (Grant #4293501); and

WHEREAS, The City of Alpine must comply with all parts of the JAG requirements, including having up-to-date information on record; and

WHEREAS, the previous Resolution 2021-01-14 approved by City Council on January 19, 2021 cites the City Manager by name specifically as the Authorized Official for the JAG.

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

SECTION I. The City of Alpine hereby designates the City Manager as the authorized representative for the Department of Justice, FY2021 Justice Assistance Program, Grant #4293501.

PASSED AND APPROVED ON THE 7th DAY OF SEPTEMBER 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Andres "Andy" Ramos, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

5. Approval of Resolution 2021-09-02 a resolution designating the City Manager as the authorized representative for the State Homeland Security Program - Regular Projects Grant (M. Antrim, Interim City Manager)

THE STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2021-09-02

RESOLUTION DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE FOR THE STATE HOMELAND SECURITY PROGRAM-REGULAR PROJECTS GRANT.

WHEREAS, the City of Alpine is committed to provide for the safety and welfare of its citizens; and

WHEREAS, The City of Alpine has submitted an application for the FY2021 State Homeland Security Program (SHSP) to procure essential communication equipment for the Alpine Police Department (Grant #4312901); and

WHEREAS, The City of Alpine must comply with all parts of the SHSP requirements, including having up-to-date information on record; and

WHEREAS, the previous Resolution 2021-01-15 approved by City Council on January 19, 2021 cites the City Manager by name specifically as the Authorized Official for the SHSP.

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

SECTION I. The City of Alpine designates the City Manager as the authorized representative for the State Homeland Security Program, FY2021 Regular Projects Grant #4312901.

PASSED AND APPROVED ON THE 7th DAY OF SEPTEMBER 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Andres "Andy" Ramos, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

6. Approval of Municipal Court Judge Job Description (M. Antrim, Interim City Manager)

Municipal Court Judge**Department: Administration****Division: Municipal Court****Supervisor: City Manager****Salary: N/A****Status: Contract**

Compensation Negotiated

Education and Experience: A High School diploma or GED. Minimum of two (2) years of experience with Texas law involving municipal law and the Texas Local Government Code required. TMCEC Certified Texas Municipal Court Judge preferred.

Licenses and Certificates: Class C Texas Driver's License. Must complete courses of the Texas Municipal Court Education Center in order to comply with training requirements of the Texas Commission on judicial to the performance of any duties of the office of judge of the Municipal Court. Also, must complete annual TMCEC ongoing education. Must be bondable in an amount as determined by City Council and/or City Manager.

General Purpose

Municipal Court Judge performs professional judicial duties in the interpretation, application, and enforcement of local ordinances and applicable state laws. This position has jurisdiction over all proceedings for the violation of any ordinance of the City and all Class C misdemeanor violations committed within the city limits of Alpine, Texas.

Typical Duties

- Performs Magistration Hearings after Arrest or Detention (15.17 hearings)
- Magistrates juveniles and verifies statements during operating hours and after hours for the Police Department and for the Alpine Independent School District.
- Presides over Municipal Court for all class C misdemeanors, city ordinances, traffic violations, criminal misdemeanor, property matters, criminal jury and non-jury trials, juvenile hearings and warnings, and other cases appropriately heard before Municipal Court.
- Availability to hear contested court hearings within statutory deadlines
- Reviews and signs complaints, summons, subpoenas, affidavits for search and arrest warrants, appeal bonds, prisoner transfer documentation, affidavits, etc.
- Presides over just dispositions of cases before the court.
- Presides over jury and bench trials.
- Arraign prisoners held in the County jail.
- Reports to the City Manager as requested.
- Issuance and withdrawal of Capias and Capias Pro Fine.
- Issuance and withdrawal of arrest and search warrants.
- Maintains record of all proceedings related to search warrants and magistrations issued and performed by Municipal Court.
- Submit legal documentation to Brewster County District Court and County Court, and maintain cooperative relationships with county officials whenever possible.
- Provide Municipal Court Clerk with guidance, information and training they need for fulfillment of their duties.
- Ensure appropriate security for Municipal Court.
- Issues and Maintains Standing Orders that facilitate effective functioning of Municipal Court Processes.
- Drafts and maintains implementation of a written Internal Department Policy for the Municipal Court.
- Application of good knowledge of City Codes and Charter; legal principles and practices; established precedents and sources of legal reference applicable to City activities.
- Application of good knowledge of methods of legal research, criminal and civil judicial procedures, and real estate and eminent domain procedures.

Municipal Court Judge
Department: Administration
Division: Municipal Court
Supervisor: City Manager
Salary: N/A
Status: Contract

Compensation Negotiated

- Ability to analyze and apply legal principles and precedents to local governments.
- Supervise with good working knowledge the Open Records Act.
- Direct supervision and discipline of Court clerk for court related matters.
- Application of good knowledge of Texas Criminal Justice and court systems and the principles of criminal justice records management.
- Ability to effectively manage situations requiring diplomacy, fairness, firmness, and sound judgment, exercising controlled discretion and mediating difficult situations.
- Skills in interpreting and applying current criminal laws to information, evidence, and other data compiled.
- Execute oral and written communication.
- Establish and maintain effective working relationships with coworkers, officials, customers, other city departments, and the general public.
- Skill in resolving problems or situations requiring the exercise of good judgment.
- Skilled in operating a computer and related software applications including but not limited to Microsoft Suite products, Google applications, Word Press and virtual magistrations software.
- Issues Emergency Protective Orders.
- Prepares Court papers for County and District Court.
- Levies fines and bail commensurate with the violations of the law, preserves equity and uniformity in the application of existing laws and ordinances.

Knowledge, Skills, and Abilities

- Execute oral and written instructions.
- Prepare clear, concise oral and written communication.

Other Job Characteristics

- Exposure to irate members of the public.
- Operation of a motor vehicle through City traffic.

Job description statements are intended to describe the general nature and level of work being performed by employees assigned to this job title. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required.

ACKNOWLEDGEMENT

As evidenced by my signature below, I have read my job description and have fully understood my duties and responsibilities related to my employment with the City of Alpine. I also acknowledge that I am qualified to perform these duties and, with or without reasonable accommodation, can perform the essential functions of this position as described. Further, I understand that if, at any time, I am unclear as to what my job duties and responsibilities are, or what is expected of me, I will notify management immediately to interpret these duties and expectations.

Employee Signature & Date

Employee's Printed Name

Municipal Court Judge

Department: Admin

Compensation Negotiated

Division: Municipal Court

Supervisor: City Manager

Salary: N/A

Status: Contract

Education and Experience: A High School diploma or GED. Minimum of two (2) years experience with Texas law involving municipal law and the Texas Local Government Code required. TMCEC Certified Texas Municipal Court Judge preferred.

Licenses and Certificates: Class C Texas Driver's License. Must complete courses of the Texas Municipal Court Education Center in order to comply with training requirements of the Texas Commission on judicial to the performance of any duties of the office of judge of the Municipal Court. Also must complete annual TMCEC ongoing education. Must be bondable in an amount as determined by City Council and/or City Manager.

General Purpose

Municipal Court Judge performs professional judicial duties in the interpretation, application, and enforcement of local ordinances and applicable state laws. This position has jurisdiction over all proceedings for the violation of any ordinance of the City and all Class C misdemeanor violations committed within the city limits of Alpine, Texas.

Typical Duties

- Reviews calls for service, citations, and Municipal Court information forms received from the Police Department.
- Magistrates prisoners arrested overnight at the County Jail and prisoners arrested during working hours at Municipal Court.
- Magistrates juveniles and verifies statements during operating hours and after hours for the Police Department and for the Alpine Independent School District.
- Issues Emergency Protective Orders.
- Prepares Court papers for County and District Court.
- Prepares monthly reports to state.
- Presides over Municipal Court for all class C misdemeanors, city ordinances, traffic violations, criminal misdemeanor, property matters, criminal jury and non-jury trials, juvenile hearings and warnings, and other cases appropriately tried in Municipal Court.
- Reviews and signs complaints, summons, subpoenas, affidavits for search and arrest warrants, appeal bonds, prisoner transfer documentation, affidavits, etc.
- Levies fines and bail commensurate with the violations of the law, preserves equity and uniformity in the application of existing laws and ordinances.
- Presides over and administers justice in the disposition of cases.
- Presides over jury and bench trials.
- Arraign prisoners held in the County jail.
- Reports Driver's License suspensions to the State of Texas
- Maintains and updates data to the Omni Base DPS System
- Report to the City Manager as requested.

Knowledge, Skills, and Abilities

Municipal Court Judge

Department: Admin

Compensation Negotiated

Division: Municipal Court

Supervisor: City Manager

Salary: N/A

Status: Contract

- Application of good knowledge of City Codes and Charter; legal principles and practices; established precedents and sources of legal reference applicable to City activities.
- Application of good knowledge of methods of legal research, criminal and civil judicial procedures, and real estate and eminent domain procedures.
- Ability to analyze and apply legal principles and precedents to local government.
- Application of good knowledge of Open Records Act.
- Ability in planning and organizing work of others.
- Application of good knowledge of Texas criminal justice and court systems, and the principles of criminal justice records management.
- Ability to effectively managing situations requiring diplomacy, fairness, firmness, and sound judgment, exercising controlled discretion, and mediating difficult situations.
- Skills in interpreting and applying criminal laws to information, evidence, and other data compiled.
- Application of good knowledge of City, county, state and federal civil and criminal laws, regulations, codes and ordinances.
- Execute oral and written instructions.
- Prepare clear, concise oral and written communication.
- Establish and maintain effective working relationships with coworkers, officials, customers, other city departments, and the general public.
- Skill in resolving problems or situations requiring the exercise of good judgment.
- Skilled in operating a computer and related software applications including Microsoft Suite of products, Google applications, Word Press (or other web-building software).

Other Job Characteristics

- Exposure to irate members of the public.
- Operation of a motor vehicle through City traffic.

Job description statements are intended to describe the general nature and level of work being performed by employees assigned to this job title. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required.

ACKNOWLEDGEMENT

As evidenced by my signature below, I have read my job description and have fully understood my duties and responsibilities related to my employment with the City of Alpine. I also acknowledge that I am qualified to perform these duties and, with or without reasonable accommodation, can perform the essential functions of this position as described. Further, I understand that if, at any time, I am unclear as to what my job duties and responsibilities are, or what is expected of me, I will notify management immediately to interpret these duties and expectations.

Employee Signature & Date

Employee's Printed Name

7. Approval of Municipal Court Clerk Job Description (M. Antrim, Interim City Manager)

Municipal Court Clerk

Department: Administration
Division: Municipal Court
Supervisor: Municipal Judge
Salary: Non-exempt
Status: Full-Time

\$25,920.00 - \$28,800.00 Annually
\$2,160.00 - \$2,400.00 Monthly
\$13.50 - \$15.00 Hourly

Education and Experience: A High School diploma or GED. Three (3) years of office support experience preferred.

Licenses and Certificates: This position requires a Texas Class "C" Driver's License. Certified Court Clerk Level II certification from the Texas Municipal Courts Education Center is preferred. Must be able to obtain a Level II certification within two years of hire. Notary Public certification required. Must be bondable in an amount as determined by City Council and/or City Manager.

General Purpose

Under minimal supervision responsible for all clerical and quasi-judicial administrative functions of the municipal court. Serving in an executive officer capacity to the presiding judge. Performs all customer service activities at the court assuring quality service is provided by demonstrating courteous and cooperative behavior when interacting with visitors and City staff acting as Cashier and Receptionist.

Typical Duties

- Administers oaths and authenticates official documents, stamp and file.
- Sign correspondence and official documents as needed.
- Perform all clerical and administrative activities involving court records and legal document processing including receipt, input, and trial court scheduling.
- Establish the court practice and procedures with the guidance of the Municipal Judge.
- Verifies the court docket before court sessions.
- Notifies defendants, jurors, and police officers of court appearances.
- Follows established procedures and policies for the receipt and accounting of fine payments, issuance and recall of warrants, scheduling of court functions.
- Accepts appearance bonds and appeal bonds.
- Writes and balances cash receipts from court and prepares deposit and refunds.
- Prepares complaints for State Law and City Ordinance violations.
- Maintains the absolute confidentiality of all records and information.
- Prepare monthly and quarterly reports for the Municipal Judge, City Manager and to the State (ex. OCA)
- Performs other tasks as assigned by the Municipal Judge.

Knowledge, Skills, and Abilities

- Knowledge of Municipal Court functions, including case flow and work flow
- Knowledge of how complaints are drafted and the role of prosecutors in the court.
- Knowledge of computer systems and technology trends for municipal court operations.
- Skill in understanding and interpreting laws and court orders.
- Ability to track and monitor legislative changes.
- Ability to be calm under pressure.
- Application of some knowledge of public relations methods.
- Application of good knowledge of city, state, or federal regulations and City ordinances, rules, regulations and standards.
- Application of some knowledge of research methods.

Municipal Court Clerk

Department: Administration

Division: Municipal Court

Supervisor: Municipal Judge

Salary: Non-exempt

Status: Full-Time

\$25,920.00 - \$28,800.00 Annually

\$2,160.00 - \$2,400.00 Monthly

\$13.50 - \$15.00 Hourly

- Application of good knowledge of receptionist techniques.
- Application of good knowledge of cash handling techniques.
- Execute oral and written instructions.
- Prepare clear, concise oral and written communication.
- Establish and maintain effective working relationships with coworkers, officials, customers, other city departments, and the general public.
- Knowledge of proper safety practices, procedures, and regulations applicable to work being performed.
- Skill in resolving problems or situations requiring the exercise of good judgment.
- Maintaining official records and processing technical documents.

Other Job Characteristics

- Lift and carry items up to 50 pounds.
- Occasionally work rotating shifts, flexible hours, weekends, holidays, and extended hours.
- Operation of a motor vehicle through City traffic.

Job description statements are intended to describe the general nature and level of work being performed by employees assigned to this job title. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required.

ACKNOWLEDGEMENT

As evidenced by my signature below, I have read my job description and have fully understood my duties and responsibilities related to my employment with the City of Alpine. I also acknowledge that I am qualified to perform these duties and, with or without reasonable accommodation, can perform the essential functions of this position as described. Further, I understand that if, at any time, I am unclear as to what my job duties and responsibilities are, or what is expected of me, I will notify management immediately to interpret these duties and expectations.

Employee Signature & Date

Employee's Printed Name

Municipal Court Clerk

Department: Administration

Division: Municipal Court

Supervisor: Municipal Court Judge

Salary: Non-exempt

Status: Full-Time

\$25,920.00 - \$28,800.00 Annually

\$2,160.00 - \$2,400.00 Monthly

\$13.50 - \$15.00 Hourly

Education and Experience: A High School diploma or GED. Three (3) years of office support experience preferred.

Licenses and Certificates: This position requires a Texas Class "C" Driver's License. Certified Court Clerk Level II certification from the Texas Municipal Courts Education Center is preferred. Must be able to obtain a Level II certification within two years of hire. Notary Public certification required. Must be bondable in an amount as determined by City Council and/or City Manager.

General Purpose

Under minimal supervision responsible for all clerical and quasi-judicial administrative functions of the municipal court. Serving in an executive officer capacity to the presiding judge. Performs all customer service activities at the court assuring quality service is provided by demonstrating courteous and cooperative behavior when interacting with visitors and City staff acting as Cashier and Receptionist.

Typical Duties

- Administers oaths and authenticates official documents.
- Sign correspondence and official documents as needed.
- Perform all clerical and administrative activities involving court records and legal document processing including receipt, input, and trial court scheduling.
- Verifies the court docket before court sessions.
- Notifies defendants, jurors, and police officers of court appearances.
- Follows established procedures and policies for the receipt and accounting of fine payments, issuance of warrants, scheduling of court functions.
- Accepts appearance bonds and appeal bonds.
- Writes and balances cash receipts from court and prepares deposit and refunds.
- Prepares complaints for State Law and City Ordinance violations.
- Maintains the absolute confidentiality of all records and information.
- Performs other tasks as assigned.

Knowledge, Skills, and Abilities

- Knowledge of Municipal Court functions, including case flow and work flow
- Knowledge of how complaints are drafted and the role of prosecutors in the court.
- Knowledge of computer systems and technology trends for municipal court operations.
- Skill in understanding and interpreting laws and court orders.
- Ability to track and monitor legislative changes.
- Ability to be calm under pressure.
- Application of some knowledge of public relations methods.
- Application of good knowledge of city, state, or federal regulations and City ordinances, rules, regulations and standards.
- Application of some knowledge of research methods.

Municipal Court Clerk

Department: Administration

Division: Municipal Court

Supervisor: Municipal Court Judge

Salary: Non-exempt

Status: Full-Time

\$25,920.00 - \$28,800.00 Annually

\$2,160.00 - \$2,400.00 Monthly

\$13.50 - \$15.00 Hourly

- Application of good knowledge of receptionist techniques.
- Application of good knowledge of cash handling techniques.
- Execute oral and written instructions.
- Prepare clear, concise oral and written communication.
- Establish and maintain effective working relationships with coworkers, officials, customers, other city departments, and the general public.
- Knowledge of proper safety practices, procedures, and regulations applicable to work being performed.
- Skill in resolving problems or situations requiring the exercise of good judgment.
- Maintaining official records and processing technical documents.

Other Job Characteristics

- Lift and carry items up to 50 pounds.
- Occasionally work rotating shifts, flexible hours, weekends, holidays, and extended hours.
- Occasional exposure to irate members of the public.
- Operation of a motor vehicle through City traffic.

Job description statements are intended to describe the general nature and level of work being performed by employees assigned to this job title. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required.

ACKNOWLEDGEMENT

As evidenced by my signature below, I have read my job description and have fully understood my duties and responsibilities related to my employment with the City of Alpine. I also acknowledge that I am qualified to perform these duties and, with or without reasonable accommodation, can perform the essential functions of this position as described. Further, I understand that if, at any time, I am unclear as to what my job duties and responsibilities are, or what is expected of me, I will notify management immediately to interpret these duties and expectations.

Employee Signature & Date

Employee's Printed Name

8. Approval of the appointment of Darin Nance to Parks & Recreation Board Chair (S. Tandy, City Council)

9. Approval of hangar lease rental rate increase of \$0.01 per square foot for ground lease rate at Alpine-Casparis Municipal Airport. (M. Antrim, Interim City Manager)

September 7, 2021

Consent Item

8. Approval of hangar lease rental rate increase of \$0.01 per square foot for ground lease rate at the Alpine Casparis Municipal Airport (M. Antrim, Interim City Manager)

Honorable Mayor and Councilmembers,

The City of Alpine has 42 ground leases located at the Alpine Casparis Municipal Airport. The City implemented a new lease format in 2014 addressing the annual rate change through the Consumer Price Index. The new format is utilized for new leases and available to those who are under the older leases and wish to switch.

Those who are under the older leases are required to be notified annually of the intent to raise ground lease rates. It is recommended that the ground lease rates be raised \$0.01 per square foot (\$0.16 to \$0.17) for those operating under the older leases, as allowed.

10. Approval of Short Term Rental Special Use Permit Applications for:

- a. **401 E. Ave A:** Owner of record is Richard Zimmer.
- b. **405 E. Ave E:** Owner of record is Shelley & Cary Shackelford.

(M. Antrim, Interim City Manager)

- a. **401 E. Ave A:** Owner of record is Richard Zimmer.

TRANSIENT/SHORT-TERM RENTAL INSPECTION CHECKLIST

CITY OF ALPINE

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

Property Address 401 E. AVE A Property Owner Jean Zimmer Phone 432-294-2879
Local Representative " Same " Phone " " " "

Parking Diagram approved Yes / No

Number of occupants approved Yes / No

General Requirements:

- ☐ House numbers installed and clearly visible from street.
- ☐ Smoke alarms installed in all sleeping rooms.
- ☐ Carbon Monoxide detectors as required by fire code
- ☐ Fire Extinguisher or Sprinkler System

Sanitation:

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

Safety:

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

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

To request an inspection please call 432.837.3281 Building Services.

Mechanical:

- ☐ Every habitable room contains at least two electrical outlets and light Fixtures.
- ☐ All electrical equipment, wiring, and appliances have been installed and are in a safe manner

- ☐ Dwelling is equipped with heating facilities in operating condition.
- ☐ All solid fuel burning appliances are installed per applicable codes maintained in safe working condition.
- ☐ Dwelling has proper ventilation in all rooms and areas where fuel All fuel burning appliances are installed.

Structural:

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

Inspected by: DAVID HALE TCEP WSP/PERM Approved DA Date: 07/30/2021

Requires re- inspection _____

Approved _____ Date: _____

City of Alpine Short-Term Rental Special Use Permit Application Checklist

___ **Application:** Completed Short-Term Rental (STR) Special Use Permit Application

___ **\$350.00 STR Special Use One Time Permit Fee:** Cash, check, or money order payable to the City of Alpine. The permit application fee is non-refundable.

Method of Payment: CHECK RESOLUTIONS 2021-02-11

___ **Fire Inspection Appointment:** The operator will receive a call to schedule

Please complete and submit the following attached documents with your application

1. ___ **Short-Term Rental Registration Form:** Completed STR Registration Form
2. N/A **STR Local Representative Certification:** See attachment. Please provide a copy of Driver's License if different from STR owner
3. N/A **Homeowner's Association Declaration:** See attachment
4. ☒ **Proof of Property Insurance:** Please complete attachment and provide a copy of a property insurance summary that states STR coverage is included and/or complete insurance waiver (See attachment). If operator chooses to opt-out of property insurance a General Release of Liability MUST be signed by the operator.

Please submit the following documents with your application

5. ___ **Letter:** Submit a letter describing the proposed STR use, describe whether the proposed STR will, or will not cause substantial harm to the value, use, or enjoyment of the other properties in the neighborhood. Also describe how the proposed STR will add to the value, use or enjoyment of other properties in the neighborhood.
6. ☒ **Floor Plan:** A Sketch floor plan of the dwelling with dimensional room layout. Please identify sleeping areas, evacuation route(s) and location of fire extinguishers.
7. ☒ **Parking Plan Requirement:** A site plan/survey of the property that indicates the maximum number of vehicles that can be legally parked on the property. Parking spaces cannot include on-street parking, sidewalks, alleys or other public rights-of-way
8. ☒ **Driver's License:** Please provide a copy of STR owner's driver's license
9. ☒ **Proof of STR Property Ownership:** Property tax documents, deed, or copy of title (all owners must sign application)
10. ___ **Info Sheet:** A copy of the informational sheet/brochure that is provided to guests of the STR. Please include:
 - A.) The 24-hour contact information of the STR owner or local representative
 - B.) Neighborhood info such as parking and noise restrictions, trash collection schedules, etc.
 - C.) Emergency and non-emergency telephone numbers for police and fire departments
 - D.) Instructions for obtaining severe weather, natural or man-made disaster alerts.

Floor plan
+
parking

**Description of the use of "Gated Gardens"
owned by Richard and Jean Zimmer**

We have been operating our STR, starting with the Texans Cottage in July , 2018, adding Wayfarer Cottage in January 2019, and bringing our third cottage, Candelillia on board in June 2019.

We were already established as a long term rental, with off street parking and the neighbors were used to the renters coming and going. We have Alpine Housing Authority on the east side of our property. Some of the residents walk past our place to go to get groceries and enjoy the gardens.

We are attracting business people who can work away from their homes. Many of our guests tell us they just had to get out of the city. We have extensive gardens on our property and guests can pick veggies and herbs if they choose to prepare their own meals. Each cottage has their own outside space with table and chairs and a grill to use.

A recent review from one of our recent guests says it all. "Wow! Truly a hidden gem! This beautiful cottage is a home away from home, The location is close to everything, yet it feels tucked away from all the hustle and bustle. The garden surrounding the cottage is absolutely beautiful! We will definitely come back to stay here."

Our three cottages fit into the community and add to the value of the properties around us. Our taxes have gone up from \$1,500 ten years ago to over \$5,000 this year.

For Building Services Use Only

Date Submitted: _____ Receipt No: _____
 BLD Inspection: _____ Fire Inspection: _____
 Approved: _____ Not Approved: _____

City of Alpine, Texas

Short-Term Rental Special Use Permit (STR-SUP) Application

STR-CUP Application Fee is \$350.00 per property. (non-refundable) Please complete one application per property

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

Existing/New Structure: ☒ Existing Structure ☐ New Construction

PART 1. PROPERTY INFORMATION

Street address of property

401 E RUE A E I, ALPINE, TEXAS 79830

Legal description of property (must provide copy of survey or describe meets and bounds on 8 1/2 x 11 sheet)

Lot Block Addition

ATTACHED

Square footage of property

Number of Bedrooms & Units

Size of property lot

ATTACHED AIR BNR - 3 3
 PERSONAL Apt 2 1 ATTACHED

Present zoning district

R-2

Proposed use of the property

Short-Term Rental

Zoning ordinance provision requiring a conditional use (This box will be completed by the Building Official)
 STR

PART 2. PROPERTY OWNER INFORMATION

Name of current property owner(s) (Use separate sheet of paper with additional owners' information if necessary)

RICHARD & JEAN F. ZIMMER

Mailing address of property owner (cannot be P.O Box)

401 E RUE A E I, ALPINE, TEXAS

City/State/Zip code of property owner

ALPINE, TEXAS 79830

Telephone number of property owner

D - 432 294 2878

J - 432 294 2879

Email address of property owner

RKJ ZIMMER@YAHOO.COM

PART 3. DESIGNATED OPERATOR'S INFORMATION

Name of designated operator

N/A

Designated operator's physical address (must be located within 30 minutes of STR property)

N/A

City/State/Zip code of designated operator

N/A

Telephone number of designated operator

N/A

Email address of designated operator

N/A

PART 4. SUPPORTING DOCUMENTS

Please complete and submit the following attached documents with application

1. ☒ **STR Local Representative Certification:** Please provide a copy of Driver's License if different from STR owner)
2. ☒ **Homeowner's Association Declaration:** See attachment
3. ☒ **Proof of Property Insurance:** Please complete attachment and provide a copy of a property insurance summary that states STR coverage is included and/or complete General Release of Liability waiver (See attachment)

Please submit the following documents with your application

4. ☒ **Letter:** Submit a letter describing the proposed STR use, describe whether the proposed STR will, or will not cause substantial harm to the value, use, or enjoyment of the other properties in the neighborhood. Also describe how the proposed STR will add to the value, use or enjoyment of other properties in the neighborhood.
5. ☒ **Floor Plan:** A Sketch floor plan of the dwelling with dimensional room layout. Please identify sleeping areas, evacuation route(s) and location of fire extinguishers.
6. ☒ **Parking Requirement:** A site plan/survey of the property that indicates the maximum number of vehicles that can be legally parked on the property. Parking spaces cannot include on-street parking, sidewalks, alleys or other public rights-of-way
7. ☒ **Driver's License:** Please provide a copy of STR owner's driver's license
8. ☒ **Proof of STR Property Ownership:** Property tax documents, deed, or copy of title (all owners must sign application)
9. ☒ **Info Sheet:** A copy of the informational sheet/brochure that is provided to guests of the STR. Please include:
 - A.) The 24-hour contact information of the STR owner or local representative
 - B.) Neighborhood info such as parking and noise restrictions, trash collection schedules, etc.
 - C.) Emergency and non-emergency telephone numbers for police and fire departments
 - D.) Instructions for obtaining severe weather, natural or man-made disaster alerts.

Part 5. ADDITIONAL SUPPORTING DOCUMENTS FOR COMERCIAL PROPERTIES ONLY

10. ☐ **Illumination Plan**

PART 6. ADDITIONAL SUPPORTING DOCUMENTS FOR NEW CONSTRUCTION ONLY

11. ☐ **Site Application Form B:** Application of site plan approval (Section 20, see attached Form "B") The site plan submission shall meet the requirements of Section 20.04 (A)(E) Site Plan Requirements.
12. ☐ **Letter:** Submit a letter describing conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations

PART 7. ACKNOWLEDGEMENTS

☒ All STR-SUP applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

☒ At least ten (10) before the public hearing for a STR-CUP application, the city will send written notice to all property owners within 200 feet of the STR to inform them of the use of the STR-CUP application. The notice will provide the applicant's 24-hour contact information and information about STR regulations.

☒ All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

☒ Any changes to a site plan (no matter how minor or major) approved with a STR-SUP can only be approved by city council through the public hearing process.

✓ Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council, If after said period of four months an application has not been scheduled before the commission and city council said application, along with the required filing fee may be resubmitted any time thereafter for reconsideration, Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

✓ All short-term rentals are subject to fire inspections before issuance of a STR-SUP permit. The inspections will include compliance with the 2018 International Fire Code, 2015 International Residential Code, 2015 International Building Code and all applicable City of Alpine Code of Ordinances.

✓ After a STR-SUP is approved, all short-term rentals must register with the city annually. There is a \$100 annual registration fee.

✓ All short-term rentals are required to pay a hotel occupancy monthly or quarterly to the City of Alpine. Failure to register and pay for HOT taxes is grounds for revocation of a STR-SUP.

✓ I have read and understand all of the requirements as set forth by the application for a Short-Term Rental Special Use Permit and acknowledge that all requirements of this application have been met at the time of submittal.

PART 7. SIGNATURE TO AUTHORIZE FILING OF A STR-SUP (ALL PROPERTY OWNERS MUST SIGN, SUBMIT AN ADDITIONAL SIGNATURE PAGE IF NECESSARY)

Jean Zimmer
Print Property Owners Name

Jean Zimmer
Property Owners Signature

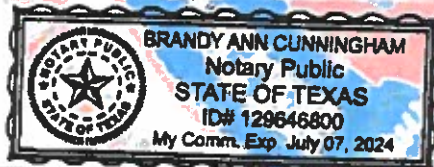
The State Of Texas

County Of Brewster

Before Me Brandy Cunningham on this day personally appeared Jean Zimmer
(Notary) (Applicant)

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

(Seal) Given under my hand and seal of the office this 10th day of August, A.D. 2021



Brandy Cunningham
Notary in And for State of Texas

Print Property Owners Name

Property Owners Signature

The State Of _____

County Of _____

Before Me _____ on this day personally appeared _____
(Notary) (Applicant)

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

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

Notary in And for State of Texas

**CITY OF ALPINE
SHORT TERM RENTAL REGISTRATION**

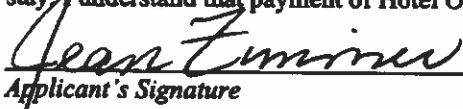
☒ New ☐ Change

SECTION 1: PROPERTY INFORMATION		
Property Name GATED GARDENS	Street Number 401	Street Name E AVE A
LEGAL DESCRIPTION		
Addition, Block, Lot ATTACHED		Total Number of Units in Building 2 Bldgs - 2 UNITS 2 Bldgs - 2 UNITS

SECTION 2: OWNER INFORMATION <i>Complete at least one listed below</i>		
A. Individual Ownership		
Owner First Name Richard	Owner Last Name ZIMMER	Primary Telephone Number 432-294-2878
Mailing Address 401 E AVE A #1 ALPINE, TX		Email Address RKJZIMMER@yahoo.com
B. Corporate Ownership		
Ownership Form: <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> Kiosk <input type="checkbox"/> Other (Please Explain)		
Business Name GATED GARDENS		
Contact First Name JEAN	Contact Last Name ZIMMER	Primary Telephone Number 432 294 2879
Mailing Address 401 E AVE A #1 ALPINE, TX 79830		Email Address RKJZIMMER@yahoo.com

SECTION 3: DESIGNATED OPERATOR <i>If Different than owner</i>	
Property Manager Name	Primary Telephone Number
Mailing Address	Email Address

I acknowledge that all information supplied above is true and correct to the best of my knowledge or belief. I further acknowledge that the Short Term Rental that I own is subject to all provisions of the orders and ordinances of Alpine, and all of the provisions of the codes, statutes, and rules adopted under the codes and statutes of the State of Texas regarding Short Term Rental establishments. I acknowledge that as a Short Term Rental owner I am responsible for the payment of Hotel Occupancy Taxes amounting to 7% per stay. I understand that payment of Hotel Occupancy Taxes is payable to the City of Alpine.

 Applicant's Signature	JEAN ZIMMER Printed Name	AUG 10, 2011 Date
-------------------------------------------------------------------------------------------------------------	------------------------------------	-----------------------------

CITY OF ALPINE
STR LOCAL REPRESENTATIVE CERTIFICATION

☒ New ☐ Change

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

Short-Term Rental Address: 401 E. AVE A #1

Property Owner Name: RICHARD ZIMMER + SEAN ZIMMER

Local Representative: WE LIVE ON THE PREMISES; IF WE'RE GOING TO BE GONE, WE SHUT THE OPERATION DOWN
Name: _____ **Telephone:** _____

Physical Address: _____ **Email:** _____

Mailing Address: _____

Local Representative Responsibilities:

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

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

Local Representative Signature: _____ **Date:** _____

Property Owner's Signature: Sean Zimmer **Date:** AUG 10, 21

REDACTED DL

**CITY OF ALPINE
STR PROOF OF PROPERTY INSURANCE**

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

Richard K Zimmer

Property Owner's Signature

8.10.21

Date

Jean Zimmer

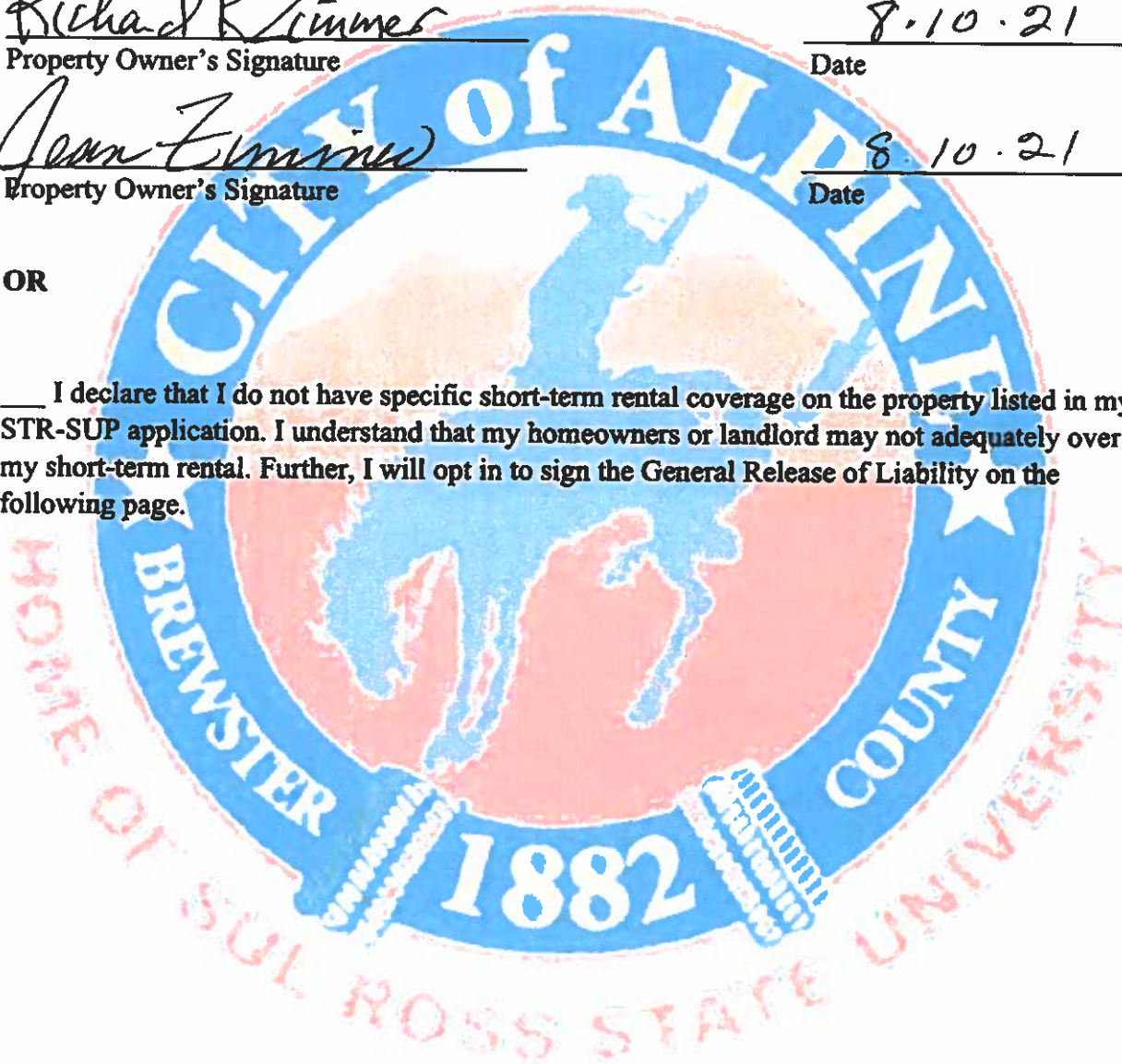
Property Owner's Signature

8.10.21

Date

OR

___ I declare that I do not have specific short-term rental coverage on the property listed in my STR-SUP application. I understand that my homeowners or landlord may not adequately over my short-term rental. Further, I will opt in to sign the General Release of Liability on the following page.



Account Summary

Last Amount Billed	\$620.64
Last Amount Paid APR 26, 2021	-620.64
Difference	0.00
Current Installment	620.64
Total Amount Due By AUG 2, 2021	\$620.64

Policy Details			
Policy Number	Description	Installment & Current Changes	Amount
84-C1-L236-8	HOMEOWNERS	► Quarterly Installment	\$298.29
93-C1-M894-3	RENTAL DWELLING 602 N 2ND ST	► Quarterly Installment	\$322.35

When you provide a check as payment, you authorize us either to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic funds transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

OWNER POLICY OF TITLE INSURANCE

SCHEDULE A

G.F. No. [REDACTED]

Issued with Policy No. [REDACTED]

Policy No. [REDACTED]

Amount of Insurance: \$135,000.00

Premium: \$1,139.00

Date of Policy: May 25, 2004, 04:20 pm

1. Name of Insured: **RICHARD K. ZIMMER and JEAN B. ZIMMER**
2. The estate or interest in the land that is covered by this policy is: **Fee Simple**
3. Title to the estate or interest in the land is insured as vested in: **RICHARD K. ZIMMER and JEAN B. ZIMMER**
4. The land referred to in this policy is described as follows:

A 0.594 acre tract of land, more or less, described in Volume 53, Page 665, Official Public Records of Brewster County, Texas, being all of Lots Two (2) and Three (3), HARMON ADDITION to the City of Alpine, as per a plat on file in Envelope No. 94, Plat Records, Brewster County, Texas and a 0.127 acre tract, more or less, out of Survey One Hundred One (101), G.H. & S.A. Ry. Co., Brewster County, Texas.

Stewart Title Guaranty Company

CITY OF ALPINE
STR HOMEOWNER'S ASSOCIATION DECLARATION

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

(Property Address)

(Managing HOA Representative Signature)

Date: _____

OR

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

401 E Ave A + 602 N Second

(Property Address)

Richard K Zimmer

(STR Owners Signature)

Date: 8.10.21

GENERAL RELEASE OF LIABILITY

I, Jean Zimmer, of 401 E Auz A #1,
Short Term Rental Operator Street Address
Alpine, TEXAS, 79830 (Hereinafter the "Releasor") have agreed
City State Zip
to this General Release of Liability ("Agreement") for no payment or consideration.

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

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

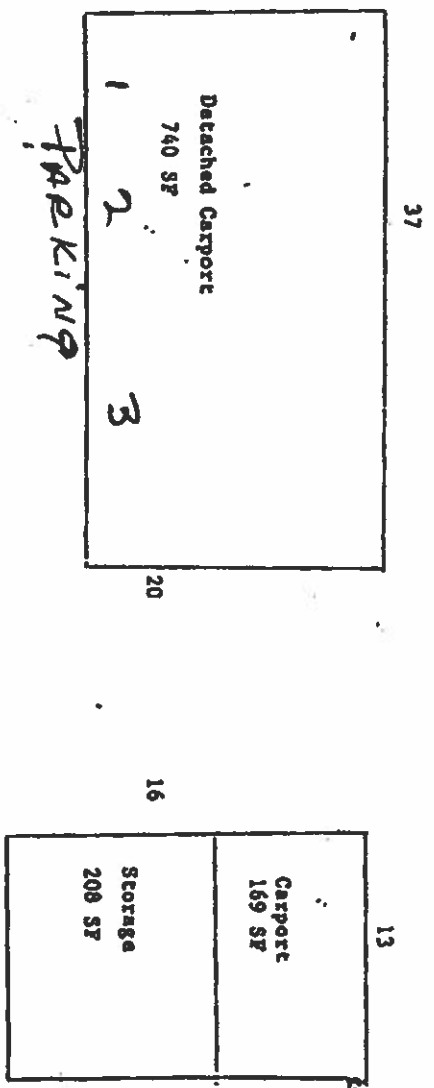
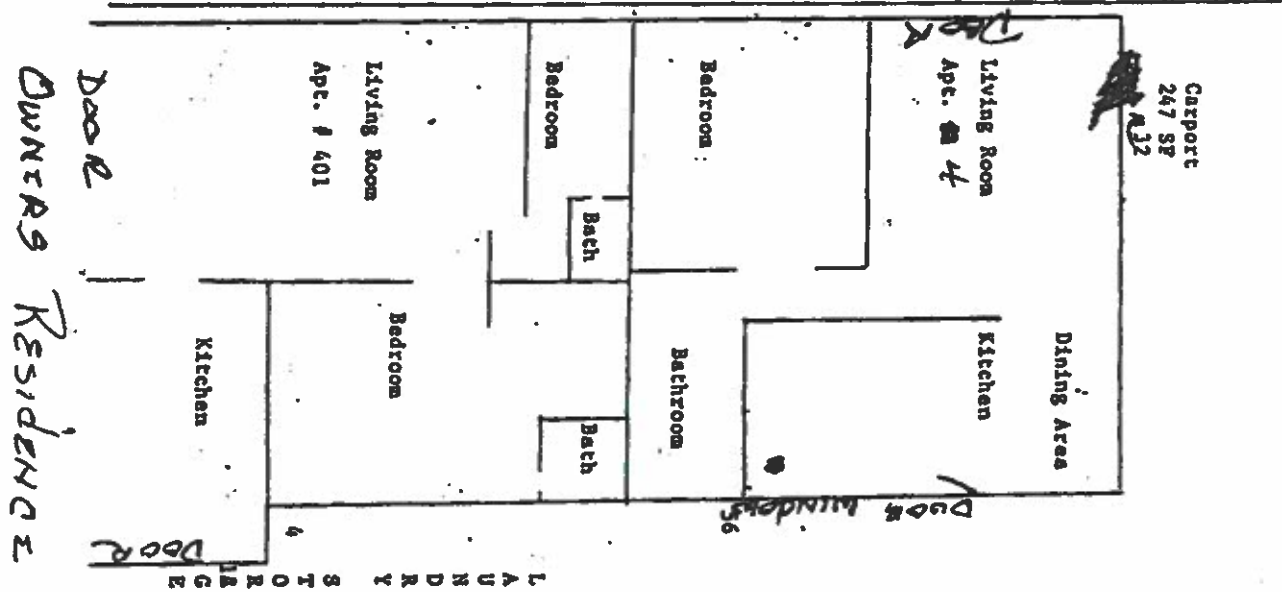
This Release has been read and fully understood by the undersigned and has been explained to me.

EXECUTED this 10 day of August, 20 21.
Day Month Year

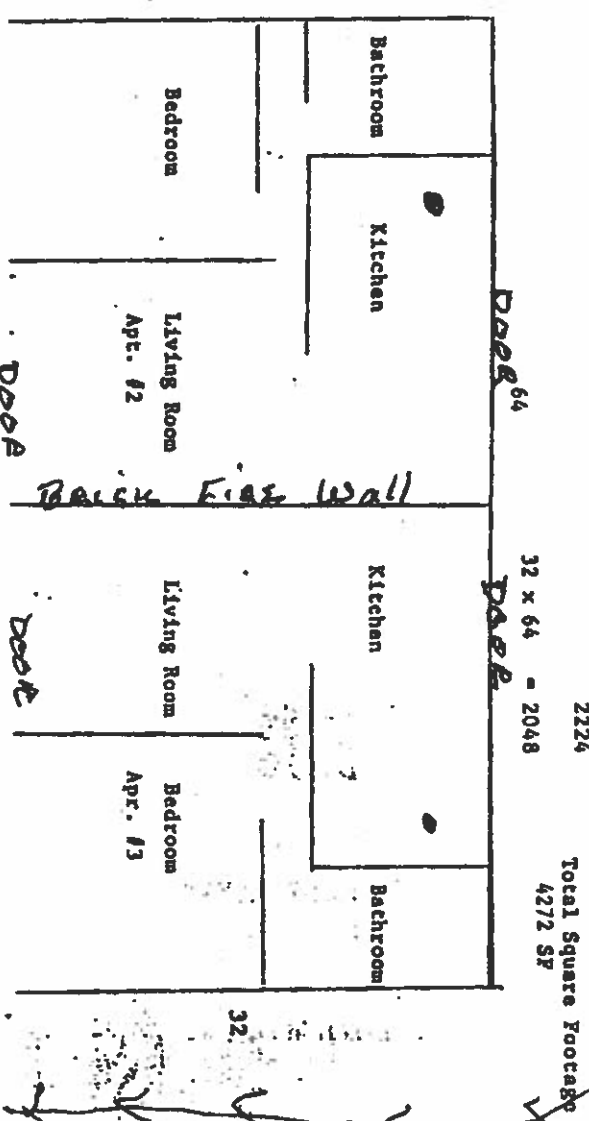
Releasor's Signature: Jean Zimmer

Releasor's Printed Name: JEAN ZIMMER

TEXANA
Cottage
N. SECOND STREET



DRIVE WAY



Calculations:
68 x 32 = 2176
12 x 4 = 48
2224

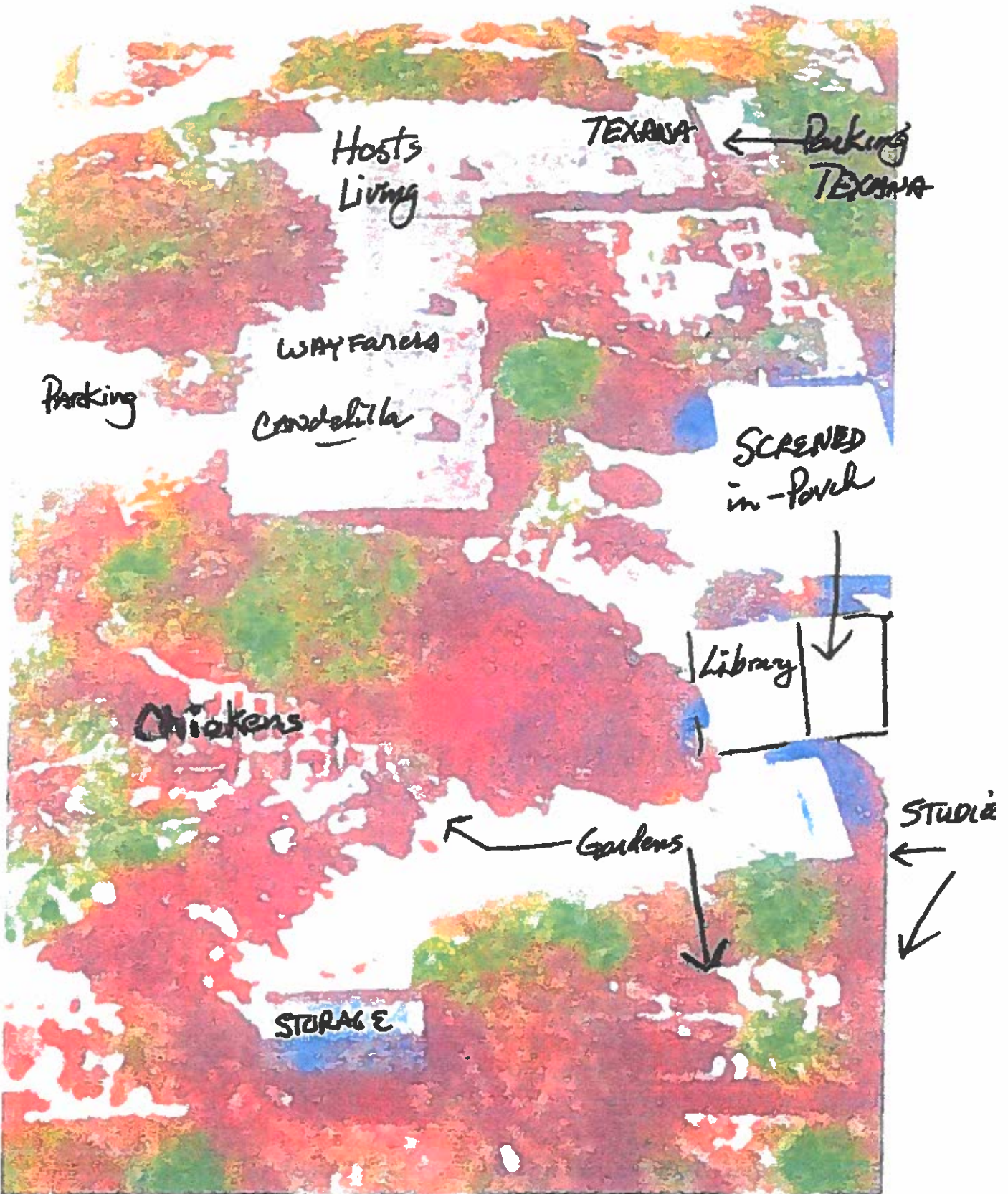
32 x 64 = 2048

Total Square Footage
4272 SF

OR STREET PARKING

North Second Street

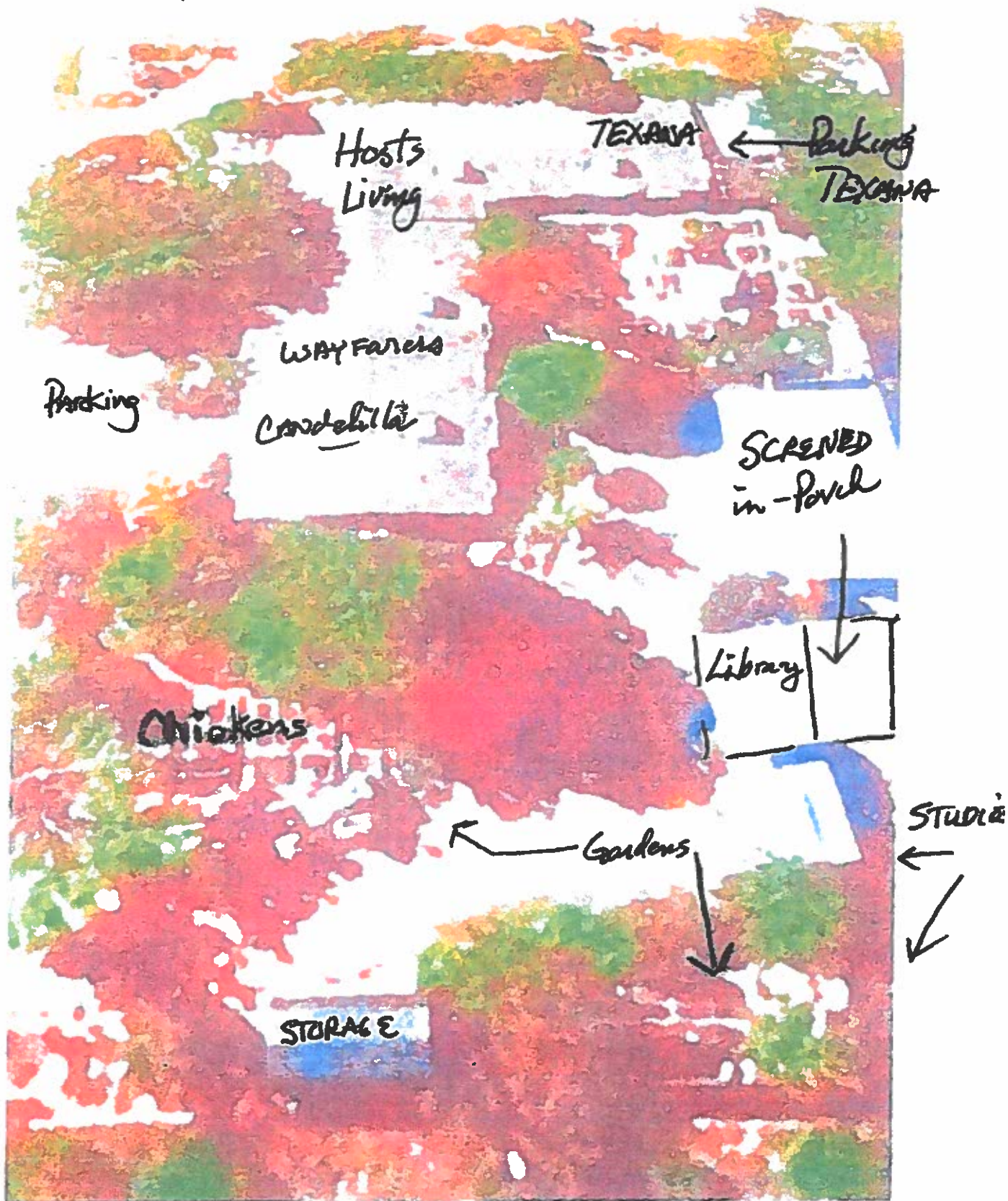
East Avenue A / 401



Gated Gardens

North Second Street

East Avenue A / 401



Gated Gardens

FLOOD HAZARD CERTIFICATION

Loan Number: [REDACTED]

Property Address: 401 EAST AVE. A & 602 NORTH 2ND ST.
ALPINE, TX 79830

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT THE ABOVE REFERENCED PROPERTY:

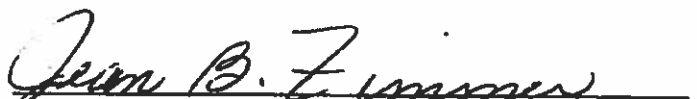
- ____ IS WITHIN A MINIMAL "FLOOD-HAZARD AREA" (FLOOD ZONE B) AND FLOOD INSURANCE IS NOT REQUIRED AT THIS TIME. IN THE EVENT THIS AREA IS EVER DESIGNATED TO BE A "FLOOD-HAZARD AREA" THAT REQUIRES FLOOD INSURANCE, WE HEREBY AGREE TO PURCHASE SUFFICIENT FLOOD INSURANCE COVERAGE IMMEDIATELY.
- ✓ IS NOT WITHIN AN AREA DESIGNATED BY HOUSING AND URBAN DEVELOPMENT AS A "SPECIAL FLOOD-HAZARD" AREA AND THEREFORE DOES NOT REQUIRE FLOOD INSURANCE. IN THE EVENT THIS AREA IS EVER DESIGNATED TO BE A "FLOOD-HAZARD" AREA WE HEREBY AGREE TO PURCHASE SUFFICIENT FLOOD INSURANCE COVERAGE IMMEDIATELY.
- ____ IS WITHIN AN AREA DESIGNATED BY HOUSING AND URBAN DEVELOPMENT AS A "SPECIAL FLOOD-HAZARD" AREA AND AN ADEQUATE FLOOD-HAZARD INSURANCE POLICY SHALL BE FURNISHED BY THE BORROWER AT CLOSING.

and that I/we have received notice regarding Federal disaster relief assistance.

Regulations effective March 2, 1974, will not permit a lender to close a loan which is insured, guaranteed or regulated by the Federal Government on property located in an area having special flood hazards, and in which flood insurance has been made available under the NATIONAL FLOOD INSURANCE ACT OF 1968, without flood insurance.

If flood hazard insurance is required, as hereinbefore provided, I/we will make monthly payments to the holder of the Note to pay the premiums for such insurance.


RICHARD K. ZIMMER


JEAN B. ZIMMER

OWNER POLICY OF TITLE INSURANCE

SCHEDULE A

G.F. No. [REDACTED]

Issued with Policy No. [REDACTED]

Policy No. [REDACTED]

Amount of Insurance: **\$135,000.00**

Premium: **\$1,139.00**

Date of Policy: **May 25, 2004, 04:20 pm**

1. Name of Insured: **RICHARD K. ZIMMER and JEAN B. ZIMMER**
2. The estate or interest in the land that is covered by this policy is: **Fee Simple**
3. Title to the estate or interest in the land is insured as vested in: **RICHARD K. ZIMMER and JEAN B. ZIMMER**
4. The land referred to in this policy is described as follows:
A 0.594 acre tract of land, more or less, described in Volume 53, Page 665, Official Public Records of Brewster County, Texas, being all of Lots Two (2) and Three (3), HARMON ADDITION to the City of Alpine, as per a plat on file in Envelope No. 94, Plat Records, Brewster County, Texas and a 0.127 acre tract, more or less, out of Survey One Hundred One (101), G.H. & S.A. Ry. Co., Brewster County, Texas.

FARMERS
INSURANCE
Donna Ward Blevins
Auto • Home • Life
Business
837-2225

PARSONS
REAL ESTATE
SALES • MANAGEMENT
432-837-3411
ALPINE STORAGE

H Holiday Inn
Express
& Suites
837-9597
Hampton
Inn
837-7344

Action
Heating & Cooling
432-837-3636
Lic# TACLA27824E
American Standard.
HEATING & AIR CONDITIONING

AGAVE
HOME HEALTH
508 EAST AVE. E
837-5907



★ COMMUNITY ★

Animal Control	837-8458
Chamber of Commerce	837-8386
County Clerk	837-8388
Drivers License	837-8473
Hospital	837-8447
Library	837-8631
Post Office (79830)	837-9565
Senior Citizens Center	837-5402

★ SCHOOLS ★

Alpine ISD	837-7700
Elementary (PK-4)	837-7730
Middle School (5-8)	837-7730
High School (9-12)	837-7710
Sul Ross State Univ.	837-8011

Scan with mobile
device for
info and specials!



★ UTILITIES ★

AT&T (TV-Tele) (Tel)	800-255-2090
Baja B. Band (Tel-Net)	800-520-0060
Big Bend (Tel-Net)	800-592-4761
City (Gas)	837-8437
City (Water/Sewer/Trash)	837-0133
Texas Electric Service	800-797-8839

★ LAW ENFORCEMENT ★

Police	837-8436
Sheriff	837-8435

★ EMERGENCY 911 ★

Poison Control	800-828-1223
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KING
JEWELERS
The "King" of
Jewelers
Fine Jewelry
Custom Designs
Repairs
432-837-7205
10-5 Tue-Fri • 10-2 Sat

MITCHELL'S
FURNITURE
• Mattresses • Appliances
• Furniture • Flooring
• Granite Countertops
837-0070
508 E. HOLLAND

BEHIND EVERY PROJECT IS A
True Value
MORRISON HARDWARE
Established 1928
432-837-2061

Double K
FLOWERS & GIFTS
409 E. Ave. E

M
MENDIAS & CO.
urban day spa
Full Service Salon • Massage • Spa
432-294-1175

Your
Key to
Financial
Success
Community Credit Union
608 W. Avenue E • 837-8389

This City magnet is on the door
of EVERY Fridgz

HELPING the HOSTS (Thanks in advance)

DISHES: Please rinse your dishes and place in dishwasher.

LINENS: Please place all used linens, bed, bath and kitchen on floor in hall. Leave beds unmade.

NO SMOKING INSIDE COTTAGE PLEASE.

BOTH FRONT AND BACK DOORS, should be locked when you are not present.

AI PRESCO DINING: You may use grill and outside patio. The screened in porch next to rear carports is also available for use.

LAUNDRY ROOM: It is available for use as needed. Laundry detergent is in the laundry room which is 30 steps from the back door.

TRASH: There is a dumpster across the street especially if your staying more than 3 or 4 days. More bags are under the sink.

HEATING AND COOLING

A fujitsu heating and cooling unit can be found in the living room and the bedroom. Both operate by remote. One is found near the desk in the living room and the other for the bedroom on the table or the wood molding around the bedroom window. Contact us if you have any problems.

AERIAL MAP OF THE GATED GARDENS

AN aerial map of the Gated Gardens shows the layout of the property.. Each of the 3 airbnbs have their own AI Fresco area outside with a gas grill for you use. Please make yourselves at home after a long day of sight seeing.

- b. **405 E. Ave E:** Owner of record is Shelley & Cary Shackelford.

TRANSIENT/SHORT-TERM RENTAL INSPECTION CHECKLIST

CITY OF ALPINE

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

Property Address 405 E AVE E

Property Owner Cory Shelley Shackelford

Phone 432-940-3357

Local Representative Same

Phone _____

Parking Diagram approved ☒ Yes / No

Number of occupants approved ☒ Yes / No

General Requirements:

- ☒ House numbers installed and clearly visible from street.
- ☒ Smoke alarms installed in all sleeping rooms.
- ☒ Carbon Monoxide detectors as required by fire code
- ☒ Fire Extinguisher or Sprinkler System

Sanitation:

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

Safety:

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

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

To request an inspection please call 432.837.3281 Building Services.

Inspected by: [Signature]

Requires re-inspection _____

Mechanical:

- ☒ Every habitable room contains at least two electrical outlets and light Fixtures.
- ☒ All electrical equipment, wiring, and appliances have been installed and are in a safe manner

- ☒ Dwelling is equipped with heating facilities in operating condition.
- ☒ All solid fuel burning appliances are installed per applicable codes maintained in safe working condition.
- ☒ Dwelling has proper ventilation in all rooms and areas where fuel All fuel burning appliances are installed.

Structural:

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

*Recommend a Hand over Elect Store
Recommend a T.N.P. pipe to exterior*

Approved ☒

Date: 8/21/21

Approved _____

Date: _____

City of Alpine Short-Term Rental Special Use Permit Application Checklist

☒ **Application:** Completed Short-Term Rental (STR) Special Use Permit Application

 \$350.00 STR Special Use One Time Permit Fee: Cash, check, or money order payable to the City of Alpine. The permit application fee is non-refundable.

Method of Payment: CHECK # 155

☒ **Fire Inspection Appointment:** The operator will receive a call to schedule

Please complete and submit the following attached documents with your application

1. ☒ **Short-Term Rental Registration Form:** Completed STR Registration Form
2. ☒ **STR Local Representative Certification:** See attachment. Please provide a copy of Driver's License if different from STR owner
3. ☒ **Homeowner's Association Declaration:** See attachment
4. ☒ **Proof of Property Insurance:** Please complete attachment and provide a copy of a property insurance summary that states STR coverage is included and/or complete insurance waiver (See attachment). If operator chooses to opt-out of property insurance a General Release of Liability MUST be signed by the operator.

Please submit the following documents with your application

5. ☒ **Letter:** Submit a letter describing the proposed STR use, describe whether the proposed STR will, or will not cause substantial harm to the value, use, or enjoyment of the other properties in the neighborhood. Also describe how the proposed STR will add to the value, use or enjoyment of other properties in the neighborhood.
6. ☒ **Floor Plan:** A Sketch floor plan of the dwelling with dimensional room layout. Please identify sleeping areas, evacuation route(s) and location of fire extinguishers.
7. ☒ **Parking Plan Requirement:** A site plan/survey of the property that indicates the maximum number of vehicles that can be legally parked on the property. Parking spaces cannot include on-street parking, sidewalks, alleys or other public rights-of-way
8. ☒ **Driver's License:** Please provide a copy of STR owner's driver's license
9. ☒ **Proof of STR Property Ownership:** Property tax documents, deed, or copy of title (all owners must sign application)
10. ☒ **Info Sheet:** A copy of the informational sheet/brochure that is provided to guests of the STR. Please include:
 - A.) The 24-hour contact information of the STR owner or local representative
 - B.) Neighborhood info such as parking and noise restrictions, trash collection schedules, etc.
 - C.) Emergency and non-emergency telephone numbers for police and fire departments
 - D.) Instructions for obtaining severe weather, natural or man-made disaster alerts.

23 Ranger Rd.
Alpine, TX 79830
August 3, 2021

Andy Ramos, Mayor
Members of Alpine City Council
803 West Holland
Alpine, TX 79830

Dear Mr. Mayor and Members of the City Council:

Thank you for the opportunity to present our Short-Term Rental (hereinafter STR) for approval and convey the ways in which we feel it will contribute to not only the neighborhood but to the community of Alpine. Our STR is located at 405 E. Ave. E, already zoned for commercial use. Supporting documents as requested are included.

Many people in the neighborhood have already expressed pleasure and appreciation at the way we cleaned up the property, trimmed trees, hauled off debris, and kept weeds down. It has been repainted, a partial fence added in front, a small, fenced area in the back and overall, many improvements made. We do not feel that noise will be an issue, as our rules will request quiet and outside lights off after 10 p.m.

The fact that this property sits directly on the one-way through town makes it even more important for it to be an asset, not a detriment, to the beauty of our community. This lovely old Tudor-style home, built in 1920, now attracts favorable comments and glances, as it should. Our hope is that current residents and visitors alike will appreciate Alpine's beautiful older homes and the history represented.

We will work hard to provide a memorable experience for our guests, and to be responsible business members of the community. Thank you in advance for your consideration.

Respectfully,


Cary Shackelford


Shelley Shackelford

Enclosures

For Building Services Use Only

Date Submitted: _____ Receipt No: _____
BLD Inspection: _____ Fire Inspection: _____
Approved: _____ Not Approved: _____

City of Alpine, Texas**Short-Term Rental Special Use Permit (STR-SUP) Application**

STR-CUP Application Fee is \$350.00 per property. (non-refundable) Please complete one application per property

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

Existing/New Structure: ☒ Existing Structure ☐ New Construction

PART 1. PROPERTY INFORMATION

Street address of property

405 East Ave E

Legal description of property (must provide copy of survey or describe meets and bounds on 8 1/2 x 11 sheet)

Lot 1, 2 w/3 of Block 20 Addition OT

Square footage of property

1180

Number of Bedrooms & Units

2 BR

Size of property lot

.1109 acres

Present zoning district

X

Proposed use of the property

Short-Term Rental

Zoning ordinance provision requiring a conditional use (This box will be completed by the Building Official)
STR

PART 2. PROPERTY OWNER INFORMATION

Name of current property owner(s) (Use separate sheet of paper with additional owners' information if necessary)

Cary & Shelley Shackelford

Mailing address of property owner (cannot be P.O. Box)

23 Ranger Rd

City/State/Zip code of property owner

Alpine, TX 79830

Telephone number of property owner

432-940-3357

Email address of property owner

shelleykay61@gmail.com

PART 3. DESIGNATED OPERATOR'S INFORMATION

Name of designated operator

Shelley Shackelford

Designated operator's physical address (must be located within 30 minutes of STR property)

23 Ranger Rd

City/State/Zip code of designated operator

Alpine, TX 79830

Telephone number of designated operator

432-940-3357

Email address of designated operator

shelleykay61@gmail.com

PART 4. SUPPORTING DOCUMENTS

Please complete and submit the following attached documents with application

1. ☒ **STR Local Representative Certification:** Please provide a copy of Driver's License if different from STR owner)
2. ☒ **Homeowner's Association Declaration:** See attachment
3. ☒ **Proof of Property Insurance:** Please complete attachment and provide a copy of a property insurance summary that states STR coverage is included and/or complete General Release of Liability waiver (See attachment)

Please submit the following documents with your application

4. ☒ **Letter:** Submit a letter describing the proposed STR use, describe whether the proposed STR will, or will not cause substantial harm to the value, use, or enjoyment of the other properties in the neighborhood. Also describe how the proposed STR will add to the value, use or enjoyment of other properties in the neighborhood.
5. ☒ **Floor Plan:** A Sketch floor plan of the dwelling with dimensional room layout. Please identify sleeping areas, evacuation route(s) and location of fire extinguishers.
6. ☒ **Parking Requirement:** A site plan/survey of the property that indicates the maximum number of vehicles that can be legally parked on the property. Parking spaces cannot include on-street parking, sidewalks, alleys or other public rights-of-way
7. ☒ **Driver's License:** Please provide a copy of STR owner's driver's license
8. ☒ **Proof of STR Property Ownership:** Property tax documents, deed, or copy of title (all owners must sign application)
9. ☒ **Info Sheet:** A copy of the informational sheet/brochure that is provided to guests of the STR. Please include:
 - A.) The 24-hour contact information of the STR owner or local representative
 - B.) Neighborhood info such as parking and noise restrictions, trash collection schedules, etc.
 - C.) Emergency and non-emergency telephone numbers for police and fire departments
 - D.) Instructions for obtaining severe weather, natural or man-made disaster alerts.

Part 5. ADDITIONAL SUPPORTING DOCUMENTS FOR COMERCIAL PROPERTIES ONLY

10. ☒ **Illumination Plan**

PART 6. ADDITIONAL SUPPORTING DOCUMENTS FOR NEW CONSTRUCTION ONLY

11. ☐ **Site Application Form B:** Application of site plan approval (Section 20, see attached Form "B") The site plan submission shall meet the requirements of Section 20.04 (A)(E) Site Plan Requirements.
12. ☐ **Letter:** Submit a letter describing conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations

PART 7. ACKNOWLEDGEMENTS

☐ All STR-SUP applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

☐ At least ten (10) before the public hearing for a STR-CUP application, the city will send written notice to all property owners within 200 feet of the STR to inform them of the use of the STR-CUP application. The notice will provide the applicant's 24-hour contact information and information about STR regulations.

☐ All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

☒ Any changes to a site plan (no matter how minor or major) approved with a STR-SUP can only be approved by city council through the public hearing process.

Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the commission and city council said application, along with the required filing fee may be resubmitted any time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

✓ All short-term rentals are subject to fire inspections before issuance of a STR-SUP permit. The inspections will include compliance with the 2018 International Fire Code, 2015 International Residential Code, 2015 International Building Code and all applicable City of Alpine Code of Ordinances.

✓ After a STR-SUP is approved, all short-term rentals must register with the city annually. There is a \$100 annual registration fee.

✓ All short-term rentals are required to pay a hotel occupancy monthly or quarterly to the City of Alpine. Failure to register and pay for HOT taxes is grounds for revocation of a STR-SUP.

✓ I have read and understand all of the requirements as set forth by the application for a Short-Term Rental Special Use Permit and acknowledge that all requirements of this application have been met at the time of submittal.

PART 7. SIGNATURE TO AUTHORIZE FILING OF A STR-SUP (ALL PROPERTY OWNERS MUST SIGN, SUBMIT AN ADDITIONAL SIGNATURE PAGE IF NECESSARY)

Shelley Shackelford

Print Property Owners Name

Shelley Shackelford

Property Owners Signature

The State Of Texas

County Of Brewster

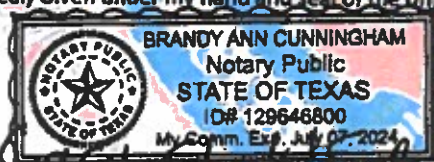
Before Me Brandy Cunningham on this day personally appeared Shelley Shackelford

(Notary)

(Applicant)

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

(Seal) Given under my hand and seal of the office this 4th day of August A.D. 2021



Brandy Cunningham

Notary in And for State of Texas

Print Property Owners Name

The State Of Texas

County Of Brewster

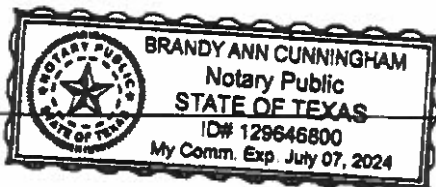
Before Me Brandy Cunningham on this day personally appeared Garry Shackelford

(Notary)

(Applicant)

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

(Seal) Given under my hand and seal of the office this 4th day of August A.D. 2021



Brandy Cunningham

Notary in And for State of Texas

**CITY OF ALPINE
SHORT TERM RENTAL REGISTRATION**

☒ **New** ☐ **Change**

SECTION 1: PROPERTY INFORMATION		
Property Name <u>Sugar Moon</u>	Street Number <u>405</u>	Street Name <u>East Ave E</u>
LEGAL DESCRIPTION		
Addition, Block, Lot <u>OT, Block 20, Lot 1, 2 w/3 of 142</u>		Total Number of Units in Building <u>1</u>

SECTION 2: OWNER INFORMATION <i>Complete at least one listed below</i>		
A. Individual Ownership		
Owner First Name <u>Shelley</u>	Owner Last Name <u>Shackelford</u>	Primary Telephone Number <u>432-940-3357</u>
Mailing Address <u>23 Ranger Rd</u>		Email Address <u>shelleykay61@gmail.com</u>
B. Corporate Ownership		
Ownership Form: <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> Kiosk <input type="checkbox"/> Other (Please Explain)		
Business Name <u>Fourth and Long, LLC</u>		
Contact First Name <u>Shelley</u>	Contact Last Name <u>Shackelford</u>	Primary Telephone Number <u>432-940-3357</u>
Mailing Address <u>23 Ranger Rd Alpine TX 79830</u>		Email Address <u>shelleykay61@gmail.com</u>

SECTION 3: DESIGNATED OPERATOR <i>If Different than owner</i>	
Property Manager Name <u>Shelley Shackelford</u>	Primary Telephone Number <u>432-940-3357</u>
Mailing Address <u>23 Ranger Rd. Alpine TX 79830</u>	Email Address <u>shelleykay61@gmail.com</u>

I acknowledge that all information supplied above is true and correct to the best of my knowledge or belief. I further acknowledge that the Short Term Rental that I own is subject to all provisions of the orders and ordinances of Alpine, and all of the provisions of the codes, statutes, and rules adopted under the codes and statutes of the State of Texas regarding Short Term Rental establishments. I acknowledge that as a Short Term Rental owner I am responsible for the payment of Hotel Occupancy Taxes amounting to 7% per stay. I understand that payment of Hotel Occupancy Taxes is payable to the City of Alpine.

Shelley Shackelford
Applicant's Signature

Shelley Shackelford
Printed Name

8-4-21
Date

CITY OF ALPINE STR LOCAL REPRESENTATIVE CERTIFICATION

☒ New ☐ Change

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

Short-Term Rental Address: 405 East Ave E

Property Owner Name: Shelley Shackelford

Local Representative:

Name: Shelley Shackelford Telephone: (432) 940-3357

Physical Address: 23 Ranger Rd. Email: shelleykay1@gmail.com

Mailing Address: Same as above

Local Representative Responsibilities:

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

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

Local Representative Signature: Shelley Shackelford Date: Aug. 3, 2021

Property Owner's Signature: Gay Shumaker Date: Aug 3, 2021

**CITY OF ALPINE
STR HOMEOWNER'S ASSOCIATION DECLARATION**

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

405 East Ave E

(Property Address)

(Managing HOA Representative Signature)

Date: _____

OR

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

405 E. Ave E, Alpine

(Property Address)

Shelley Shackelford

(STR Owners Signature)

Date: Aug. 4, 2021

**CITY OF ALPINE
STR PROOF OF PROPERTY INSURANCE**

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

Shelley Shackelford
Property Owner's Signature

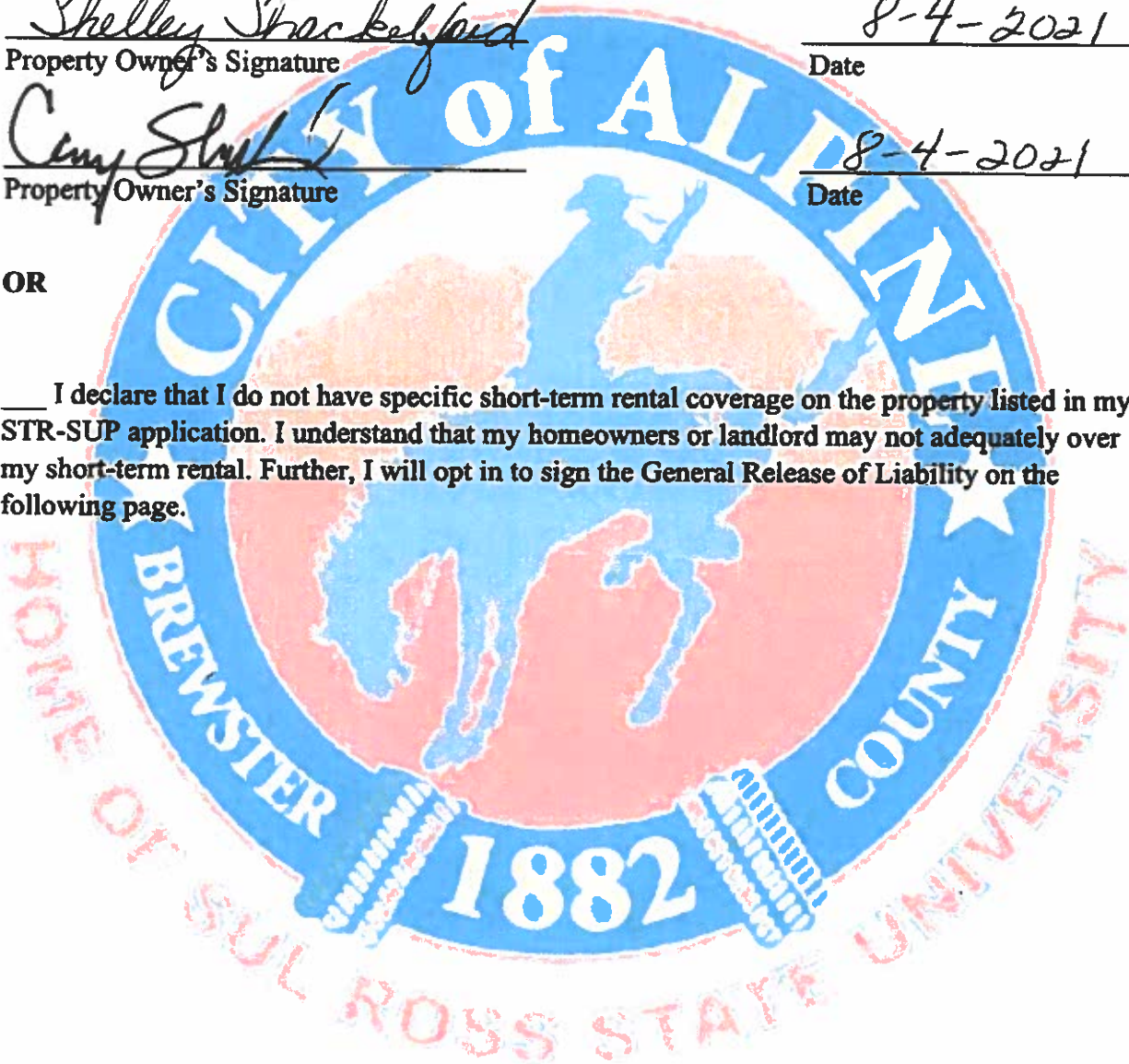
8-4-2021
Date

Cathy Shuck
Property Owner's Signature

8-4-2021
Date

OR

___ I declare that I do not have specific short-term rental coverage on the property listed in my STR-SUP application. I understand that my homeowners or landlord may not adequately over my short-term rental. Further, I will opt in to sign the General Release of Liability on the following page.






CERTIFICATE OF LIABILITY INSURANCE

Page 7a of 10

DATE (MM/DD/YYYY)
08/02/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  MONICA WOODALL STATE FARM INSURANCE 900 E HOLLAND AVE ALPINE TX 79830		CONTACT NAME: CURTIS WOODALL PHONE (A/C, No, Ext): 432 837-5631 FAX (A/C, No): E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE INSURER A: State Farm Lloyds NAIC # 43419	
INSURED SHELLY & CARY SHACKELFORD DBA: MOON AIR B&B 23 RANGER RD ALPINE TX 79830		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		93GES1622	08/02/2021	08/02/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

405 E AVE E ALPINE TX 79830: AIR B & B

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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GENERAL RELEASE OF LIABILITY

I, Shelley Shackelford, of 23 Ranger Rd.,
Short Term Rental Operator Street Address
Alpine, TX, 79830 (Hereinafter the "Releasor") have agreed
City State Zip
 to this General Release of Liability ("Agreement") for no payment or consideration.

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

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

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

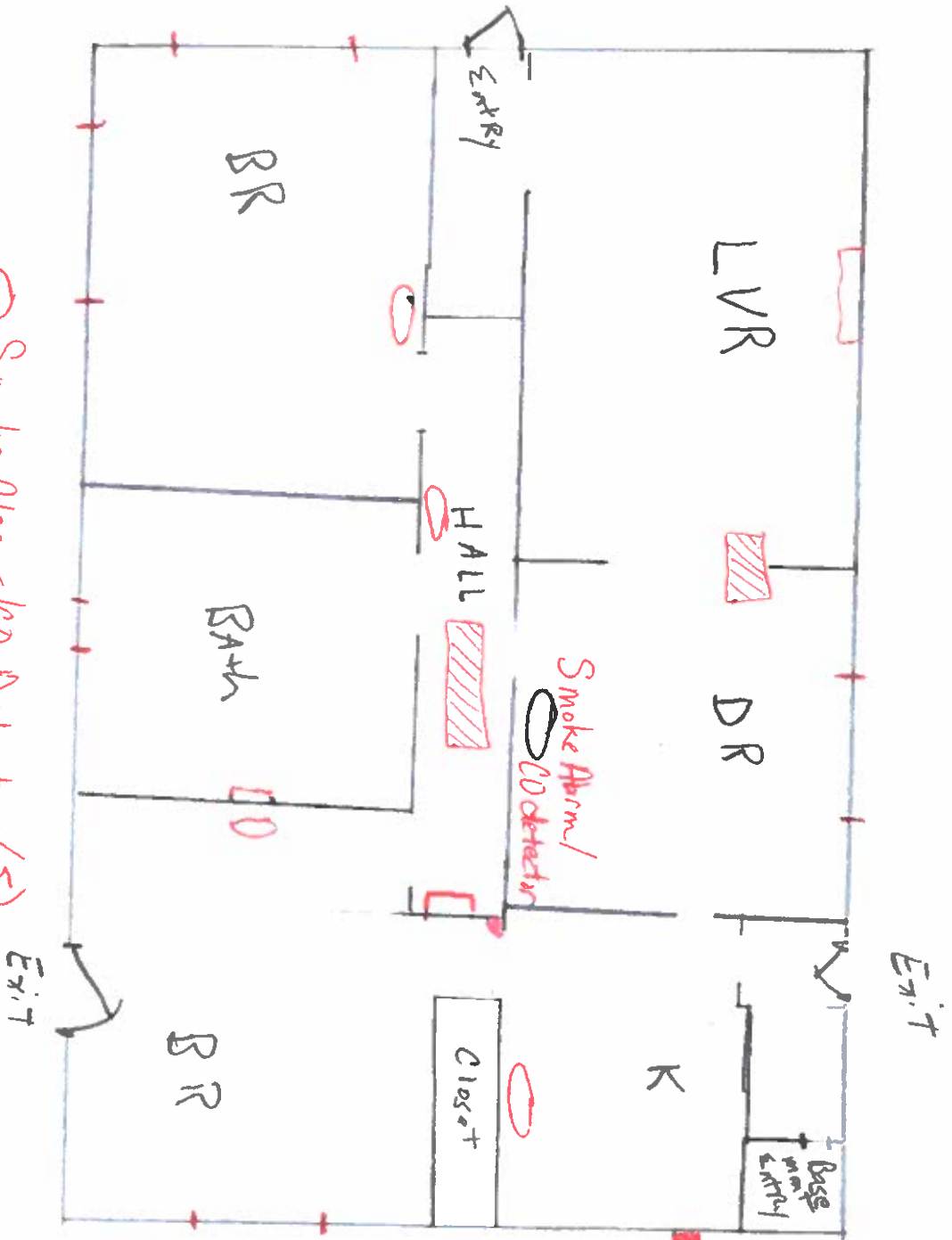
EXECUTED this 3rd day of August, 20 21.
Day Month Year

Releasor's Signature: Shelley Shackelford

Releasor's Printed Name: Shelley Shackelford

405 East Ave. E

North →

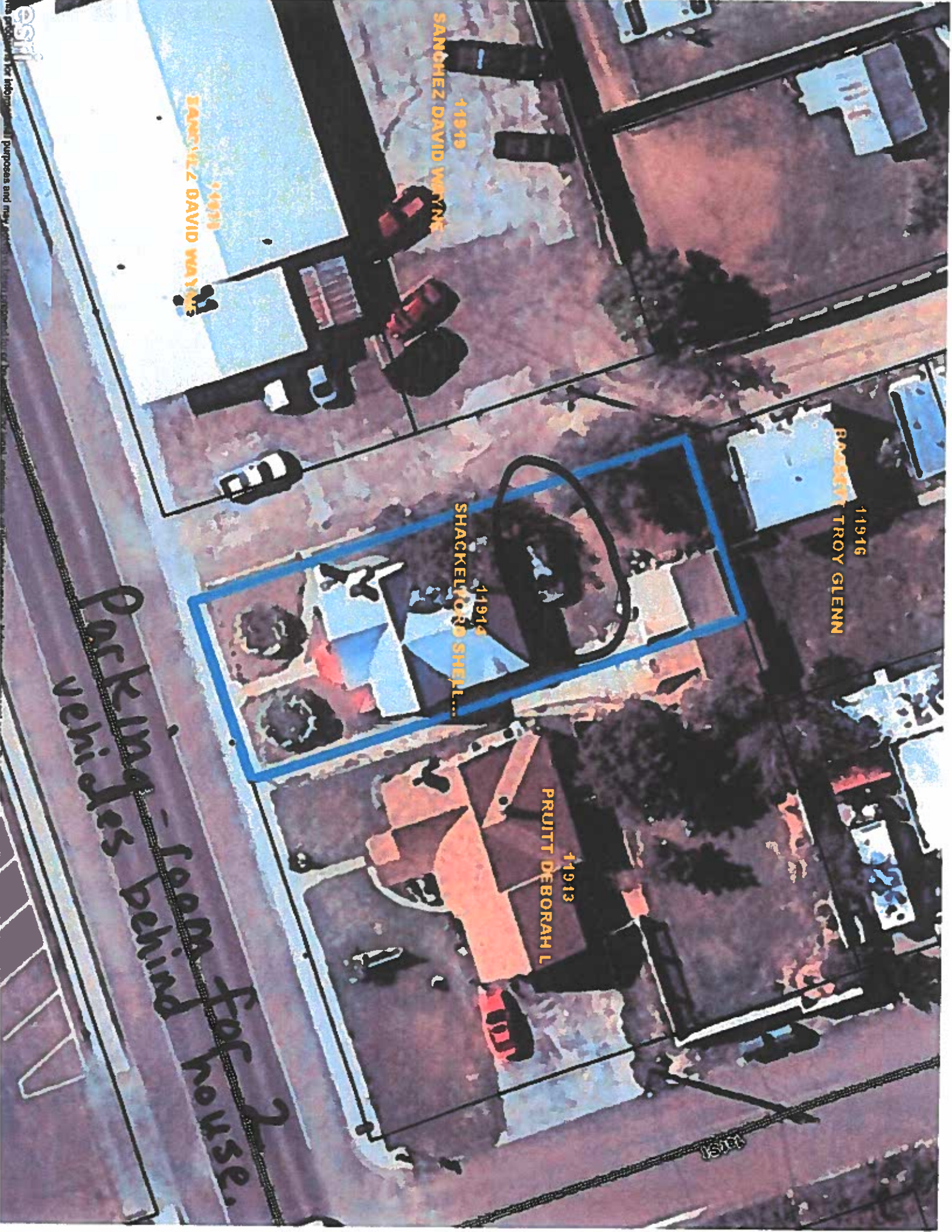


- Smoke Alarms/CO Detectors (5)
- Fire extinguisher

┌ Load center

■ Disconnect

- *Fireplace in LVR is sealed off, non-functioning
- *All gas lines are capped and shut off
- *Floor furnaces (DI Hall) are shut off and capped.
- *Gas heater in Bathroom is capped and shut off.



SANCHEZ DAVID WAYNE
11913

SANCHEZ DAVID WAYNE
11913

BAGGETT TROY GLENN
11916

SHACKELFORD SHELL...
11913

FRUITT DEBORAH L
11913

parking lot behind house.

REDACTED DL

2021 Notice of Appraised Value

Page 8 of 1

BREWSTER COUNTY APPRAISAL DISTRICT
107 W AVE E #2
ALPINE, TX 79830
Phone: 432-837-2558 Fax: 432-837-3871

Property ID: 11914
Ownership %: 100.00
Geo ID: 973600200001000040
Legal: OT, BLOCK 20, LOT 1,2 W/3 OF 1 AND 2
Legal Acres: 0.1109
Situs: 405 E AVE E ALPINE, TX
Owner ID: 36955
PIN: WaPxHyn2CVHn

DATE OF NOTICE: May 14, 2021

4948 1 AV 0.398*****AUTO**5-DIGIT 79830 5DGS 2 FT 18
Property ID: 11914 - 973600200001000040
SHACKELFORD SHELLEY AND CARY
23 RANGER RD
ALPINE TX 79830-1013

**THIS IS NOT A BILL
DO NOT PAY**

Dear Property Owner,
We have appraised the property listed above for the tax year 2021. As of January 1, our appraisal is outlined below.

Appraisal Information				Last Year - 2020		Proposed - 2021		
Market Value of Improvements (Structures / Buildings, etc.)				78,927		82,357		
Market Value of Non Ag/Timber Land				16,320		29,376		
Market Value of Ag/Timber Land				0		0		
Market Value of Personal Property/Minerals				0		0		
Total Market Value				95,247		111,733		
Productivity Value of Ag/Timber Land				0		0		
Appraised Value				95,247		111,733		
Homestead Cap Value excluding Non-Homesite Value (i.e. Ag, Commercial)				95,247		111,733		
Exemptions (DV - Disabled Vet; DP-Disabled Person; HS-Homestead; OV65-Over 65)								
2020 Exemption Amount	2020 Taxable Value	Taxing Unit	2021 Proposed Appraised Value	2021 Exemption Amount	2021 Taxable Value	2020 Tax Rate	2021 Estimated Taxes	Freeze Year and Tax Ceiling
0	95,247	Brewster County	111,733	0	111,733	0.389601	435.31	
0	95,247	Big Bend Regional Hospi	111,733	0	111,733	0.107077	119.64	
0	95,247	City of Alpine	111,733	0	111,733	0.553753	618.72	
0	95,247	Alpine ISD	111,733	0	111,733	1.294700	1,446.61	
0	95,247	Central Appraisal Distr	111,733	0	111,733	0.000000	0.00	

DO NOT PAY FROM THIS NOTICE Total Estimated Tax: \$2,620.28

The difference between the 2016 appraised value and the 2021 appraised value is 115.18%. This percentage information is required by Tax Code section 25.19(b-1).

The governing body of each unit decides whether or not property taxes will increase. The appraisal district only determines the value of your property. "The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials."

If you qualified your home for a 65 and older or disabled person exemption for school taxes, the school taxes on that home cannot increase as long as you own and live in that home. The tax ceiling is the amount that you pay in the year that you qualified for the 65 and older or disabled person exemption. The school taxes on your home may not go above the amount of the ceiling, unless you improve the home (other than normal repairs and maintenance). This situation may also apply to the county, junior college district, and some cities.

Included are copies of the following documents published by the Texas Comptroller of Public Accounts: (1) Property Taxpayer Remedies; (2) Notice of Protest; and (3) Exemption Description List.

Deadline for filing a protest: June 17, 2021
Location of Hearings: BREWSTER CAD MEETING ROOM
ARB will begin hearings: June 30, 2021

To file a protest, complete the "Notice of Protest" form included with this notice by following the instructions included in the form. Mail or deliver the form to the appraisal review board at the following address no later than the deadline stated above: Brewster CAD Meeting Room
107 W Ave E #2
Alpine, TX 79830

If you have any questions or need more information, please contact the appraisal district office at (432) 837-2558 or at the address shown above.

Sincerely,
DENISE FLORES
Chief Appraiser

Welcome to The Sugar Moon

Information Sheet

House rules

- Check-in: After 3:00 PM
- Checkout: 11:00 AM
- No smoking inside the house; outside only, please.
- No parties or events
- No pets allowed
- No children under 12

General Information

- Wifi Password: **[REDACTED]**
- Parking is behind the house.
- You are within walking distance to much of Alpine. Location is one of the best things about staying at The Sugar Moon!
- There is a propane fire pit in the patio area. Please read the instructions carefully and enjoy our cool evenings in Alpine!

Health & safety

- Committed to Airbnb's enhanced cleaning process.
- Airbnb's social-distancing and other COVID-19-related guidelines apply
- Fire Extinguisher on site
- Smoke alarms / Carbon monoxide alarms
- Local Emergency Numbers:
 - 9-1-1
 - City Police: (432) 837-3486
 - Brewster Co. Sheriff's Office: (432) 837-3488
 - Emergency Operations Center: (432) 837-9975
 - Sugar Moon's Owner, Shelley, in case of emergency: (432) 940-3357

8. Information or Discussion items –

1. West Texas Ambulance Service Quarterly Report by Mike Scudder (M. Antrim, Interim City Manager)
2. Discussion regarding appointment of Chair to Animal Advisory Board and Planning & Zoning Commission (M. Antrim, Interim City Manager)
3. Discuss Old School House renovations up to and including:
 - a. Progress and Expenditures Update
 - b. Progress Budget Status(C. Rodriguez, City Council)
4. Discuss the Building Official / Building Inspector position up to and including:
 1. Status of advertisement
 2. Applications received
 3. Pending projects and how they are being handled(C. Rodriguez, City Council)
5. Discussion regarding City Extraterritorial Jurisdiction (J. Stokes, City Council)

1. West Texas Ambulance Service Quarterly Report by Mike Scudder (M. Antrim, Interim City Manager)

West Texas Ambulance Service - Alpine E.M.S.

**Quarterly Reports for January 1, 2021 through March 31, 2021
and April 1, 2021 through June 30, 2021**

**Presented to the City of Alpine
City Council Members, Honorable Mayor and City Manager
on August 1, 2021**

by Michael Scudder, Owner/Operator

**West Texas Ambulance Service - Alpine E.M.S.
Quarterly EMS Run Report for January 1, 2021 through March 31, 2021**

Total number of City/County/Marathon Runs 01/01/2021 to 03/31/2021 - 177 calls

Total City Calls	- 115
Total City No Transports	- 26
Total County Calls	- 26
Total County No Transports	- 10

Monthly Break Down of Calls

<u>Month</u>	<u>City</u>	<u>City No Transport</u>	<u>County</u>	<u>County No Transport</u>	<u>Total</u>
Janaury	43	15	10	3	71
February	39	6	5	3	53
March	33	5	11	4	53
<hr/>					
Total	115	26	26	10	177

**Air Ambulance Transports (Interfacility) from BBRMC to Alpine Municipal Airport
(1st Quarter 2021)**

January	32
February	45
March	43
<hr/>	
Total	120

Average Responses Times: City 3 - 5 minutes; Marathon 28 - 30 minutes

**West Texas Ambulance Service - Alpine E.M.S.
Quarterly EMS Run Report for January 1, 2021 through March 31, 2021
Supplemental Information**

- 1. COVID-19 Update**
 - a. Less EMS Responses for Covid Patients**
 - b. PPE Supply Status - Adequate**
- 2. EMS Response Billing**
 - a. No change: \$750.00 Base Rate,
\$15.00 per loaded mile**
 - b. No Transports - No Charge**

Submitted by:



**Michael Scudder, EMTP EMS Director
Owner/Operator**

08/01/2021

Date

**West Texas Ambulance Service - Alpine E.M.S.
Quarterly EMS Run Report for April 1, 2021 through June 30, 2021**

Total number of City/County/Marathon Runs 04/01/2021 to 06/30/2021 - 182 calls

Total City Calls	- 94
Total City No Transports	- 48
Total County Calls	- 31
Total County No Transports	- 9

Monthly Break Down of Calls

<u>Month</u>	<u>City</u>	<u>City No Transport</u>	<u>County</u>	<u>County No Transport</u>	<u>Total</u>
April	32	22	7	4	65
May	32	14	10	3	59
June	30	12	14	2	58
<hr/>					
Total	94	48	31	9	182

**Air Ambulance Transports (Interfacility) from BBRMC to Alpine Municipal Airport
(2nd Quarter 2021)**

April	37
May	50
June	35
<hr/>	
Total	122

Average Responses Times: City 3 - 5 minutes; Marathon 28 - 30 minutes

**West Texas Ambulance Service - Alpine E.M.S.
Quarterly EMS Run Report for April 1, 2021 through June 30, 2021
Supplemental Information**

- 1. COVID-19 Update**
 - a. Increased Covid EMS Responses**
 - b. PPE Supply Status - adequate for now**
- 2. EMS Response Billing**
 - a. No change: \$750.00 Base Rate,
\$15.00 per loaded mile**
 - b. No Transports - No Charge**
- 3. Attending JRAC meetings - great resource for EMS**

Submitted by:



**Michael Scudder, EMTP-EMS Director
Owner/Operator**

08/01/2021

Date

2. Discussion regarding appointment of Chair to Animal Advisory Board and Planning & Zoning Commission (M. Antrim, Interim City Manager)

BOARD / COMMISSION	WARD / PLACE	NAME
Planning and Zoning	1	Rawles Williams
4th Monday of the month	2	VACANT
	3	Eileen Rouke
	4	Abbey Branch
	5	Denis Foley
	At Large	Lucy Escovedo
	At Large	Tom Kennedy
Airport Advisory		
3rd Wednesday	1	Cade Woodward
	2	James Morris
	3	Mabert Moore - <i>CHAIR</i>
	4	VACANT
	5	James Blair
	At Large	Isabelle Blair
Parks & Recreation		
2nd Wednesday	1	VACANT
	2	VACANT
	3	Ben Struthers
	4	Estella Vega
	5	Lucy Escovedo
	BBKIDS	Leti Carrillo
	AISD	Darin Nance
Animal Advisory		
2nd Tuesday	Council	Judy Stokes
	Vice Chair	Patsy Culver
	1	Amit Rangra
	2	Pat McCall
	3	Lauren Spear
	4	James Etchison
	ACO	Jennifer Stewart
	Vet	Mary Dodson
	Humane Society	Gwin Grimes

Beautification and Environmental		
	1	VACANT
	2	Dale Jenkins
	3	Jeff Bennett
	4	Gerri Davis
	5	David Busey
	Mayor Appt	VACANT
Building and Standards		
4th Wednesday	1	Clayton Shoot
	2	Robert Savery - <i>CHAIR</i>
	3	Glenn Criddle
	4	Gerri Davis
	5	VACANT
	Alt 1	Jessie Lara
	Alt 2	VACANT
HOT Committee		
	1	Sarah Hyer
	2	Jerry Johnson
	3	Karen Sulewski
	4	Laura Gold
	5	John Green
	At Large	VACANT
	At Large	VACANT
	Tourism Director	Chris Ruggia - <i>CHAIR</i>
Music Committee		
	1	Neil Trammell (Hogwallops)
	2	Eden Hinshaw (The Swifts)
	3	Monica Quiroga (Old Gringo)
	4	Chris Puckett (Railroad Blues)
	5	Keri Blackman (Artwalk)
	6	Jeffrey Meyers (SRSU)
	7	Stewart Ramser (Viva Big Bend)

	Tourism Director	Chris Ruggia - CHAIR
Transportation Committee		
	1	VACANT
	2	VACANT
	3	VACANT
	4	VACANT
	5	John Kennedy
	At Large	VACANT - CHAIR
	At Large	Jim Street

3. Discuss Old School House renovations up to and including:

- a. Progress and Expenditures Update
- b. Progress Budget Status

(C. Rodriguez, City Council)

4. Discuss the Building Official / Building Inspector position up to and including:

- 1. Status of advertisement
- 2. Applications received
- 3. Pending projects and how they are being handled

(C. Rodriguez, City Council)

5. Discussion regarding City Extraterritorial Jurisdiction (J. Stokes, City Council)

ARTICLE II. – MUNICIPAL COURT

Sec. 38-31. Purpose, jurisdiction and definitions.

- (a) *Purpose.* This article is adopted so that the city council may promote the public health, safety, morals and general welfare within the city, and within its extra-territorial jurisdiction, as prescribed by state law, through the enforcement of the city's ordinances and the efficient disposition of cases arising from such ordinances.
- (b) *Jurisdiction.* The provisions of this article shall apply within the city limits and within the extra-territorial jurisdiction (ETJ) of the city as prescribed by state law.
- (c) *Definitions.*
 - (1) *Appellate court* means the county criminal court, the county criminal court of appeals, or the municipal court of appeals; or the county court at law if there is no county criminal court, county criminal court of appeals, or municipal court of appeals.
 - (2) *City* means the City of Alpine, an incorporated municipality in Brewster, County Texas.
 - (3) *City council* or *council* means the governing body of the City of Alpine.
 - (4) *Municipal court* means Municipal Court in the City of Alpine.
 - (5) *Municipal judge* means the presiding judge and alternate judges of the Municipal Court in the City of Alpine.

(Ord. No. 2011-10-02, § 1, 11-15-2011; Ord. No. 2014-07-02, 7-15-14)

LOCAL GOVERNMENT CODE

TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT

SUBTITLE C. MUNICIPAL BOUNDARIES AND ANNEXATION

CHAPTER 42. EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 42.001. PURPOSE OF EXTRATERRITORIAL JURISDICTION. The legislature declares it the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER B. DETERMINATION OF EXTRATERRITORIAL JURISDICTION

Sec. 42.021. EXTENT OF EXTRATERRITORIAL JURISDICTION. (a) The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

- (1) within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;
- (2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;
- (3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;
- (4) within 3-1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or
- (5) within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.

(b) Regardless of Subsection (a), the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

- (1) within five miles of those boundaries on a barrier island; or
- (2) within one-half mile of those boundaries off a barrier island.

(c) Subsection (b) applies to a municipality that has:

(1) a population of 2,000 or more; and

(2) territory located:

(A) entirely on a barrier island in the Gulf of Mexico; and

(B) within 30 miles of an international border.

(d) Regardless of Subsection (a), the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within three miles of those boundaries if the municipality:

(1) has a population of not less than 20,000 or more than 29,000; and

(2) is located in a county that has a population of 45,000 or more and borders the Trinity River.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 761 (H.B. 3325), Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 215 (H.B. 91), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 612 (S.B. 508), Sec. 1, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(33), eff. September 1, 2013.

Sec. 42.022. EXPANSION OF EXTRATERRITORIAL JURISDICTION. (a) When a municipality annexes an area, the extraterritorial jurisdiction of the municipality expands with the annexation to comprise, consistent with Section 42.021, the area around the new municipal boundaries.

(b) The extraterritorial jurisdiction of a municipality may expand beyond the distance limitations imposed by Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion.

(c) The expansion of the extraterritorial jurisdiction of a municipality through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality, except as provided by Subsection (d).

(d) The extraterritorial jurisdiction of a municipality may be expanded through annexation to include area that on the date of annexation is located in the extraterritorial jurisdiction of another municipality if a written agreement between the municipalities in effect on the date of

annexation allocates the area to the extraterritorial jurisdiction of the annexing municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 1, eff. June 17, 2011.

Sec. 42.0225. EXTRATERRITORIAL JURISDICTION AROUND CERTAIN MUNICIPALLY OWNED PROPERTY. (a) This section applies only to an area owned by a municipality that is:

- (1) annexed by the municipality; and
- (2) not contiguous to other territory of the municipality.

(b) Notwithstanding Section 42.021, the annexation of an area described by Subsection (a) does not expand the extraterritorial jurisdiction of the municipality.

Added by Acts 1999, 76th Leg., ch. 1167, Sec. 1, eff. Sept. 1, 1999.

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

- (1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901;
- (2) in accordance with an agreement under Section 42.022(d); or
- (3) as necessary to comply with Section 42.0235.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 2, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 941 (H.B. 4059), Sec. 1, eff. June 18, 2015.

Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, and except as provided by Subsection (d), the extraterritorial jurisdiction of a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the extraterritorial jurisdiction of a

neighboring municipality if extension of the extraterritorial jurisdiction beyond that limit would:

- (1) completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality; and
- (2) limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

(b) A municipality shall release extraterritorial jurisdiction as necessary to comply with Subsection (a).

(c) Notwithstanding any other law, a municipality that owns an electric system and that releases extraterritorial jurisdiction under Subsection (b) may provide electric service in the released area to the same extent that the service would have been provided if the municipality had annexed the area.

(d) Extraterritorial jurisdiction for a municipality subject to this section is determined under Section 42.021 if the governing body of the municipality and the governing body of the neighboring municipality each adopt, on or after June 1, 2017, resolutions stating that the determination of extraterritorial jurisdiction under Section 42.0235(a) is not in the best interest of the municipality.

Added by Acts 2015, 84th Leg., R.S., Ch. 941 (H.B. 4059), Sec. 2, eff. June 18, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 447 (S.B. 468), Sec. 1, eff. September 1, 2017.

Sec. 42.024. TRANSFER OF EXTRATERRITORIAL JURISDICTION BETWEEN CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Adopting municipality" means a home-rule municipality with a population of less than 25,000 that purchases and appropriates raw water for its water utility through a transbasin diversion permit from one or two river authorities in which the municipality has territory.

(2) "Releasing municipality" means a home-rule municipality with a population of more than 450,000 that owns an electric utility, that has a charter provision allowing for limited-purpose annexation, and that has annexed territory for a limited purpose.

(b) The governing body of an adopting municipality may by resolution include in its extraterritorial jurisdiction an area that is in the extraterritorial jurisdiction of a releasing municipality if:

(1) the releasing municipality does not provide water, sewer services, and electricity to the released area;

(2) the owners of a majority of the land within the released area request that the adopting municipality include in its extraterritorial jurisdiction the released area;

(3) the released area is:

(A) adjacent to the territory of the adopting municipality;

(B) wholly within a county in which both municipalities have territory; and

(C) located in one or more school districts, each of which has the majority of its territory outside the territory of the releasing municipality;

(4) the adopting municipality adopts ordinances or regulations within the released area for water quality standards relating to the control or abatement of water pollution that are in conformity with those of the Texas Natural Resource Conservation Commission applicable to the released area on January 1, 1995;

(5) the adopting municipality has adopted a service plan to provide water and sewer service to the area acceptable to the owners of a majority of the land within the released area; and

(6) the size of the released area does not exceed the difference between the total area within the extraterritorial jurisdiction of the adopting municipality, exclusive of the extraterritorial jurisdiction of the releasing municipality, on the date the resolution was adopted under this subsection, as determined by Section 42.021, and the total area within the adopting municipality's extraterritorial jurisdiction on the date of the resolution.

(c)(1) The service plan under Subsection (b)(5) shall include an assessment of the availability and feasibility of participation in any regional facility permitted by the Texas Natural Resource Conservation Commission in which the releasing municipality is a participant and had plans to provide service to the released area. The plan for regional service shall include:

(A) proposed dates for providing sewer service through the regional facility;

(B) terms of financial participation to provide sewer service to the released area, including rates proposed for service sufficient to reimburse the regional participants over a reasonable time for any expenditures associated with that portion of the regional facility designed or constructed to serve the released area as of January 1, 1993; and

(C) participation by the adopting municipality in governance of the regional facility based on the percentage of land to be served by the regional facility in the released area compared to the total land area to be served by the regional facility.

(2) The adopting municipality shall deliver a copy of the service plan to the releasing municipality and any other participant in any regional facility described in this subsection at least 30 days before the resolution to assume extraterritorial jurisdiction. The releasing municipality and any other participant in any regional facility described in this subsection by resolution shall, within 30 days of delivery of the service plan, either accept that portion of the service plan related to participation by the adopting municipality in the regional facility or propose alternative terms of participation.

(3) If the adopting municipality, the releasing municipality, and any other participant in any regional facility described in this subsection fail to reach agreement on the service plan within 60 days after the service plan is delivered, any municipality that is a participant in the regional facility or any owner of land within the area to be released may appeal the matter to the Texas Natural Resource Conservation Commission. The Texas Natural Resource Conservation Commission shall, in its resolution of any differences between proposals submitted for review in this subsection, use a cost-of-service allocation methodology which treats each service unit in the regional facility equally, with any variance in rates to be based only on differences in costs based on the time service is provided to an area served by the regional facility. The Texas Natural Resource Conservation Commission may allow the adopting municipality, the releasing municipality, or any other participant in any regional facility described in this subsection to withdraw from participation in the regional facility on a showing of undue financial hardship.

(4) A decision by the Texas Natural Resource Conservation Commission under this subsection is not subject to judicial review, and any costs associated with the commission's review shall be assessed to the parties to the decision in proportion to the percentage of land served by the regional facility subject to review in the jurisdiction of each party.

(5) The releasing municipality shall not, prior to January 1, 1997, discontinue or terminate any interlocal agreement, contract, or commitment relating to water or sewer service that it has as of January 1, 1995, with the adopting municipality without the consent of the adopting municipality.

(d) On the date the adopting municipality delivers a copy of the resolution under Subsection (b) to the municipal clerk of the releasing municipality, the released area shall be included in the extraterritorial jurisdiction of the adopting municipality and excluded from the extraterritorial jurisdiction of the releasing municipality.

(e) If any part of a tract of land, owned either in fee simple or under common control or undivided ownership, was or becomes split, before or after the dedication or deed of a portion of the land for a public purpose, between the extraterritorial jurisdiction of a releasing municipality and the jurisdiction of another municipality, or is land described in Subsection (b)(3)(C), the authority to act under Chapter 212 and the authority to regulate development and building with respect to the tract of land is, on the request of the owner to the municipality, with the municipality selected by the owner of the tract of land. The municipality selected under this subsection may also provide or authorize another person or entity to provide municipal services to land subject to this subsection.

(f) Nothing in this section requires the releasing municipality to continue to participate in a regional wastewater treatment plant providing service, or to provide new services, to any territory within the released area.

(g) This section controls over any conflicting provision of this subchapter.

Added by Acts 1995, 74th Leg., ch. 766, Sec. 1, eff. Aug. 28, 1995.

Sec. 42.025. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN MUNICIPALITIES. (a) In this section, "eligible property" means any portion of a contiguous tract of land:

(1) that is located in the extraterritorial jurisdiction of a municipality within one-half mile of the territory of a proposed municipal airport;

(2) for which a contract for land acquisition services was awarded by the municipality; and

(3) that has not been acquired through the contract described by Subdivision (2) for the proposed municipal airport.

(b) The owner of eligible property may petition the municipality to release the property from the municipality's extraterritorial jurisdiction not later than June 1, 1996. The petition must be filed with the secretary or clerk of the municipality.

(c) Not later than the 10th day after the date the secretary or clerk receives a petition under Subsection (b), the municipality by resolution shall release the eligible property from the extraterritorial jurisdiction of the municipality.

(d) Eligible property that is released from the extraterritorial jurisdiction of a municipality under Subsection (c) may be included in the extraterritorial jurisdiction of another municipality if:

(1) any part of the other municipality is located in the same county as the property; and

(2) the other municipality and the owner agree to the inclusion of the property in the extraterritorial jurisdiction.

Added by Acts 1995, 74th Leg., ch. 788, Sec. 1, eff. June 16, 1995.

Renumbered from Local Government Code Sec. 42.024 by Acts 1997, 75th Leg., ch. 165, Sec. 31.01(64), eff. Sept. 1, 1997.

Sec. 42.0251. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a general-law municipality:

(1) that has a population of less than 3,000;

(2) that is located in a county with a population of more than 500,000 that is adjacent to a county with a population of more than four million; and

(3) in which at least two-thirds of the residents reside within a gated community.

(b) A municipality shall release an area from its extraterritorial jurisdiction not later than the 10th day after the date the municipality receives a petition requesting that the area be released that is signed by at least 80 percent of the owners of real property located in the area requesting release.

Added by Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 3, eff. June 17, 2011.

Sec. 42.026. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) In this section, "navigable stream" has the meaning assigned by Section 21.001, Natural Resources Code.

(b) This section applies only to an area that is:

(1) located in the extraterritorial jurisdiction of a home-rule municipality that has a population of 60,000 or less and is located in whole or in part in a county with a population of 240,000 or less;

(2) located outside the county in which a majority of the land area of the municipality is located; and

(3) separated from the municipality's corporate boundaries by a navigable stream.

(c) A municipality that, on August 31, 1999, includes that area in its extraterritorial jurisdiction shall, before January 1, 2000:

(1) adopt an ordinance removing that area from the municipality's extraterritorial jurisdiction; or

(2) enter into an agreement with a municipality located in the county in which that area is located to transfer that area to the extraterritorial jurisdiction of that municipality.

(d) If the municipality that is required to act under Subsection (c) does not do so as provided by that subsection, the area is automatically removed from the extraterritorial jurisdiction of that municipality on January 1, 2000.

(e) Section 42.021 does not apply to a transfer of extraterritorial jurisdiction under Subsection (c) (2).

Added by Acts 1999, 76th Leg., ch. 1494, Sec. 1, eff. Aug. 30, 1999.

SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN EXTRATERRITORIAL JURISDICTION

Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION GENERALLY. (a) A municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body of the existing municipality gives its written consent by ordinance or resolution.

(b) If the governing body of the existing municipality refuses to give its consent, a majority of the qualified voters of the area of the proposed municipality and the owners of at least 50 percent of the land in the proposed municipality may petition the governing body to annex the area. If the governing body fails or refuses to annex the area within six months after the date it receives the petition, that failure or refusal constitutes the governing body's consent to the incorporation of the proposed municipality.

(c) The consent to the incorporation of the proposed municipality is only an authorization to initiate incorporation proceedings as provided by law.

(d) If the consent to initiate incorporation proceedings is obtained, the incorporation must be initiated within six months after the date of the

consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent.

(e) This section applies only to the proposed municipality's area located in the extraterritorial jurisdiction of the existing municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2005, 79th Leg., Ch. 287 (H.B. 585), Sec. 1, eff. June 16, 2005.

For expiration of Subsections (c) and (d), see Subsections (c) and (d).

Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies only to:

(1) an area located north and east of Interstate Highway 10 that is included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a municipality with a population of one million or more that has operated under a three-year annexation plan similar to the municipal annexation plan described by Section 43.052 for at least 10 years; or

(2) an area located north and east of Interstate Highway 10:

(A) that is included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a municipality with a population of one million or more that has operated under a three-year annexation plan similar to the municipal annexation plan described by Section 43.052 for at least 10 years;

(B) that has not been included in the municipality's annexation plan described by Section 43.052 before the 180th day before the date consent for incorporation is requested under Section 42.041(a); and

(C) for which the municipality refused to give its consent to incorporation under Section 42.041(a).

(b) The residents of the area described by Subsection (a)(2) may initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is located. The petition must request the county judge to order an election to determine whether the area of the proposed municipality will incorporate. An incorporation election under this section shall be conducted in the same manner as an incorporation election under Subchapter A, Chapter 8. The consent of the municipality that previously refused to give consent is not required for the incorporation.

(c) In this subsection, "deferred annexation area" means an area that has entered into an agreement with a municipality under which the municipality defers annexation of the area for at least 10 years. An area described by Subsection (a)(1) that is located within 1-1/2 miles of a municipality's deferred annexation area or adjacent to the corporate boundaries of the municipality may not be annexed for limited or full purposes during the period provided under the agreement. During the period provided under the agreement, the residents of the area may incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation. This subsection expires on the later of:

- (1) September 1, 2009; or
- (2) the date that all areas entitled to incorporate under this subsection have incorporated.

(d) This subsection applies only to an area that is described by Subsection (a)(1) and removed from a municipality's annexation plan under Section 43.052(e) two times or more. The residents of the area and any adjacent territory that is located within the extraterritorial jurisdiction of the municipality or located within an area annexed for limited purposes by the municipality and that is adjacent to the corporate boundaries of the municipality may incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation. This subsection expires on the later of:

- (1) September 1, 2009; or
- (2) the date that all areas entitled to incorporate under this subsection have incorporated.

Added by Acts 2005, 79th Leg., Ch. 287 (H.B. 585), Sec. 2, eff. June 16, 2005.

Sec. 42.042. CREATION OF POLITICAL SUBDIVISION TO SUPPLY WATER OR SEWER SERVICES, ROADWAYS, OR DRAINAGE FACILITIES IN EXTRATERRITORIAL JURISDICTION. (a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the

creation of the political subdivision other than those expressly permitted by Sections 54.016(e) and (i), Water Code.

(b) If the governing body fails or refuses to give its consent for the creation of the political subdivision, including a water district previously created by an act of the legislature, on mutually agreeable terms within 90 days after the date the governing body receives a written request for the consent, a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision may petition the governing body to make available to the area the water, sanitary sewer services, or both that would be provided by the political subdivision.

(c) If, within 120 days after the date the governing body receives the petition, the governing body fails to make a contract with a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision to provide the services, that failure constitutes the governing body's consent to the creation of the proposed political subdivision.

(d) The consent to the creation of the political subdivision is only an authorization to initiate proceedings to create the political subdivision as provided by law.

(e) Repealed by Acts 1997, 75th Leg., ch. 1070, Sec. 55, eff. Sept. 1, 1997.

(f) If the municipality fails or refuses to give its consent to the creation of the political subdivision, including a water district previously created by an act of the legislature, or fails or refuses to execute a contract providing for the water or sanitary sewer services requested within the time limits prescribed by this section, the applicant may petition the Texas Commission on Environmental Quality for the creation of the political subdivision or the inclusion of the land in a political subdivision. The commission shall allow creation or confirmation of the creation of the political subdivision or inclusion of the land in a proposed political subdivision on finding that the municipality either does not have the reasonable ability to serve or has failed to make a legally binding commitment with sufficient funds available to provide water and wastewater service adequate to serve the proposed development at a reasonable cost to the landowner. The commitment must provide that construction of the facilities necessary to serve the land will begin within two years and will be substantially completed within 4-1/2 years after the date the petition was filed with the municipality.

(g) On an appeal taken to the district court from the ruling of the Texas Commission on Environmental Quality, all parties to the commission hearing must be made parties to the appeal. The court shall hear the appeal within 120 days after the date the appeal is filed. If the case is continued or appealed to a higher court beyond the 120-day period, the court shall require the appealing party or party requesting the continuance to post a bond or other adequate security in the amount of damages that may be incurred by any party as a result of the appeal or delay from the commission action. The amount of the bond or other security shall be determined by the court after notice and hearing. On final disposition, a court may award damages, including any damages for delays, attorney's fees, and costs of court to the prevailing party.

(h) A municipality may not unilaterally extend the time limits prescribed by this section through the adoption of preapplication periods or by passage of any rules, resolutions, ordinances, or charter provisions. However, the municipality and the petitioner may jointly petition the Texas Commission on Environmental Quality to request an extension of the time limits.

(i) Repealed by Acts 1989, 71st Leg., ch. 1058, Sec. 1, eff. Sept. 1, 1989.

(j) The consent requirements of this section do not apply to the creation of a special utility district under Chapter 65, Water Code. If a special utility district is to be converted to a district with taxing authority that provides utility services, this section applies to the conversion.

(k) This section, except Subsection (i), applies only to the proposed political subdivision's area located in the extraterritorial jurisdiction of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 3(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1058, Sec. 1, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 76, Sec. 11.254, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1098 (H.B. 3378), Sec. 1, eff. June 15, 2007.

Acts 2019, 86th Leg., R.S., Ch. 1128 (H.B. 2590), Sec. 1, eff. September 1, 2019.

Sec. 42.0425. ADDITION OF LAND IN EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY TO CERTAIN POLITICAL SUBDIVISIONS. (a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this section and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the expansion of the political subdivision other than those expressly permitted by Section 54.016(e), Water Code.

(b) The procedures under Section 42.042 governing a municipality's refusal to consent to the creation of a political subdivision apply to a municipality that refuses to consent to the addition of land to a political subdivision under this section.

(c) An owner of land in the area proposed to be added to the political subdivision may not unreasonably refuse to enter into a contract for water or sanitary sewer services with the municipality under Section 42.042(c).

(d) This section does not apply to a political subdivision created by Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993.

Added by Acts 2007, 80th Leg., R.S., Ch. 703 (H.B. 2091), Sec. 2, eff. June 15, 2007.

Sec. 42.043. REQUIREMENTS APPLYING TO PETITION. (a) A petition under Section 42.041 or 42.042 must:

- (1) be written;
- (2) request that the area be annexed or that the services be made available, as appropriate;
- (3) be signed in ink or indelible pencil by the appropriate voters and landowners;
- (4) be signed, in the case of a person signing as a voter, as the person's name appears on the most recent official list of registered voters;
- (5) contain, in the case of a person signing as a voter, a note made by the person stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate;

(6) contain, in the case of a person signing as a landowner, a note made by the person opposite the person's name stating the approximate total acreage that the person owns in the area to be annexed or serviced;

(7) describe the area to be annexed or serviced and have a plat of the area attached; and

(8) be presented to the secretary or clerk of the municipality.

(b) The signatures to the petition need not be appended to one paper.

(c) Before the petition is circulated among the voters and landowners, notice of the petition must be given by posting a copy of the petition for 10 days in three public places in the area to be annexed or serviced and by publishing the notice once, in a newspaper of general circulation serving the area, before the 15th day before the date the petition is first circulated. Proof of posting and publication must be made by attaching to the petition presented to the secretary or clerk:

(1) the affidavit of any voter who signed the petition, stating the places and dates of the posting;

(2) the affidavit of the publisher of the newspaper in which the notice was published, stating the name of the newspaper and the issue and date of publication; and

(3) the affidavit of at least three voters who signed the petition, if there are that many, stating the total number of voters residing in the area and the approximate total acreage in the area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.044. CREATION OF INDUSTRIAL DISTRICT IN EXTRATERRITORIAL JURISDICTION. (a) In this section, "industrial district" has the meaning customarily given to the term but also includes any area in which tourist-related businesses and facilities are located.

(b) The governing body of a municipality may designate any part of its extraterritorial jurisdiction as an industrial district and may treat the designated area in a manner considered by the governing body to be in the best interests of the municipality.

(c) The governing body may make written contracts with owners of land in the industrial district:

(1) to guarantee the continuation of the extraterritorial status of the district and its immunity from annexation by the municipality for a period not to exceed 15 years; and

(2) with other lawful terms and considerations that the parties agree to be reasonable, appropriate, and not unduly restrictive of business

activities.

(d) The parties to a contract may renew or extend it for successive periods not to exceed 15 years each. In the event any owner of land in an industrial district is offered an opportunity to renew or extend a contract, then all owners of land in that industrial district must be offered an opportunity to renew or extend a contract subject to the provisions of Subsection (c).

(e) A municipality may provide for adequate fire-fighting services in the industrial district by:

- (1) directly furnishing fire-fighting services that are to be paid for by the property owners of the district;
- (2) contracting for fire-fighting services, whether or not all or a part of the services are to be paid for by the property owners of the district; or
- (3) contracting with the property owners of the district to have them provide for their own fire-fighting services.

(f) A property owner who provides for his own fire-fighting services under this section may not be required to pay any part of the cost of the fire-fighting services provided by the municipality to other property owners in the district.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 975, Sec. 1, eff. Aug. 30, 1993.

Sec. 42.045. CREATION OF POLITICAL SUBDIVISION IN INDUSTRIAL DISTRICT. (a) A political subdivision, one purpose of which is to provide services of a governmental or proprietary nature, may not be created in an industrial district designated under Section 42.044 by a municipality unless the municipality gives its written consent by ordinance or resolution. The municipality shall give or deny consent within 60 days after the date the municipality receives a written request for consent. Failure to give or deny consent in the allotted period constitutes the municipality's consent to the initiation of the creation proceedings.

(b) If the consent is obtained, the creation proceedings must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent for the proceedings.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.046. DESIGNATION OF A PLANNED UNIT DEVELOPMENT DISTRICT IN EXTRATERRITORIAL JURISDICTION. (a) The governing body of a municipality that has disannexed territory previously annexed for limited purposes may designate an area within its extraterritorial jurisdiction as a planned unit development district by written agreement with the owner of the land under Subsection (b). The agreement shall be recorded in the deed records of the county or counties in which the land is located. A planned unit development district designated under this section shall contain no less than 250 acres. If there are more than four owners of land to be designated as a single planned unit development, each owner shall appoint a single person to negotiate with the municipality and authorize that person to bind each owner for purposes of this section.

(b) An agreement governing the creation, development, and existence of a planned unit development district established under this section shall be between the governing body of the municipality and the owner of the land subject to the agreement. The agreement shall not be effective until signed by both parties and by any other person with an interest in the land, as that interest is evidenced by an instrument recorded in the deed records of the county or counties in which the land is located. The parties may agree:

(1) to guarantee continuation of the extraterritorial status of the planned unit development district and its immunity from annexation by the municipality for a period not to exceed 15 years after the effective date of the agreement;

(2) to authorize certain land uses and development within the planned unit development;

(3) to authorize enforcement by the municipality of certain municipal land use and development regulations within the planned unit development district, in the same manner such regulations are enforced within the municipality's boundaries, as may be agreed by the landowner and the municipality;

(4) to vary any watershed protection regulations;

(5) to authorize or restrict the creation of political subdivisions within the planned unit development district; and

(6) to such other terms and considerations the parties consider appropriate.

(c) The agreement between the governing body of the municipality and the owner of the land within the planned unit development district shall be binding upon all subsequent governing bodies of the municipality and

subsequent owners of the land within the planned unit development district for the term of the agreement.

(d) An agreement or a decision made under this section and an action taken under the agreement by the parties to the agreement are not subject to an approval or an appeal brought under Section 26.177, Water Code.

Added by Acts 1989, 71st Leg., ch. 822, Sec. 5, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 891, Sec. 1, eff. June 8, 1991.

Sec. 42.047. CREATION OF A POLITICAL SUBDIVISION IN AN AREA PROPOSED FOR A PLANNED UNIT DEVELOPMENT DISTRICT. If the governing body of a municipality that has disannexed territory previously annexed for limited purposes refuses to designate a planned unit development district under Section 42.046 no later than 180 days after the date a request for the designation is filed with the municipality by the owner of the land to be included in the planned unit development district, the municipality shall be considered to have given the consent required by Section 42.041 to the incorporation of a proposed municipality including within its boundaries all or some of such land. If consent to incorporation is granted by this subsection, the consenting municipality waives all rights to challenge the proposed incorporation in any court.

Added by Acts 1989, 71st Leg., ch. 822, Sec. 5, eff. Sept. 1, 1989.

Sec. 42.049. AUTHORITY OF WELLS BRANCH MUNICIPAL UTILITY DISTRICT.

(a) Wells Branch Municipal Utility district is authorized to contract with a municipality:

(1) to provide for payments to be made to the municipality for purposes that the governing body of the district determines will further regional cooperation between the district and the municipality; and

(2) to provide other lawful terms and considerations that the district and the municipality agree are reasonable and appropriate.

(b) A contract entered into under this section may be for a term that is mutually agreeable to the parties. The parties to such a contract may renew or extend the contract.

(c) A municipality may contract with the district to accomplish the purposes set forth in Subsection (a) of this section. In a contract entered into under this section, a municipality may agree that the district will remain in existence and be exempt from annexation by the municipality for the term of the contract.

(d) A contract entered into under this section will be binding on all subsequent governing bodies of the district and of the municipality for the term of the contract.

(e) The district may make annual appropriations from its operations and maintenance tax or other revenues lawfully available to the district to make payments to a municipality under a contract entered into under this section.

Added by Acts 1999, 76th Leg., ch. 926, Sec. 4, eff. June 18, 1999.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 42.901. APPORTIONMENT OF EXTRATERRITORIAL JURISDICTIONS THAT OVERLAPPED ON AUGUST 23, 1963. (a) If, on August 23, 1963, the extraterritorial jurisdiction of a municipality overlapped the extraterritorial jurisdiction of one or more other municipalities, the governing bodies of the affected municipalities may apportion the overlapped area by a written agreement approved by an ordinance or a resolution adopted by the governing bodies.

(b) A municipality having a claim of extraterritorial jurisdiction to the overlapping area may bring an action as plaintiff in the district court of the judicial district in which the largest municipality having a claim to the area is located. The plaintiff municipality must name as a defendant each municipality having a claim of extraterritorial jurisdiction to the area and must request the court to apportion the area among the affected municipalities. In apportioning the area, the court shall consider population densities, patterns of growth, transportation, topography, and land use in the municipalities and the overlapping area. The area must be apportioned among the municipalities:

(1) so that each municipality's part is contiguous to the extraterritorial jurisdiction of the municipality or, if the extraterritorial jurisdiction of the municipality is totally overlapped, is contiguous to the boundaries of the municipality;

(2) so that each municipality's part is in a substantially compact shape; and

(3) in the same ratio, to one decimal, that the respective populations of the municipalities bear to each other, but with each municipality receiving at least one-tenth of the area.

(c) An apportionment under this section must consider existing property lines. A tract of land or adjoining tracts of land that were under one ownership on August 23, 1963, and that do not exceed 160 acres

may not be apportioned so as to be in the extraterritorial jurisdiction of more than one municipality unless the landowner gives written consent to that apportionment.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.902. RESTRICTION AGAINST IMPOSING TAX IN EXTRATERRITORIAL JURISDICTION. The inclusion of an area in the extraterritorial jurisdiction of a municipality does not by itself authorize the municipality to impose a tax in the area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.903. EXTRATERRITORIAL JURISDICTION OF CERTAIN TYPE B OR C GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a Type B or C general-law municipality:

- (1) that has more than 200 inhabitants;
- (2) that is wholly surrounded, at the time of incorporation, by the extraterritorial jurisdiction of another municipality; and
- (3) part of which was located, at any time before incorporation, in an area annexed for limited purposes by another municipality.

(b) The governing body of the municipality by resolution or ordinance may adopt an extraterritorial jurisdiction for all or part of the unincorporated area contiguous to the corporate boundaries of the municipality and located within one mile of those boundaries. The authority granted by this section is subject to the limitation provided by Section 26.178, Water Code.

(c) Within 90 days after the date the municipality adopts the resolution or ordinance, an owner of real property in the extraterritorial jurisdiction may petition the municipality to release the owner's property from the extraterritorial jurisdiction. On the presentation of the petition, the property:

- (1) is automatically released from the extraterritorial jurisdiction of the municipality and becomes part of the extraterritorial jurisdiction or limited purpose area of the municipality whose jurisdiction surrounded, on May 31, 1989, the municipality from whose jurisdiction the property is released; and

(2) becomes subject to any existing zoning or other land use approval provisions that applied to the property before the property was included in the municipality's extraterritorial jurisdiction under Subsection (b).

(d) The municipality may exercise in its extraterritorial jurisdiction the powers granted under state law to other municipalities in their extraterritorial jurisdiction, including the power to ensure its water supply and to carry out other public purposes.

(e) To the extent of any conflict, this section controls over other laws relating to the creation of extraterritorial jurisdiction.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 13.01(a), eff. Aug. 26, 1991.

Sec. 42.904. EXTRATERRITORIAL JURISDICTION AND VOTING RIGHTS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has disannexed territory under Section 43.133 that it had previously annexed for limited purposes and that has extended rules to its extraterritorial jurisdiction under Section 212.003.

(b) The municipality shall allow all qualified voters residing in the municipality's extraterritorial jurisdiction to vote on any proposition that is submitted to the voters of the municipality and that involves:

(1) an adoption of or change to an ordinance or charter provision that would apply to the municipality's extraterritorial jurisdiction; or

(2) a nonbinding referendum that, if binding, would apply to the municipality's extraterritorial jurisdiction.

Added by Acts 1993, 73rd Leg., ch. 172, Sec. 1, eff. May 17, 1993.