check, cash or Money Order made payable to The City of Alpine.

2. The reimbursement will be attached to the itemized statement.

3. The employee will write the statement on the bottom of the mobile phone invoice and sign and date it: "I certify that all on this statement except those that are circled, were made for official business for the City of Alpine."

4. The invoice and the reimbursement, if applicable, should be returned to the Finance office within three business days.

2. Personal Cell Phone

During working hours, the City of Alpine employees are expected to exercise the same discretion in using personal cell phones as they use with the company phones. Excessive personal calls, texts, or other electronic forms of communication during the workday, regardless of the phone used, can interfere with employee productivity and may be distracting to others.

Therefore, it is the policy of the City of Alpine that employees' personal cell phones will remain in the "off" or "silent" status while at work; no cell phones shall remain on while meetings are being conducted.

The City of Alpine will not be liable for loss, theft, or damaged to personal cell phones brought to the workplace.

At no point shall employees be permitted to use or interact with personal cell phones while operating any vehicle and/or equipment while representing the City of Alpine.

L. USE OF CITY PROPERTY OR EQUIPMENT

The City of Alpine facilities, equipment, supplies, and other City resources are made available to help the employees perform their job duties and are not for personal use. The City may establish separate policies governing the use of specific equipment. All employees must complete training and sign off on the use of equipment prior to the use and handling of the equipment for each department. Acknowledgement of City Property Form.

Abuse of City equipment/property will not be tolerated. Abuse includes, but is not limited to the following:

- Negligent or willful damage or destruction of City equipment or property;
- Removal of city owned equipment for personal use.
- Waste of materials or negligent loss of tools or materials;
- Improper maintenance of equipment; and
- Damage caused by the use of tools or equipment for purposes other than that for which the tool or equipment was intended.

Unauthorized removal of City property from its assigned location or its conversion to personal use will be considered cause for disciplinary action up to and including termination. City property issued to an employee must be returned to the City at the time employment with the City ends or upon request for inspection.

M. NURSING MOTHERS

The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child's birth or adoption. The City will provide a private, secure location, other than a restroom, in the employee's building for this purpose. The space provided will be one that can be made

available to the employee as needed, is shielded from view, and free from intrusion from co-workers or the public. The employee and her Supervisor will agree on the times for these breaks. In order to prepare such a designated space, the City requires advance notification so that space can be designated and prepared within a facility. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day. Breastfeeding mothers will be given the amount of time required to express breast milk. If this exceeds the 15-minute break time the employee must designate this as an unpaid break on their timesheet.

VI. RECEIPT OF PERSONNEL POLICIES & GUIDELINES

Receipt of Personnel Policies and Guidelines

Printed Name: _____

Record of Receipt of Employee Handbook

I acknowledge receiving and reading the City of Alpine Personnel Policies and Guidelines. I clearly understand that this handbook does not create a contract for employment with the City of Alpine, and that the City of Alpine may change or modify the policies and procedures found in this handbook at any time, with or without notice.

Employee Signature: _____

Date: _____

3. Discussion on the Investment Policy for the City of Alpine. (E. Zimmer, City Manager)

CITY OF ALPINE

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

I. PURPOSE

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

II. SCOPE

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

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

B. Funds covered by this Policy may include:
   1. General Fund – used to account for resources traditionally associated with government, which are not required to be accounted for in another fund. For Example: Pooled Checking

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

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

III. INVESTMENT OBJECTIVES AND STRATEGIES

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

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

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

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

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

IV. INVESTMENT STRATEGY FOR SPECIFIC FUND GROUPS

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

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

iii. Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

b. Interest Rate Risk – The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in the market interest rates, by:

i. Structuring the investment portfolio so that security maturities match cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

ii. Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting individual security maturity as well as the average maturity of the portfolio in accordance with this policy.

4. Attain the best feasible yield commensurate with the objectives and restrictions set forth in this Policy by actively managing the portfolio to meet or exceed the twelve-month moving average yield on a one-year U.S. Treasury bill as derived from the Federal Reserve Statistical Release H.15 for constant maturities.

B. Bond Funds Strategy – Occasionally, separate non-pooled portfolios are established with the proceeds from bond sales in order to maximize earnings within the constraints of arbitrage regulations. The objectives of the portfolio are to:

1. Ensure safety of principal by investing in only high-quality securities for which a strong secondary market exists.
2. Ensure that anticipated cash flow needs are matched with adequate investment liquidity.
3. Limit market and credit risk through diversification.
4. Attain the best feasible yield commensurate with the objectives and restrictions set forth in this Policy and bond ordinance by actively managing the portfolio to meet or exceed the bond yield.

C. Trust or Escrowed Funds Strategy – Funds that are held outside the City by a trust or escrow agent but belonging to the City are governed by their respective trust or escrow agreement and are subject to the provisions of this Policy. The objectives of the portfolios are to:

1. Ensure safety of principal by investing in only high-quality securities for which a strong secondary market exists.
2. Ensure that anticipated cash flow needs are matched with adequate investment liquidity.
3. Limit market and credit risk through diversification.

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

V. DELEGATION OF AUTHORITY

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

VI. RESPONSIBILITY AND STANDARD OF CARE

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

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

B. Conflicts of Interest – All participants in the investment process shall seek to act responsibly as custodians of public assets Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

C. Disclosure – Anyone involved in investing City Funds shall file with the Investment Officer a statement disclosing any personal business relationship with a business organization offering to engage in investment transactions with the City or is related within the second degree by affinity or consanguinity as determined under the Tex. Gov't. Code Ch. 573, to an individual seeking to transact investment business with the City. A disclosure statement must also be filed with the Texas Ethics Commission and the City Council. An Investment Officer or other employee has a personal business relationship with a business organization if any of the following three conditions are met:

1. The Investment Officer or employee owns 10% or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization.
2. Funds received by the Investment Officer or employee from the business organization exceed 10% of the investment officer's gross income for the prior year.
3. The Investment Officer or employee has acquired from the business organization during the prior year investments with a book value of $2,500 or more for their personal account.

D. Prudence – The standard of prudence to be used by the investment officials shall be the "Prudent Person Rule", as set forth in Tex. Gov't. Code Dec. 2256.006, and will be applied in the context of managing an overall portfolio: "Investments shall be made with judgment and care under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investments, considering the probable safety of their capital as well as the probable income to be derived."

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

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

E. Reporting

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

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

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

F. Performance Standards – The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. The benchmarks shall be reflective of the actual securities being purchased and risks undertaken and the benchmarks shall have a similar weighted average maturity as the portfolio

G. Marking to Market – The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed consistent with GFOA Recommended Practice on "Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools." In defining market value, considerations should be given to GASB Statement 31 pronouncement.

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

VII. SUTABLE AND AUTHORIZED INVESTMENT SECURITIES

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

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

B. Authorized Investments – City funds governed by this Policy may be invested in instruments described below, all of which are authorized by the Public Funds Investment Act (PFIA).

1. Direct Obligations of the United States of America, its agencies and instrumentalities (maturing in less than five years).
2. Other obligations, the principal and interest of which are unconditionally guaranteed or issued by, or backed by the full faith and credit of, the United States of America, or any obligation fully guaranteed or insured by the Federal Deposit Insurance Corporation (maturing in less than five years).
3. Direct obligations of the State of Texas or its agencies thereof, Counties, Cities, and other political subdivisions rated as to investment quality by a nationally recognized investment rating firm not less than AA or its equivalent (maturing in less than two years).
4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas, rated as to investment quality by a nationally recognized investment rating firm not less than AA or its equivalent (maturing in less than two years).
5. Fully insured or collateralized certificates of deposit/share certificates issued by state and national banks or savings bank or a federal or state credit union (having

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

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

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

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

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

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

C. Prohibited Investments – The City's authorized investment options are more restrictive than those allowed by state law. Furthermore, this Policy specifically prohibits investment in the securities listed below:
   1. Obligations, whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
   2. Obligations whose payments represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
   3. All collateralized mortgage obligations
   4. Reverse repurchase agreements.

D. Diversification – It is the policy of the City to diversify its investment portfolios. The diversification will protect interest income from the volatility of interest rates and the avoidance of undue concentration of assets in a specific maturity sector; therefore, portfolio maturities shall be staggered. In establishing specific diversification strategies, the following general policies and constraints shall apply:
   1. Risk of market price volatility shall be controlled through maturity diversification and by controlling unacceptable maturity extensions and a mismatch of labilities and assets. The maturity extension will be controlled by limiting the weighted average maturity of the internal investment pool portfolio to 550 days. All long-term maturities will be intended to cover long-term liabilities. In addition, at least five (5) percent of the funds in the investment pool portfolio will be liquid at all times. Investment pool liquidity, which consists of immediately available funds, is defined as shares in a local government investment pool and money market mutual fund, as well as bank demand deposit balances. Although there is no maximum defined portfolio liquidity position, it is the intent of this Policy to seek out higher yielding alternative investments in accordance with the prioritized objectives or preservation and safety of principal, meeting liquidity needs and yield enhancement as stated throughout the Public Funds Investment Act.
   2. The Investment Officer and City Manager shall establish strategies and guidelines for the percentage of the total portfolio that may be invested in U.S. Treasury securities, federal agencies/instrumentalities, and insured/collateralized certificates of deposit and other securities or obligations.

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

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

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

By Institution

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

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

VIII. COMPETITIVE BIDDING

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

A. Transactions with money market mutual funds and local government investment pools which are deemed to be made at prevailing market rates.

B. Treasury and agency securities purchased as new issues through an approved broker/dealer, financial institution or investment advisor.

C. Automatic overnight "sweep" transactions with the City's depository bank.

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

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

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

B. Investment Broker/Dealers – If the City has not retained an investment advisor, then the Investment Officer shall be responsible for adopting the list of qualified

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

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

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

C. Investment Advisor – The City may retain the services of an investment advisory firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to assist in the review of cash flow requirements, the formulation of investment strategies, and the execution of security purchases, sales, and deliveries. The investment advisory contract with the City may not be for a term longer than two years and its renewal or extension must be approved by City Council by ordinance or resolution as required by the Tex. Gov't Code Sec. 2256.003(b).

D. Compliance – A qualified representative from any firm offering to engage in investment transactions with the City is required to sign a written instrument upon receiving and reviewing a copy of the City's Investment Policy. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with this written instrument executed by a qualified representative of the firm, acknowledging that the business organization has:

1. Received and reviewed the City's Investment Policy.
2. Implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that

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

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

X. COLLATERALIZTION, SAFEKEEPING AND CUSTODY

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

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

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

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

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

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

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

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

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

XI. MANAGEMENT AND INTERNAL CONTROLS

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

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

<u>Imperative Controls</u>

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

Controls Where Practical

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

XII. INVESTMENT POLICY ADOPTION

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

4. Discussion on Loud Noise Ordinance. (R. Stephens, City Council)

STATE OF TEXAS **COUNTY OF BREWSTER**

CITY OF ALPINE

ORDINANCE 2020-XX-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS CREATING AND ESTABLISHING ARTICLE VI IN CHAPTER 70 TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive sound may be substantially abated; and

WHEREAS, the people have a right to, and should be ensured an environment free from excessive sound; and

WHEREAS, it is deemed to be in the best interest of the City to create and establish Article VI in Chapter 70 to the Alpine Code of Ordinances, an article preventing excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

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

SECTION I
FINDINGS OF FACT

All of the premises attached in the form hereto described as Exhibit "A" are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

SECTION II
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION III
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or

decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION IV
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION V
EFFECTIVE DATE

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

PASSED AND ADOPTED THIS 30th DAY OF JUNE 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING	**SECOND AND FINAL READING**
JUNE 16, 2020	**JUNE 30, 2020**

_____

Andres "Andy" Ramos, Mayor
City of Alpine

ATTEST:

_____

Cynthia Salas, City Secretary
City of Alpine

APPROVED AS TO FORM:

_____

Rod Ponton, City Attorney
City of Alpine

Exhibit "A"
ARTICLE VI. NOISE

NOTE: THE HIGHLIGHTED SECTION TITLES NEED TO BE CHANGED TO REFLECT THE UPDATED SECTION NUMBERS IF WE DECIDE TO ADD THIS SECTION TO CHAPTER 70. HIGHLIGHTED INFORMATION WITHIN THE PARAGRAPHS WILL LIKELY NEED TO BE CHANGED TO ALIGN WITH OUR CITY.

Sec. 14-209. - General.

(a) This article is adopted under the authority of the Constitution and laws of the state, particularly V.T.C.A., Local Government Code ch. 217, subchapter C, and by virtue of the authority of the city, as granted to it by the citizens of the city and contained in article 2, section 2.01 of the city Charter.

(b) The purpose of this article is to provide an objective framework whereby the officers of the city may act to ensure the safety and welfare of the citizens by adopting quantitatively defined measures to protect against the deleterious effects of excessive, prolonged, or otheiwise undesirable noise.

Sec. 14-210. - Definitions.

The following words and terms, when used in this article, have the following meanings unless otherwise clearly indicated. All technical definitions not defined in this section will be interpreted in accordance with applicable publications and standards of the American National Standards Institute (ANSI).

A-weighting means the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Chief of police means the Chief of Police of the City of Round Rock or his designated representative.

Construction means any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Daytime means 7:00 a.m. to 9:00 p.m. the same day.

dB(A) means the A-weighted unit of sound pressure level.

Decibel (dB) means the unit of measurement for sound pressure level at a specific location.

Domestic power tool means any mechanically, electrically, or gasoline motor-driven tool, including:

(1) Chainsaws;

(2) Lawn equipment;

(3) Drills; and

(4) Power sprayers.

Emergency work means any work or action necessary to deliver essential services including repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees from rights-of-way, or abating life threatening conditions.

Impulsive sound means a sound having duration of less than one second with an abrupt onset and rapid decay.

Measuring instrument means an instrument such as a sound level meter, integrating sound level meter, or dosimeter used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in the latest version of ANSI standard 51.4-1983.

Motor vehicle means any vehicle that is propelled or drawn on land by an engine or motor.

Muffler means a sound dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.

Nighttime means 9:00 p.m. to 7:00 a.m. the following day.

Noise means any sound of a level and duration that is or can be harmful to human health, or would unreasonably interfere with the enjoyment of life or property in the city.

Noise control ordinance means the Round Rock Noise Control Ordinance.

Noise disturbance means any sound which:

(1) Disturbs a reasonable person of normal sensitivities;

(2) Exceeds the sound level limits set forth in this article; or

(3) Is plainly audible as defined in this section.

Outdoor music venue means a commercial property where sound equipment is used to amplify sound that is:

(1) Not fully enclosed by permanent, solid walls and a roof; or

(2) Allowed to project out of an exterior doorway that is routinely opened.

Plainly audible means any sound or noise from any source that can be clearly heard by a person with normal hearing faculties at a distance of 200 feet or more from the real property line of the source of the sound or noise.

Public right-of-way means any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.

Public space means any real property or structure thereon that is leased, owned, or controlled by a governmental entity.

Real property line means either:

(1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or

(2) The vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building.

Sound equipment means a loud speaker, public address system, amplification system, or other sound producing device.

Sound level means the instantaneous sound pressure level measured in decibels with a sound level m eter set for A-weighting on slow integration speed.

Sound pressure level means 20 multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels .

Zoning districts. For purposes of this article, the zoning districts established in subsection 46-132(a) are divided into two separate groups as follows:

(1) Residential districts.

a. MH (Manufactured housing).

b. SF-1 (Single-family-large lot).

c. SF-2 (Single-family-standard lot).

d. SF-R (Single-family-rural).

e. SR (Senior).

f. TF (Two-family).

g. TH (Townhouse).

h. MU-L (Mixed-use limited) district.

i. Areas that are zoned PUD (planned unit development) that are exclusively residential in character.

(2) Commercial and industrial districts.

a. AG (Agricultural).

b. BP (Business park).

c. C-1 (General commercial).

d. C-1a (General commercial-limited).

e. C-2 (Local commercial).

f. LI (Light industrial).

g. MI (Mining).

h. I (Industrial).

i. OF (Office).

j. OS (Open space).

k. PF (Public facilities).

l. MU-1 (Mixed-use historic commercial core) district.

m. MU-2 (Mixed-use downtown medium density) district.

n. Areas that are zoned PUD and exhibit mixed-use land development characteristics.

Sec. 14-211. - Noise measurement procedures.

(a) *Measurement with sound level meter.*

(1) Whenever portions of this article prohibit sound over a certain decibel limit, measurement of the sound will be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (ANSI 51.4-1984/BSA).

(2) Noise levels will be measured in decibels and A-weighted. The unit of measurement will be designated "dB(A)."

(3) Meters must be maintained in calibration and in good working order. Calibrations will be employed that meet ANSI 51.40-1984 prior to and immediately after every sampling of sound.

(4) Measurements recorded must be taken so as to provide a proper representation of the sound being measured.

(5) The microphone of the meter should be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone must be used.

(6) Except as otherwise provided, measurements will be taken at or near the nearest property line of the property where the sound is being received.

(b) *Measurement without sound level meter.* Any city official wfth enforcement authority under this article who hears a noise that is plainly audible will assess the noise according to the following standards:

(1) The primary means of detection are the official's normal hearing faculties, so long as the official's hearing is not enhanced by any mechanical device, such as a hearing aid. (2} The official must have a direct line of sight and hearing to the real property of the source of the noise so the official can

readily identify the offending source of the noise and the distance involved. If the official is unable to have a direct line of sight and hearing to the real property of the source of the noise, then the official must confirm the source of the noise by approaching the suspected real property source of the noise until the official can obtain a direct line of sight and hearing, and identify the same noise that was heard at the place of original assessment.

(3) The official need not determine the particular words or phrases being said or produced, or the name of the song or artist producing the noise. The detection of a rhythmic bass reverberating type of noise is sufficient to constitute a plainly audible noise.

Sec. 14-212. - General noise prohibitions and sound level limitations.

(a) Any noise that is measured in excess of the parameters set forth in tables I through III is declared to be a nuisance.

(b) Sound causing permanent hearing loss.

(1) Tables I and II specify sound level limits which, if exceeded, will have a high probability of producing permanent hearing loss in anyone in the area where the sound levels are being exceeded.

(2) No sound is permitted within the city that exceeds the parameters set forth in tables I and II.

Table I-Maximum Continuous Sound Levels

Duration per Day (in continuous hours)	Sound Level (DB(A))
8	90
6	92
4	95
3	97
2	100
1 ½	102

1	105
½	110
¼	115

Table II-Maximum Impulsive Sound Levels

Number of Repetitions per 24-Hour Period	Sound Level (dB(A))
1	145
10	135
100	125

(c) No person will create, operate, or cause to be operated on private property any source of sound in such a manner as to create a noise which exceeds the limits set forth for the land use district as defined In section 14-21O and in table III when measured at a minimum distance of 200 lineal feet from the real property line of the source.

(d) When *a* noise source can be identified and its noise measured in more than one zoning district, the limits of the most restrictive use will apply at the boundaries between different zoning districts.

Table III-Maximum Sound Levels (in dB(A)) for Zoning Districts

	Daytime	Nighttime
Residential	55	50
Commercial and Industrial	80	75

Sec. 14-213. - Specific noise prohibitions.

(a) No person may cause or allow any sound that constitutes a noise disturbance as defined in section 14-21O. Any person who causes or allows a noise disturbance to occur creates a nuisance.

(b) The following acts are declared to be in violation of this article and are hereby defined as nuisances:

(1) Motor vehicles.

a. The operation of a motor vehicle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.

b. Operating a motor vehicle with a muffler cut out, bypass, or similar device.

c. Operating or permitting to be operated any vehicle which, by virtue of disrepair, or manner of operation, or so loaded, alone or in combination with other motor vehicles, creates a grating, grinding, rattling, or any other loud noise that violates use district noise level restrictions.

d. Operating any motor vehicle with a dynamic braking device (commonly known as an engine brake, Jacobs Brake, or Jake Brake) engaged, except for the aversion of imminent danger.

e. Personal or commercial vehicular music amplification or reproduction equipment operated in such a manner as to cause a noise disturbance.

f. The sounding of any horn or signal device on any motor vehicle, except as a danger signal.

(2) Construction work.

a. Construction work during nighttime hours in or adjacent to residential land use districts.

b. Construction work in any land use district that results in noise above the limits set for industrial land use districts in subsection 14-212(d).

(3) Garbage collection during nighttime hours in a residential use district.

(4) The operation of domestic power tools during nighttime hours so as to cause a noise disturbance.

(5) The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

(6) Keeping an animal that makes any sound that:

a. Creates a noise disturbance across a residential real property line;

b. Is frequent or of continued duration for ten or more consecutive minutes; or

c. Is intermittent for a period of 30 or more minutes.

(4) The production of any noise in a public right-of-way or other public space which is plainly audible across the real property line of the source.

(5) Radios, television sets, musical instruments and similar devices.

a. Operating or playing, or allowing the operation or playing of a radio, television, phonograph, musical instrument, or similar device that reproduces or amplifies sound so it creates a noise disturbance for any person other than the operator of the device.

b. Operating or playing any such device so as to cause a noise disturbance.

c. Operating or playing any self-contained, portable, handheld music or sound amplification or reproduction equipment in a public space or public right-of-way so as to cause a noise disturbance.

(6) Operation of any public loudspeaker in a fixed position, moveable position, or mounted on a sound vehicle in a public space or public right-of-way for the purpose of communication or sound reproduction so it violates section 14-212 or causes a noise disturbance, unless a permit has been approved by the chief of police in accordance with section 14-215.

(7) An exterior burglar alarm of a building or motor vehicle activated so it continues its operation for more than five minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated.

(c) Violation of plainly audible standard on posted property.

(1) When a city official with enforcement authority under this article determines a person or persons are responsible for a sound that is in violation of the plainly audible standard on property posted as described below, the official will Issue a citation for violation of this article to the responsible person orpersons.

(2) Property will be considered posted for the purposes of this subsection if at least one warning sign is posted in a conspicuous place on the property, clearly visible and readable to all persons entering the property, warning persons that noise that is plainly audible is prohibited. The sign must read as follows:

WARNING

Playing a stereo, radio, or amplifier that can be heard 200 feet away is prohibited. City Ord. Sec. 14213(c).

Letters in the word "WARNING" must be at least two inches high in bold type. Letters for the remaining text must be at least one inch high in normal type, and the words "City Ord. Sec. 14-213(c)" must be at least one-half inch in normal type. All letters must be light-reflective on a contrasting background. The sign structure containing the required warning must be permanently installed with the word "WARNING" not less than three feet and no more than six above groundlevel.

(3) The city manager or designee may require a property to be posted if it is used for commercial purposes, including as a parking lot of an adjacent business, and:

a. The business is generally unattended by the owner or an agent of the owner during normal operating hours; or

b. Two or more citations for violation of this article resulting in payment of a fine or adjudication of guilt by a judge are issued due to acts of patrons or visitors during any 90-day period.

Sec. 14-213.1. - Specific noise regulations.

(a) Certain uses as described in this section shall be subject to the specific noise regulations as set forth below.

(b) Subsections (b) and (c) apply only to outdoor live music venues that meet the following requirements:

(1) Are located within 1,000 feet of IH-35 or SH-45; and

(2) The front of the stage is a minimum of 2,500 feet from any residential use or hotel/motel/lodging uses as of the submittal date of the first city required development application.

{c} Said outdoor live music venues are exempt from the requirements of subsections 14-212(c) and (d) during the hours set forth below:

(1) From noon to 6:00 p.m. on week days for sound check(s);

(2) From 6:00 p.m. to midnight on week days for sound check(s) and/or live performances;

(3) From noon to midnight on Sunday for sound checks and/or live performances; and

(4) From 10:00 a.m. to midnight on Saturday and federal holidays for sound checks and/or live performances.

(c) Except for the exemption set forth above, said outdoor live music venues are subject to the other requirements of this article VIII, specifically including the requirements of Tables I and II of subsection 14-212(b).

(a) *Applicability*: This section is applicable to outdoor' music venues that are on property zoned MU-1.

(b) Restrictions on time and decibel levels.

(1) "Permitted hours" shall mean the times set forth below:

a. From 10:O0 a.m. to 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday;

b. From 10:00 a.m. to midnight on Friday and Saturday.

(1) During permitted hours, permit holders shall not operate sound equipment in excess of 80 decibels as measured at the property line of the business.

(2) During non-permitted hours, permit holders shall not operate sound

equipment in excess of 60 decibels as measured at the property line of the business.

{4) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment in excess of the decibel limits set out in this section.

(c) Permit and decibel meter required.

(1) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment without possessing an amplified sound permit and a decibel meter located on-site which has been approved by the chief of police (or his/her designee).

(2) The chief of police (or his/her designee) shall be responsible for the review of applications and the issuance of amplified sound permits, subject to the requirements of this section.

(3) The chief of police (or his/her designee) may inspect an outdoor music venue prior to issuing a permit under this section to verify whether an approved decibel meter is located on-site.

(4) The amplified sound permit shall expire one year from the date of issuance.

(5) A decision by the chief of police to approve or deny a permit under this section may be appealed to the city manager, whose decision shall be final.

(6) The outdoor music venue shall post the amplified sound permit inside the business so that it is visible to the general public.

(a) Permit application requirements.

(1} An application for a permit required by this section must include:

a. The name, address, telephone number, and title of the individual filing an application on behalf of an outdoor music venue;

b. The business name, address, and telephone number of the outdoor music venue;

c. The name, address, and telephone number of the business's registered agent on file with the Texas Secretary of State;

d. An application fee of $50.00;

e. A statement that the outdoor music venue has an approved decibel meter on-site; and

f. A statement that the applicant has obtained a copy of this chapter and section and agrees to comply with all applicable requirements.

(e) *Permit issuance.* The amplified sound permit shall be issued to the business which submits an application that meets the requirements of this section and pays the applicable fee.

(f) *Revocation of a permit.*

(1) The chief of police shall revoke a permit issued under this section if the permit holder has been found guilty of violating any provisions of this section three times in a 12- month period.

(2) The period of revocation shall be one year from the date of revocation.

(3) A permit holder may appeal to the city council a revocation not later than ten calendar days after the date of the revocation.

(4) The notice of appeal shall be filed with the city clerk and must include:

a. The name, address and telephone number of the appellant;

b. The name, address and telephone number of the outdoor music venue;

c. The reasons the appellant believes that the decision does not comply with the requirements of this chapter.

(5) The city council shall hear the appeal at the next available regularly scheduled meeting following ten days after receipt of the appeal.

(6) A revocation order remains in effect during the pendency of an appeal under this section.

Sec. 14-214. - Exemptions.

(a) The following uses and activities are exempt from the sound level regulations contained in this article, except for the sound level regulations provided in

table I and table II of subsection 14-212(b):

(1) Noise of safety signals, warning devices and emergency pressure release valves.

(2) Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

(3) Noise resulting from emergency work.

(4) All noise coming from the normal operations of interstate motor and rail carriers, to the extent that the provisions of this article regulating the sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 USC 4901 et seq.} or other applicable federal laws or regulations.

(5) Noise resulting from the operation of any aircraft within the parameters and guidelines prescribed by the Federal Aviation Administration and the rules and regulations of the city.

(6) Noise resulting from a city-sponsored celebration or event.

(7) Noise resulting from a lawfully scheduled stadium event.

(8) Noise resulting from a fireworks display or fireworks discharge if the person has acquired a permit from the fire marshal and otherwise complied with the provisions of

- &!12pter 16. article V.

(1) Noise from church bells or chimes when a part of a religious observance or service.

(2) Any noise resulting from activities of temporary duration permitted by law for which a permit has been approved by the chief of police in accordance with section 14-215.

(a)Any activity to the extent regulation thereof has been preempted by state or federal law.

Sec. 14-215. - Temporary noise exemption permits.

(a) Permits generally.

{1) A person may apply for a permit to engage in any activity that creates a noise that would otherwise constitute a nuisance or be in violation

of this article.

(2) A person must apply in writing to the chief of police at least ten calendar days prior to the requested Issuance date and time, unless the chief determines that unforeseeable circumstances justify a shorter amount of time.

(b) The application for a permit must be on a form prescribed by the chief of police and must include the following:

(1) The name, address and telephone number of the applicant including both daytime and nighttime contact;

(2) A description of the type, duration, and location of the noise, specifically including the date and time the noise will occur;

(3) The name, if different from the applicant, of the owner of the property on which the noise will occur and a written letter of permission from the owner and any tenants or other persons occupying the property from which the noise will occur;

(4) A statement from the applicant that all property owners within 200 lineal feet to the property upon which the noise originates will be provided written notification within 24 hours of making the application of their right to respond directly to the chief of police to voice support or opposition to the application; and

(5) A copy of the notification(s) sent to any property owners.

(c) Filing fee.

(1) A filing fee must be submitted with the application for a permit, in an amount as currently established or as hereafter adopted by resolution of the city council from time to time.

(2) No filing fee is to be assessed to any governmental entity or any person conduct[ng activities on behalf of the governmental entity.

(a) No permit issued will be valid for more than two consecutive calendar days.

(b) In determining whether to grant or deny the permit, the chief of police must consider the following factors:

(1) The safety of the persons that will be subjected to the noise, whether voluntarily or involuntarily;

(2) The number of persons who will be involuntarily subjected to the noise;

(3) The reasonableness of the time, place, and manner of the noise and duration of the noise; and

(4) Any other factors necessary to determine the impact on public health, safety, or disruption of the peace that the noise may cause.

(f) Notice of decision.

(1) The chief of police will notify the applicant of the decision to either grant or deny the permit within five calendar days following the date of the application.

(2) If the chief of police denies the permit, the chief will state the reasons for the denial in a written notice provided to the applicant.

(3) If the chief of police grants the permit, the chief may place reasonable time, place, and other restrictions on the activity authorized by the permit.

1. Appeal.

(1) Upon receiving notice of the chief of police's decision, the applicant may appeal the decision, including restrictions placed on the activity placed on the permit, to the city manager.

(2) Within one working day of receiving the appeal, the city manager will consider the application, the basis of denial, or any restrictions placed on issuance of the permit.

(3) Based on the standards listed in subsection (e) of this section, the city manager may:

a. Uphold the decision of the chief of police;

b. Approve or deny the issuance of the permit as applied for; or

c. Modify or delete restrictions placed on thepermit.

(h) Permit.

(4) The permit shall be in a form prescribed by the chief of police and must be displayed in the immediate vicinity of the source of the noise at all times during the production of the noise.

(5) The permit must include the following:

a. The date and time that the permit begins and ends;

b. The name of the permit holder and who will be generating the noise;

c. A description of the basic nature of the noise;

d. The specific location of the noise; and

e. Any special limitations or restrictions placed on the permit.

(i) The chief of police may revoke any permit issued under this article for the following reasons or causes:

(1) The substantial violation of this article or the terms and conditions of a permit;

(2) A material misstatement of any fact on the application for a permit.

Sec. 14-216. - Enforcement procedures, penalties, and other remedies.

(a) The city police department has primary, but not exclusive, enforcement responsibility for this article. The city council and chief of police both maintain the right to designate other agencies or departments to enforce this article as needed.

(b) The enforcement official has the authority to have any device removed or toned down instantly until it can be otherwise operated in compliance with this article.

(c) Persons cited for violations of any part of this article will be fined in accordance with section 1-9, per occurrence.

(d) Violations of sections 14-212 through 14-215 are also hereby subject to abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.

Secs. 14-217-14-240. - Reserved.

Specific regulations for outdoor music.

Applicability. This Ordinance is applicable to outdoor music venues that are on property.

Definitions.

The following words and terms, when used in this ordnance, have the following meanings unless otherwise clearly indicated. All technical definitions not defined in this section will be interpreted in accordance with applicable publications and standards of the American National Standards Institute (ANSI).

.

Chief of police means the Chief of Police of the City of Alpine or his designated representative.

Daytime means 7:00 a.m. to 9:00 p.m. the same day.

Nighttime means 9:00 p.m. to 7:00 a.m. the following day.

Decibel (dB) means the unit of measurement for sound pressure level at a specific location.

Outdoor music venue means a commercial property where sound equipment is used to amplify sound that is:

1) Not fully enclosed by permanent, solid walls and a roof; or

2) Allowed to project out of an exterior doorway that is routinely opened.

Plainly audible means any sound or noise from any source that can be clearly heard by a person with normal hearing faculties at a distance of 300 feet or more from the real property line of the source of the sound or noise.

Real property line means either:

1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or

2) The vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building.

Sound equipment means a loud speaker, public address system, amplification system, or other sound-producing device.

Sound level means the instantaneous sound pressure level measured in decibels with a sound level meter set for A-weighting on slow integration speed.

Noise measurement procedures.

Measurement with sound level meter.

Enforcement procedures, penalties, and other remedies.

The city police department has primary, but not exclusive, enforcement responsibility for this ordnance. The city council and chief of police both maintain the right to designate other agencies or departments to enforce this ordnance as needed.

The enforcement official has the authority to have any device removed or toned down instantly until it can be otherwise operated in compliance with this ordnance.

Persons cited for violations of any part of this ordnance will be fined in accordance to this ordnance.

Violations of this ordnance are also hereby subject to abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.

The penalty is a Class "C" misdemeanor and fine amounts will be set by City Counsel and are not to exceed the amount of $500.00.

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

    1. Discuss, consider, and take appropriate action to approve the first and final reading concerning an application for a Conditional Use Permit for Clyde Dooley for a non-conforming structure to improve structure (guest house). Property Identification is 404 W. Gallego Avenue. Legal description is Original Townsite of Alpine, Block W/2, Block 78, Lots four (4) and five (5). Record owner is Clyde Dooley. (E. Zimmer, City Manager)

CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING:	JUNE 16, 2020	AGENDA REQUEST NO:	ACTION
INITIATED BY:	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE FIRST AND FINAL READING CONCERNING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR CLYDE DOOLEY FOR A NON-CONFORMING STRUCTURE TO IMPROVE STRUCTURE (GUEST HOUSE). PROPERTY IDENTIFICATION IS 404 W. GALLEGO AVENUE. LEGAL DESCRIPTION IS ORIGINAL TOWNSITE OF ALPINE, BLOCK W/2, BLOCK 78, LOTS FOUR(4) AND FIVE (5). RECORD OWNER IS CLYDE DOOLEY.		
EXHIBITS:			

CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

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

RECOMMENDED ACTION

EXECUTIVE SUMMARY

PAID

CITY OF ALPINE CONDITIONAL USE PERMIT Form A

PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact

Clyde Dooley

Street address of applicant/agent

404 W Gallego Ave

PAID

City/State/Zip Code of applicant /agent

Alpine TX 79830

Telephone number of applicant/agents	*Fax number of applicant/agents*

Email address of applicant /agent	*Mobil phone of applicant/agent*
clydedooley75@msn.com	719-588-2864

PART 2. PROPERTY INFORMATION

Street address of public property

404 W Gallego Ave

Legal description of subject property (metes and bounds must be described on 8 ½ x 11 sheet

Lot	*Block*	*Addition*
W/2 of 4+5	78	Original Townsite

Size of subject property

7,244 *Square footage* *Acres*

Present zoning classification	*Proposed use of the property*
R-3	Guest house

Zoning ordinance provision requiring a conditional use

APPENDIX C SECTION 4 NONCONFORMING STRUCTURES.
TO IMPROVE STRUCTURE.

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner

Clyde Dooley

Street address of property owner

404 W Gallego Ave

City/State/Zip code of property owner

Alpine, TX 79830

Telephone number of property owner	*Fax number of property owner*
719-588-2864	

PAID

City of Alpine Site Application Form B

PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact

Clyde Dooley

Street address of applicant/agent

404 W Gallego Ave

City/State/Zip Code of applicant/ agent

Alpine, TX 79830

Email address of applicant/agent	*Mobil Phone of applicant/agent*
clyddooley75@msn.com	719-588-2864
Fax number of applicant/agents	*Phone number of applicant /agents*

Applicants interest in subject property

Owner

PART 2. PROPERTY INFORMATION

Street address of subject property

404 W Gallego Ave

Legal description of subject property (meets and bounds must be described on 8 ½ x11 sheet

Lot W/2 of 4+5 Block 78 Addition Original Townsite

Size of subject property

7,244 ~~Acres~~ Square footage

Present zoning classification	*Proposed use of property*
R-3	Guest house

Give a general description of the proposed use or uses for the proposed development

Family and visitors

Zoning ordinance provision requiring a conditional use

Appendix C section 4 nonconforming structure improvement

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner

Clyde Dooley

Street address of property owner

404 W Gallego Ave.

City/State/Zip Code of property owner

Alpine, TX 79830

- *Attach a final plat, or replat, of the approved subdivision by city council showing property boundary lines, dimensions, easements, roadways, rail lines, and public right-of-way crossing and adjacent to the tract (1 blueline copy)*
- *If a master plan showing all information required by Section 20., Site Plan review requirements (see attached requirements).*
- *Provide all required information demonstrating compliance with all conditions imposed on any conditional use, site plan zoning, or conditional use zoning.*
- *All site plans must conform to the approved concept plan. Any changes to a site plan, approved with a conditional use can only be approved by city council through the public hearing process.*

PART 4. SIGNATURE TO AUTHORIZE FILING OF A FINAL SITE PLAN

_____ _____

Print Applicants Name Applicants 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

_____ _____

Print Property Owners Name Property Owners Signature

The State Of _____

County Of _____

Before Me _____ on this day personally appeared _____

(notary) (property owner)

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

- *Submit a letter describing the proposed conditional use and note the request on the site plan document*
- *In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)*
- *In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood. Also describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.*
- *Application of site plan approval (Section 20, see attached Form "B")*
- *The site plan submission shall meet the requirements of Section 20.04 Site Plan Requirements.*

- *All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled at a later date.*
- *All public hearings will be opened, and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.*
- *Any changes to a site plan (no matter how minor or major) approved with a conditional use permit can only be approved by city council the the public hearing process.*
- *I have read and understood all requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.*

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

_____ _____

Print Applicants Name **Applicant 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 office this _____day of _____, A.D. _____

_____

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 the same for the purposes and consideration therein expressed.

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

Notary in And for State of Texas

CASE NAME:
CASE NUMBER:
LOCATION:

_____ _____

MAYOR SECRETARY

DATE: _____

PLANING AND ZONING COMMISSION

_____

CHAIRMAN

DATE: _____

SHEET: _____ OF _____

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES.

DEPARTMENT OF BUILDING SERVICES

MINIUM SIZE 3"X4"

THIS SIGNATURE BLOCK MUST APPEAR ON EACH PAGE OF THE SUBMITTAL AND FINAL REVISIONS.

NUMBER EACH SHEET AS PER EXAMPLE BELOW:

SHEET 1 OF 4; SHEET 2 OF 4; SHEET 3 OF 4 ETC.

SECTION 20

SITE PLAN APPLICATION

Use the following as a checklist for a complete application submittal:

Form "A "- Conditional Use Application

_____1. Applicants name, address and telephone number, legal interest in the subject property.

_____2. Owners name, address and telephone number, if different from applicant, with the owner's signed consent to filing the application.

_____3. Street address and legal description, or metes and bounds, of the property on 8 1/2x 11 sheet of paper

_____4. The zoning classification and present use of subject property.

_____5. A letter or note on the site plan generally describing the proposed use, or uses, for the proposed development.

_____6. A copy of the final plat, or replat, of approved subdivision by city council showing property boundary lines, dimensions, easements, roadways, rail lines, and public rights-of way crossing adjacent to the subject property.

_____7. If the property is subject to a master development plan, note in a letter the proposed use substantially confirms to the master development plan.

Form "B "Site Plan Requirements

_____1. All site plans submitted in conjunction with a Conditional Use, Section 20; shall be drawn and sealed by a registered surveyor, registered architect, or registered engineer.

_____2. The site plan shall include the name of the site plan, submittal date, case number(S) scale, north point, name of person preparing site plan (north shall be at top of the page on all drawings), consecutive sheet numbers and vicinity map. The case name, number and consecutive sheet numbers (ex. Sheet 1 of 2) should be placed in the lower right corner.

_____3. Location of existing boundary lines and dimensions of the tract. These must match the survey or the approved plat.

_____4. Any proposed grading, or regrading, of the subject property. For sites with an average slope greater than 10 percent any significant natural topographical, or physical features of the property, including, at least, existing soil conditions, water courses, must show a proposed erosion control method.

_____5. Locate center line of existing water courses, drainage features, floodway and drainage easements.

_____6. Map(s) showing the location, dimension use and arrangement of all proposed building. Note computations in a chart form showing the amount required and provided: height in stories and feet, total building area, total lot area, floor area ratio, total impervious area, total open space (landscape area), total building and paved areas, number and size of dwelling units, number of bedrooms in residential uses and building separations.

_____7. Minimum yard and buffer dimensions, and where relevant, relation of yard dimensions to any height of any building or structure.

_____8. Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets, roadways,driveways,entrances,curd,radii,curb cuts, driving lanes, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways, including type of surface material, slope and gradient of vehicular elements; total lot coverage of all circulation elements, divided between vehicular and pedestrian ways.

_____9. Location and size of existing and proposed street, right of way and alleys with location of all street medians and intersections adjacent to the area of request.

_____10. Copy of permit to construct access driveway facilities on highway right-of-way issued by Texas State Department of Highways and Public Transportation.

_____11. Note location and size of existing and proposed water and sewer public utilities on and adjacent to the site; and fire hydrant locations.

_____12. All existing and proposed surface, and subsurface, drainage facilities; including culverts, drains, and detention ponds, showing size and dimensions of flow.

_____13. Location, size and arrangement of all outdoor signs (pole signs, wall signs, and ground signs); the location and intensity of all outdoor lighting, and exterior lighting.

_____14. Location and height of fences, or screen plantings, and the type or kind of building materials or plantings to be used for fencing or screening.

_____15. Final architectural elevations of proposed structures with the type and kind of building materials used. Note the calculations of the percentage of the masonry of the entire structure. Masonry calculations include the total exterior walls, excluding doors and windows.

_____16. Note the location, designation and total area of all usable open space (landscaped areas)

_____17. A detailed landscaping plan to meet city ordinances.

_____18. In the case of any use requiring a conditional use permit, any information necessary to demonstrate compliance with all conditions imposed on the proposed conditional use permit by this ordinance.

_____19. Any other information that may be required by the Building Official to determine that the application is in compliance with the codes and ordinances of the city.

_____20. Parking for disabled persons should be designated.

_____21. Designate all refuse storage areas and screening

_____22. A letter from the public works department and utility department accepting all subdivision improvements (i.e. drainage, sewage, utilities and street improvements).

_____23. If the site plan application is in conjunction with a conditional use for on-premise or off-premise consumption of alcoholic beverages, the following statements must appear on the site plan and floor plan.

A. <u>In the case of off- premise beer & wine sales</u>

1. Conditional use request for the sale, storage and off- premise consumption Of alcoholic beverages (beer and or wine only)
2. The entire site is the premise.

B. <u>In case of on-premise beer, wine and mixed drink sales</u>

1. Conditional use request for the sale, storage, and on-premise consumption Of alcoholic beverages (beer, wine, and mixed beverages).
2. The entire site is the premise.

_____24. Note in the case of on-premise and off- premise alcoholic beverage sales indicate on the floor plan the storage and sales areas.

_____25. Include an internal traffic circulation plan on the site plan.

_____26. Note that all on-site electrical conductors associated with new construction shall be located underground.

_____27. Illumination plan including site photometric (including illuminated signs) and all fixture details. Place a note on plans:

"Illuminated signage was included in the determination of the illumination levels"

_____28. All turning radii – 35 feet minimum.

_____29. North shall face up on all pages.

_____30. Restaurant parking, please use the following to determine occupancy load:

1 person per 15 square feet of seating area

1 person per 7 square feet of waiting area

1 person per 200 square feet of kitchen area

1 person per 100 square feet of office area

PLATTING VERIFICATION

This verification statement must be signed prior to the submittal of this conditional use Application.

N/A It has been determined that the property described below does require platting or replatting and the applicant has been instructed on this procedure.

[illegible] It has been determined that the property described below is currently platted or does not require platting or replatting at this time.

Address of subject property 404 W. Gallego Ave

Legal description of subject property Block 78 Lot W/2 of 4/5 subdivision ORIGINAL TOWNSITE

[illegible] 10.31.2020

Building Services Department Date

This form is signed by the building services department and submitted along with a completed application to the planning and zoning department of building services.

ILLUMINATION PLAN N/A

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

I hereby acknowledge that an illumination plan has bee included as part of this submittal.

Applicants Signature _____

Date: _____

Property Owners Signature _____

Date: _____

ACKNOWLEDGEMENT

All conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

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 conditional use or special use permit 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.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant Clyde Dooley

Date: 3-28-20

Signature of Owner Clyde Dooley

Date: 3-28-20

CITY OF ALPINE
CONDITIONAL USE/SITE PLAN APPLICATION

APPLICATION REVIEW REQUIREMENTS

- *Meet with building service staff to review application requirements for your specific development.*
- ***Form "A"** application with original / notarized signatures of owner and applicant.*
- ***Form "B"** application with original / notarized signatures of owner and applicant.*
- *Filing fee- $ 350.00*
- *Address and / legal description (lot, block & subdivision) of property on 8 ½" x11".*
- *Signature of both owner and applicant on acknowledgement form.*
- *Verification with the City of Alpine's public Works and Utilities Department regarding platting information. Have the attached verification statement signed.*
- ***Four (4) 24" x 36" blackline prints of complete site plan submittal individually folded by the applicant to 9" x 12"** (including grading, drainage, elevations, landscapes, etc.) Scale of no less than 1" = 50'.*
- ***Three (3) 24" x 36 "copies of the site plan only individually folded by the applicant to 9" x 12"***
- *Submit a letter describing the proposed Conditional use and note the request on the site plan document, describe or show on the site plan, and special requirements or conditions imposed upon the particular conditional use by the applicable district regulations (example: buffer yards, distance between users), describe whether the proposed conditional use will , or will not cause substantial harm to the value, use, or enjoyment of other property in the neighborhood. Also, describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.*

APPLICATIONS MUST BE COMPLETE AND MEET ALL ALPINE ORDINANCES REQUIREMENTS BEFORE A CONDITIONAL USE REQUEST CAN BE SET FOR PUBLIC HEARING

Direct questions to Building Services Department at 432.837.3281

03.31.2020

Address: 404 W Gallego

Conditional Use Permit No_____

Building permit could not be issued due to structure encroaching into the right-of-way. No improvements allowed without a conditional use permit. Site plan does not show true placement of building on lot.

Conditional Use: Structure does not substantially interfere with access to alley, which does not warrant removal. Structure shall not be enlarged or altered in a way which increases its nonconformity, but may be altered / remodeled to decrease or keep its nonconformity.

Should such nonconforming structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provision of the zoning ordinance.

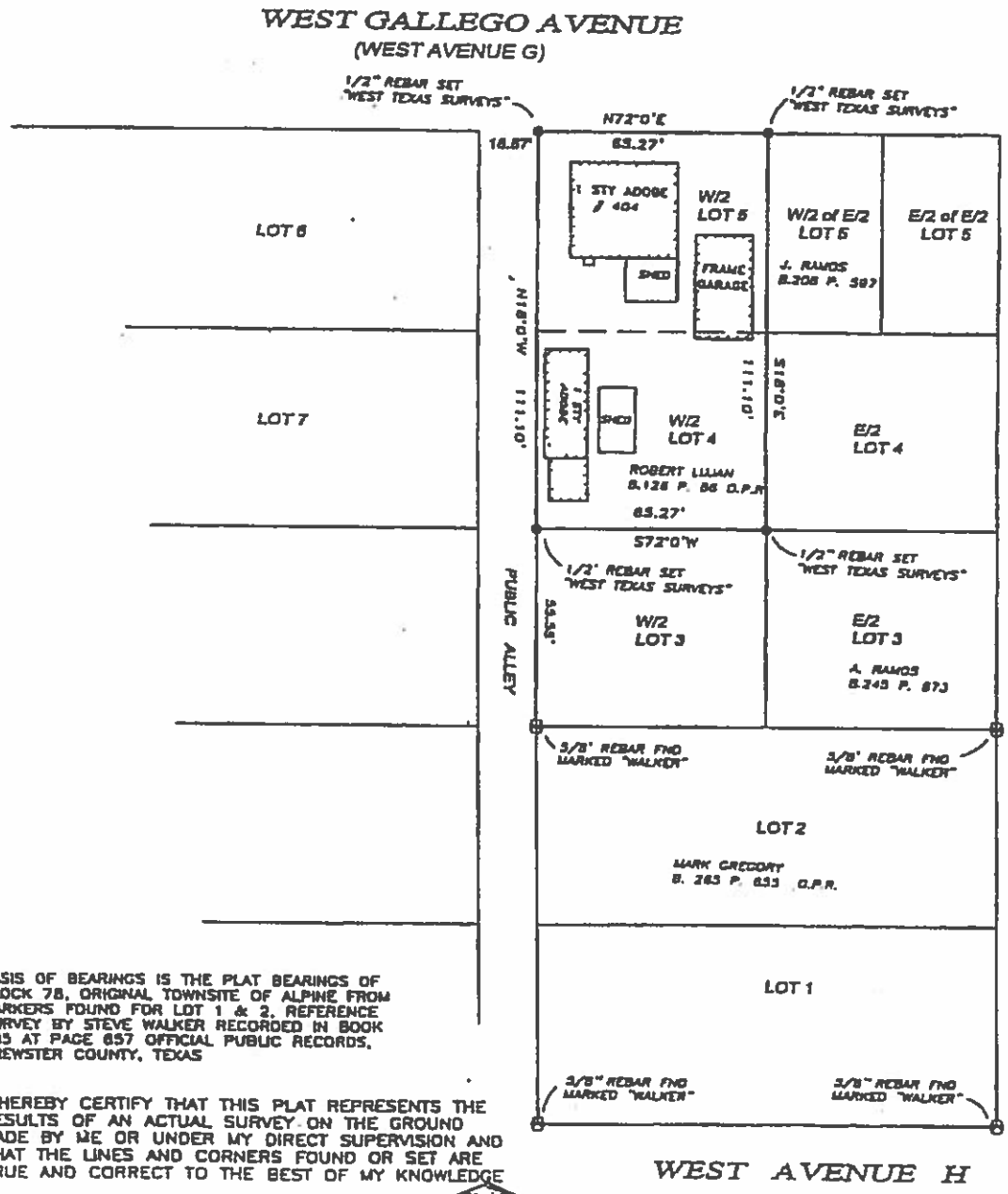
David Hale

3.31.2020

Date

PLAT OF SURVEY OF THE WEST HALF (W/2) OF LOTS FOUR (4) AND FIVE (5) IN BLOCK 78, ORIGINAL TOWNSITE, CITY OF ALPINE, BREWSTER COUNTY, TEXAS AS PER A PLAT ON FILE IN ENVELOPE 184 OF THE PLAT RECORDS IN THE OFFICE OF THE COUNTY CLERK OF BREWSTER COUNTY, TEXAS.

SCALE: 1" = 30'



BASIS OF BEARINGS IS THE PLAT BEARINGS OF BLOCK 78, ORIGINAL TOWNSITE OF ALPINE FROM MARKERS FOUND FOR LOT 1 & 2, REFERENCE SURVEY BY STEVE WALKER RECORDED IN BOOK 265 AT PAGE 657 OFFICIAL PUBLIC RECORDS, BREWSTER COUNTY, TEXAS

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF AN ACTUAL SURVEY ON THE GROUND MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE LINES AND CORNERS FOUND OR SET ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Ken West

KEN WEST
REGISTERED PROFESSIONAL LAND SURVEYOR
#5927 DATE: NOVEMBER 19, 2013

STATE OF TEXAS
KEN WEST
5927
REGISTERED PROFESSIONAL LAND SURVEYOR

WEST TEXAS SURVEYS

ALPINE, TEXAS 79830
kwest.surveys@gmail.com

EXHIBIT A

I'm asking for a Conditional Use permit in order to restore the guest house on our property. We bought this property in 2016 and the 2013 survey we received, didn't indicate a problem.

While pursuing a building permit I met with Mr. David Hale. He had referenced a different survey that caught his attention and caused him to investigate further. On a site-visit, we located the survey pins and the west outside wall of the guest house sets on and/or too close to the western property line.

The property description on our survey reads:

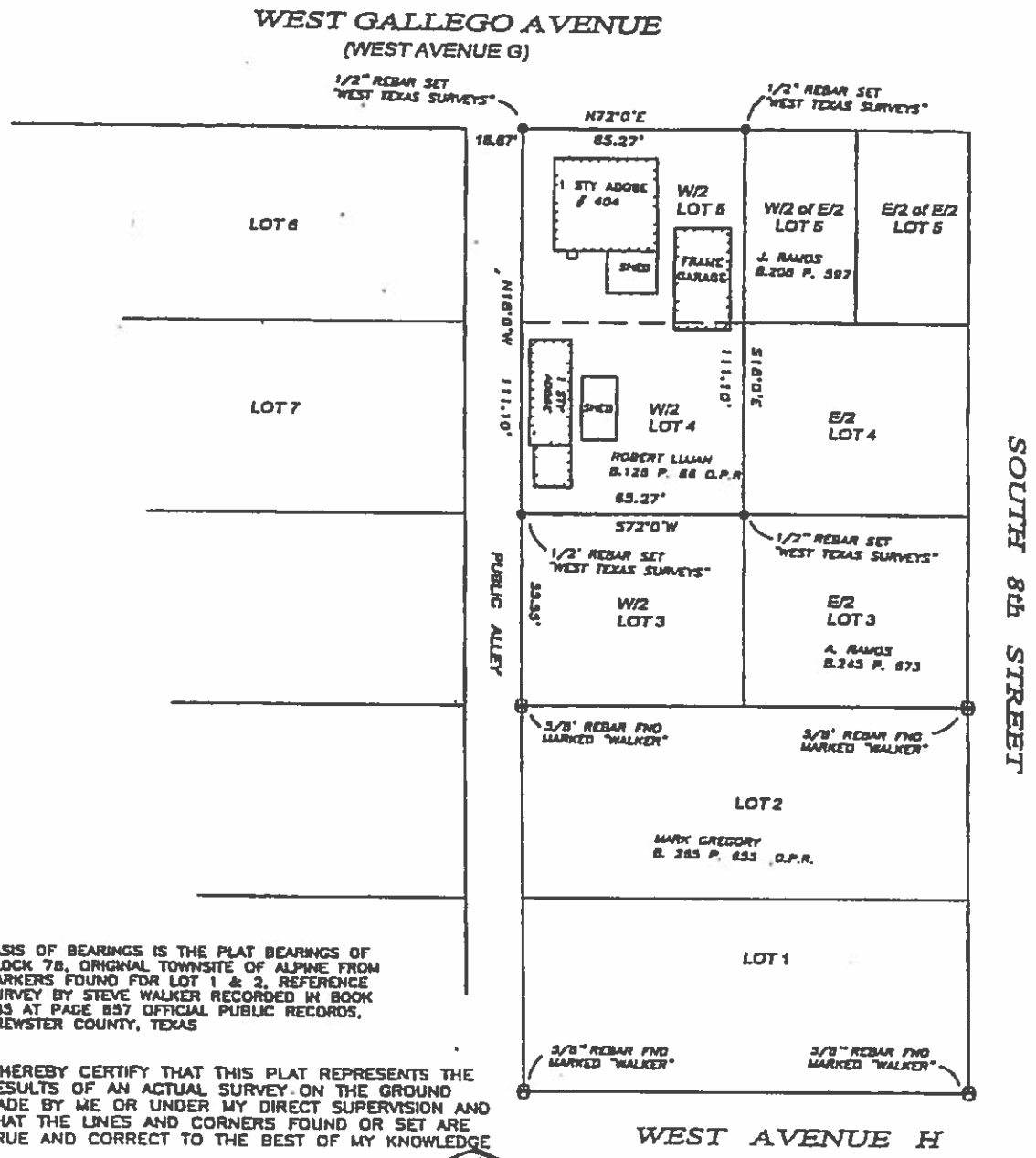
"the west half (w/2) of lots four (4) and five (5) in Block 78, Original, Townsite of Alpine, Brewster County, Texas as per a plat on file in Envelope 184 of the platy records in the office of County Clerk of Brewster County, Texas."

I understand many of the homes in this part of Alpine may have preceded more recent building and development requirement's which of course could include surveys.

We simply want to restore the guest house where it sits and not enlarge the structure's footprint.

PLAT OF SURVEY OF THE WEST HALF (W/2) OF LOTS FOUR (4) AND FIVE (5) IN BLOCK 78, ORIGINAL TOWNSITE, CITY OF ALPINE, BREWSTER COUNTY, TEXAS AS PER A PLAT ON FILE IN ENVELOPE 184 OF THE PLAT RECORDS IN THE OFFICE OF THE COUNTY CLERK OF BREWSTER COUNTY, TEXAS.

SCALE: 1" = 30'



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Ken West

KEN WEST
REGISTERED PROFESSIONAL LAND SURVEYOR
#5927 DATE: NOVEMBER 19, 2013

WEST TEXAS SURVEYS

ALPINE, TEXAS 79830
kwest.surveys@gmail.com

EXHIBIT A

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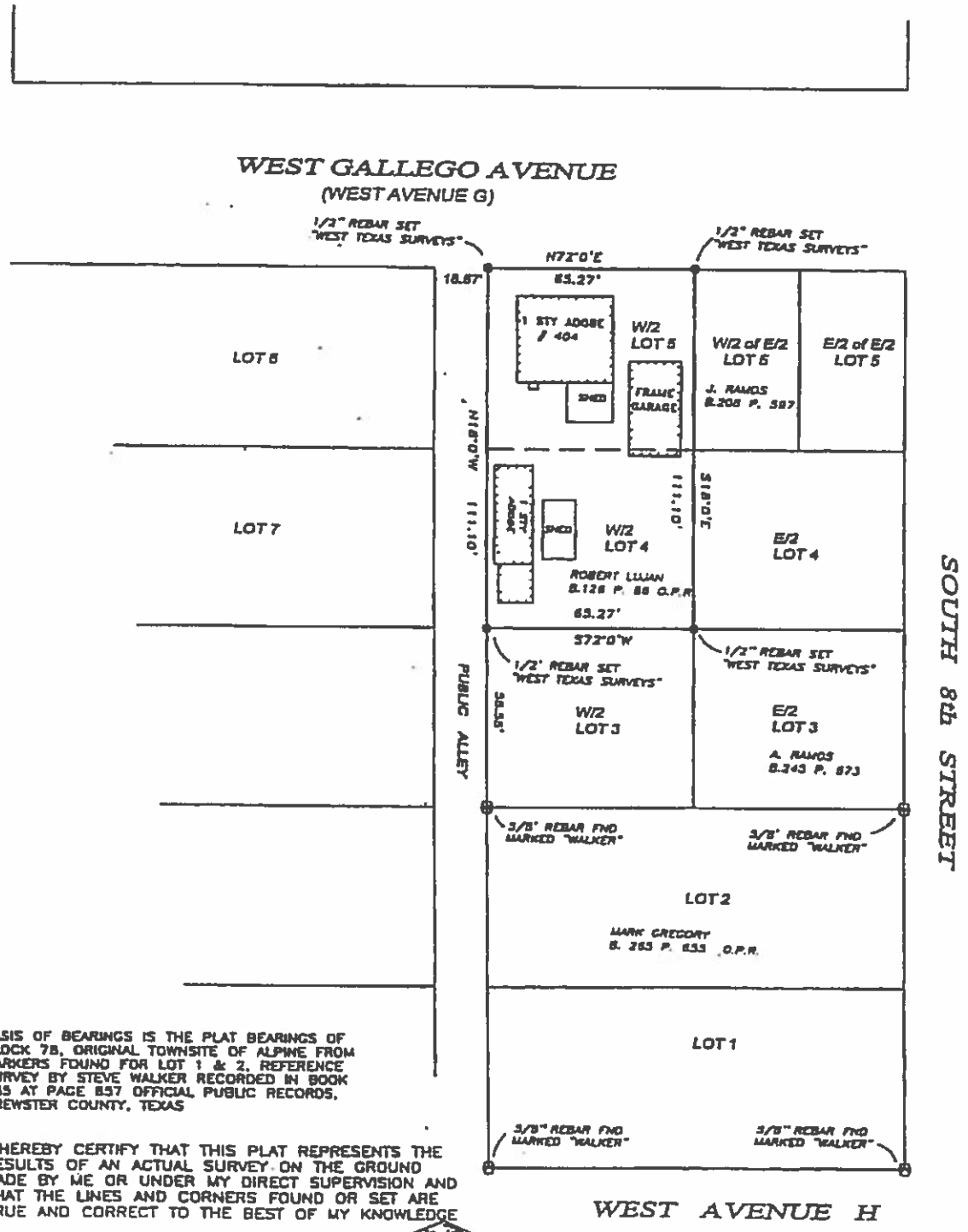
SCALE: 1" = 30'



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I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF AN ACTUAL SURVEY ON THE GROUND MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE LINES AND CORNERS FOUND OR SET ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Ken West

KEN WEST
REGISTERED PROFESSIONAL LAND SURVEYOR
#5927 DATE: NOVEMBER 19, 2013

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR

WEST TEXAS SURVEYS

ALPINE, TEXAS 79830
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The property description on our survey reads:

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I understand many of the homes in this part of Alpine may have preceded more recent building and development requirement's which of course could include surveys.

We simply want to restore the guest house where it sits and not enlarge the structure's footprint.

2. Discuss, consider, and take appropriate action to approve the first and final reading concerning an application for a Conditional Use Permit for Paul Tanksley for a non-conforming structure (carport). Property Identification is 802 N. Harrison. Legal description is Hancock Addition. Property owner is Paul Tanksley. (E. Zimmer, City Manager)

CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING:	JUNE 16, 2020	AGENDA REQUEST NO:	ACTION
INITIATED BY:	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION TO APPROVE THE FIRST AND FINAL READING CONCERNING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR PAUL TANKSLEY FOR A NON-CONFORMING STRUCTURE (CARPORT). PROPERTY IDENTIFICATION IS 802 N. HARRISON. LEGAL DESCRIPTION IS HANCOCK ADDITION. PROPERTY OWNER IS PAUL TANKSLEY.		
EXHIBITS:			

CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

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

RECOMMENDED ACTION

EXECUTIVE SUMMARY

PAID

CITY OF ALPINE CONDITIONAL USE PERMIT Form A

PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact

PAUL ARTHUR TANKSLEY

PAID

Street address of applicant/agent

802 N. HARRISON

City/State/Zip Code of applicant / agent

Alpine TX 79830

Telephone number of applicant/agents	*Fax number of applicant/agents*
210-422-6615	n/a
Email address of applicant /agent	*Mobil phone of applicant/agent*
tanksley_paul@yahoo.com	210-422-6615

PART 2. PROPERTY INFORMATION

Street address of public property

Legal description of subject property (metes and bounds must be described on 8 ½ x 11 sheet

Lot 1-3 *Block* 7 *Addition* Hancock C Addition

Size of subject property

Square footage 0.240 Acres *Acres*

Present zoning classification	*Proposed use of the property*
	CARPORT

Zoning ordinance provision requiring a conditional use

APPENDIX C NON CONFORMING USE / NON CONFORMING STRUCTURE.

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner

PAUL ARTHUR TANKSLEY

Street address of property owner

802 N. Harrison

City/State/Zip code of property owner

Alpine, TX 79830

Telephone number of property owner	*Fax number of property owner*
210-422-6615	n/a

City of Alpine Site Application Form B

PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact

Paul Arthur Tanksley

Street address of applicant/agent

802 N. Harrison

City/State/Zip Code of applicant/ agent

Alpine Tx 79830

Email address of applicant/agent	*Mobil Phone of applicant/agent*
tanksley_paul@yahoo.com	210-422-6615
Fax number of applicant/agents	*Phone number of applicant /agents*
n/a	210-422-6615

Applicants interest in subject property

PART 2. PROPERTY INFORMATION

Street address of subject property

Legal description of subject property (meets and bounds must be described on 8 ½ x11 sheet

Lot *Block* *Addition*

Size of subject property

Acres *Square footage*

Present zoning classification	*Proposed use of property*

Give a general description of the proposed use or uses for the proposed development

Zoning ordinance provision requiring a conditional use

Appendix C nonconforming use / nonconformic structure.

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner

Paul Arthur Tanksley

Street address of property owner

802 N Harrison

City/State/Zip Code of property owner

Alpine Tx 79830

- *Attach a final plat, or replat, of the approved subdivision by city council showing property boundary lines, dimensions, easements, roadways, rail lines, and public right-of-way crossing and adjacent to the tract (1 blueline copy)*
- *If a master plan showing all information required by Section 20., Site Plan review requirements (see attached requirements).*
- *Provide all required information demonstrating compliance with all conditions imposed on any conditional use, site plan zoning, or conditional use zoning.*
- *All site plans must conform to the approved concept plan. Any changes to a site plan, approved with a conditional use can only be approved by city council through the public hearing process.*

- *Submit a letter describing the proposed conditional use and note the request on the site plan document*
- *In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example. buffer yards, distance between users)*
- *In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood. Also describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.*
- *Application of site plan approval (Section 20, see attached Form "B")*
- *The site plan submission shall meet the requirements of Section 20.04 Site Plan Requirements.*

- *All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled at a later date.*
- *All public hearings will be opened, and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.*
- *Any changes to a site plan (no matter how minor or major) approved with a conditional use permit can only be approved by city council the the public hearing process.*
- *I have read and understood all requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.*

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

PAUL TANKSLEY

Print Applicants Name

Applicant Signature

The State of TEXAS

County Of BREWSTER

Before ME TONY KETTANI on this day personally appeared PAUL TANKSLEY

(notary) (applicant)

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

(Seal) Given under my hand and seal of office this 25 day of MARCH A.D. 2020

TONY KETTANI
Notary Public, State of Texas
Comm. Expires 10-29-2023
Notary ID 132231814

Notary In And for State of Texas

TANKSLEY PAUL ARTHUR

Print Property Owners Name

Property Owners Signature

The State Of TEXAS

County Of BREWSTER

Before Me TONY KETTANI on this day personally appeared PAUL TANKSLEY

(notary) (applicant)

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

(Seal) Given under my hand and seal of office this 25 day of MARCH A.D. 2020

Notary In And for State of Texas

CITY OF ALPINE
CONDITIONAL USE/SITE PLAN APPLICATION

APPLICATION REVIEW REQUIREMENTS

- *Meet with building service staff to review application requirements for your specific development.*
- *Form "A" application with original / notarized signatures of owner and applicant.*
- *Form "B" application with original / notarized signatures of owner and applicant.*
- *Filing fee- $ 350.00*
- *Address and / legal description (lot, block & subdivision) of property on 8 ½" x11".*
- *Signature of both owner and applicant on acknowledgement form.*
- *Verification with the City of Alpine's public Works and Utilities Department regarding platting information. Have the attached verification statement signed.*
- ***Four (4) 24" x 36" blackline prints of complete site plan submittal individually folded by the applicant to 9" x 12"** (including grading, drainage, elevations, landscapes, etc.) Scale of no less than 1" = 50'.*
- ***Three (3) 24" x 36 "copies of the site plan only individually folded by the applicant to 9" x 12"***
- *Submit a letter describing the proposed Conditional use and note the request on the site plan document, describe or show on the site plan, and special requirements or conditions imposed upon the particular conditional use by the applicable district regulations (example: buffer yards, distance between users), describe whether the proposed conditional use will , or will not cause substantial harm to the value, use, or enjoyment of other property in the neighborhood. Also, describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.*

APPLICATIONS MUST BE COMPLETE AND MEET ALL ALPINE ORDINANCES REQUIREMENTS BEFORE A CONDITIONAL USE REQUEST CAN BE SET FOR PUBLIC HEARING

Direct questions to Building Services Department at 432.837.3281

CASE NAME:
CASE NUMBER:
LOCATION:

_____ _____

MAYOR SECRETARY

DATE: _____

PLANING AND ZONING COMMISSION

_____

CHAIRMAN

DATE: _____

SHEET: _____ OF _____

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES.

DEPARTMENT OF BUILDING SERVICES

MINIUM SIZE 3"X4"

THIS SIGNATURE BLOCK MUST APPEAR ON EACH PAGE OF THE SUBMITTAL AND FINAL REVISIONS.

NUMBER EACH SHEET AS PER EXAMPLE BELOW:

SHEET 1 OF 4; SHEET 2 OF 4; SHEET 3 OF 4 ETC.

_____27. Illumination plan including site photometric (including illuminated signs) and all fixture details. Place a note on plans:

"Illuminated signage was included in the determination of the illumination levels"

_____28. All turning radii – 35 feet minimum.

_____29. North shall face up on all pages.

_____30. Restaurant parking, please use the following to determine occupancy load:

1 person per 15 square feet of seating area

1 person per 7 square feet of waiting area

1 person per 200 square feet of kitchen area

1 person per 100 square feet of office area

_____15. Final architectural elevations of proposed structures with the type and kind of building materials used. Note the calculations of the percentage of the masonry of the entire structure. Masonry calculations include the total exterior walls, excluding doors and windows.

_____16. Note the location, designation and total area of all usable open space (landscaped areas)

_____17. A detailed landscaping plan to meet city ordinances.

_____18. In the case of any use requiring a conditional use permit, any information necessary to demonstrate compliance with all conditions imposed on the proposed conditional use permit by this ordinance.

_____19. Any other information that may be required by the Building Official to determine that the application is in compliance with the codes and ordinances of the city.

_____20. Parking for disabled persons should be designated.

_____21. Designate all refuse storage areas and screening

_____22. A letter from the public works department and utility department accepting all subdivision improvements (i.e. drainage, sewage, utilities and street improvements).

_____23. If the site plan application is in conjunction with a conditional use for on-premise or off-premise consumption of alcoholic beverages, the following statements must appear on the site plan and floor plan.

A. <u>In the case of off- premise beer & wine sales</u>

1. Conditional use request for the sale, storage and off- premise consumption Of alcoholic beverages (beer and or wine only)
2. The entire site is the premise.

B. <u>In case of on-premise beer, wine and mixed drink sales</u>

1. Conditional use request for the sale, storage, and on-premise consumption Of alcoholic beverages (beer, wine, and mixed beverages).
2. The entire site is the premise.

_____24. Note in the case of on-premise and off- premise alcoholic beverage sales indicate on the floor plan the storage and sales areas.

_____25. Include an internal traffic circulation plan on the site plan.

_____26. Note that all on-site electrical conductors associated with new construction shall be located underground.

_____3. Location of existing boundary lines and dimensions of the tract. These must match the survey or the approved plat.

_____4. Any proposed grading, or regrading, of the subject property. For sites with an average slope greater than 10 percent any significant natural topographical, or physical features of the property, including, at least, existing soil conditions, water courses, must show a proposed erosion control method.

_____5. Locate center line of existing water courses, drainage features, floodway and drainage easements.

_____6. Map(s) showing the location, dimension use and arrangement of all proposed building. Note computations in a chart form showing the amount required and provided: height in stories and feet, total building area, total lot area, floor area ratio, total impervious area, total open space (landscape area), total building and paved areas, number and size of dwelling units, number of bedrooms in residential uses and building separations.

_____7. Minimum yard and buffer dimensions, and where relevant, relation of yard dimensions to any height of any building or structure.

_____8. Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets, roadways,driveways,entrances,curd,radii,curb cuts, driving lanes, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways, including type of surface material, slope and gradient of vehicular elements; total lot coverage of all circulation elements, divided between vehicular and pedestrian ways.

_____9. Location and size of existing and proposed street, right of way and alleys with location of all street medians and intersections adjacent to the area of request.

_____10. Copy of permit to construct access driveway facilities on highway right-of-way issued by Texas State Department of Highways and Public Transportation.

_____11. Note location and size of existing and proposed water and sewer public utilities on and adjacent to the site; and fire hydrant locations.

_____12. All existing and proposed surface, and subsurface, drainage facilities; including culverts, drains, and detention ponds, showing size and dimensions of flow.

_____13. Location, size and arrangement of all outdoor signs (pole signs, wall signs, and ground signs); the location and intensity of all outdoor lighting, and exterior lighting.

_____14. Location and height of fences, or screen plantings, and the type or kind of building materials or plantings to be used for fencing or screening.

SECTION 20

SITE PLAN APPLICATION

Use the following as a checklist for a complete application submittal:

Form "A "- Conditional Use Application

___✓___1. Applicants name, address and telephone number, legal interest in the subject property.

___✓___2. Owners name, address and telephone number, if different from applicant, with the owner's signed consent to filing the application.

_____3. Street address and legal description, or metes and bounds, of the property on 8 1/2x 11 sheet of paper

___✓___4. The zoning classification and present use of subject property.

_____5. A letter or note on the site plan generally describing the proposed use, or uses, for the proposed development.

_____6. A copy of the final plat, or replat, of approved subdivision by city council showing property boundary lines, dimensions, easements, roadways, rail lines, and public rights-of way crossing adjacent to the subject property.

_____7. If the property is subject to a master development plan, note in a letter the proposed use substantially confirms to the master development plan.

Form "B "Site Plan Requirements

_____1. All site plans submitted in conjunction with a Conditional Use, Section 20; shall be drawn and sealed by a registered surveyor, registered architect, or registered engineer.

_____2. The site plan shall include the name of the site plan, submittal date, case number(S) scale, north point, name of person preparing site plan (north shall be at top of the page on all drawings), consecutive sheet numbers and vicinity map. The case name, number and consecutive sheet numbers (ex. Sheet 1 of 2) should be placed in the lower right corner.

PLATTING VERIFICATION

This verification statement must be signed prior to the submittal of this conditional use Application.

_____ It has been determined that the property described below does require platting or replatting and the applicant has been instructed on this procedure.

_____ It has been determined that the property described below is currently platted or does not require platting or replatting at this time.

Address of subject property 802 NORTH HARRISON

Legal description of subject property LOT 1-3 Block 7 HAMILTON ADDITION

_____ 05.26.2020

Building Services Department Date

This form is signed by the building services department and submitted along with a completed application to the planning and zoning department of building services.

ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

I hereby acknowledge that an illumination plan has bee included as part of this submittal.

Applicants Signature _____

Date: _____

Property Owners Signature _____

Date: _____

ACKNOWLEDGEMENT

All conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

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 conditional use or special use permit 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.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant Pa Tabsley

Date: 3-25-20

Signature of Owner Pa Tabsley

Date: 3-25-20

PART 4. SIGNATURE TO AUTHORIZE FILING OF A FINAL SITE PLAN

PAUL TANKSLEY

Print Applicants Name

Applicants 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

_____

Print Property Owners Name

_____

Property Owners Signature

The State Of _____

County Of _____

Before Me _____ on this day personally appeared _____

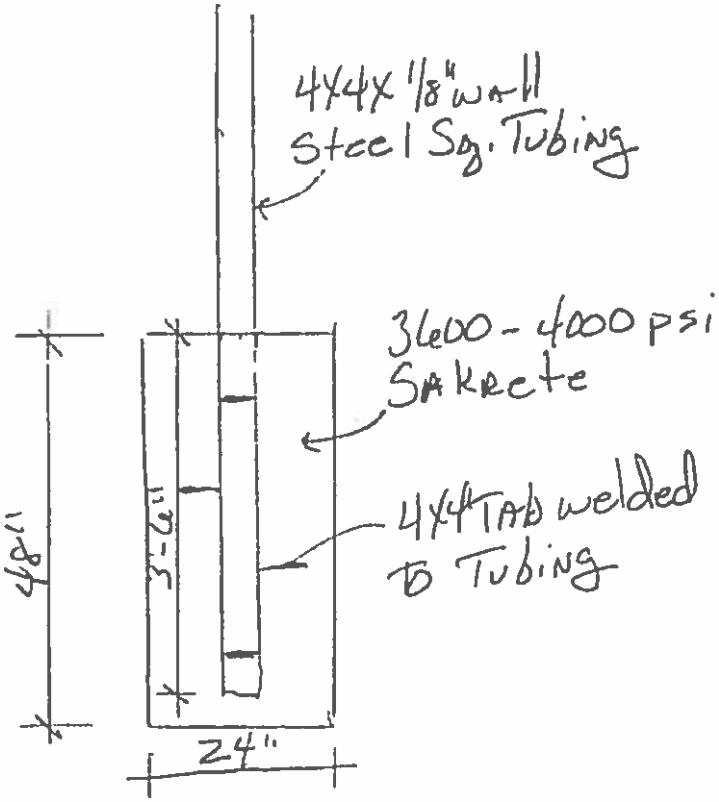
(notary) (property owner)

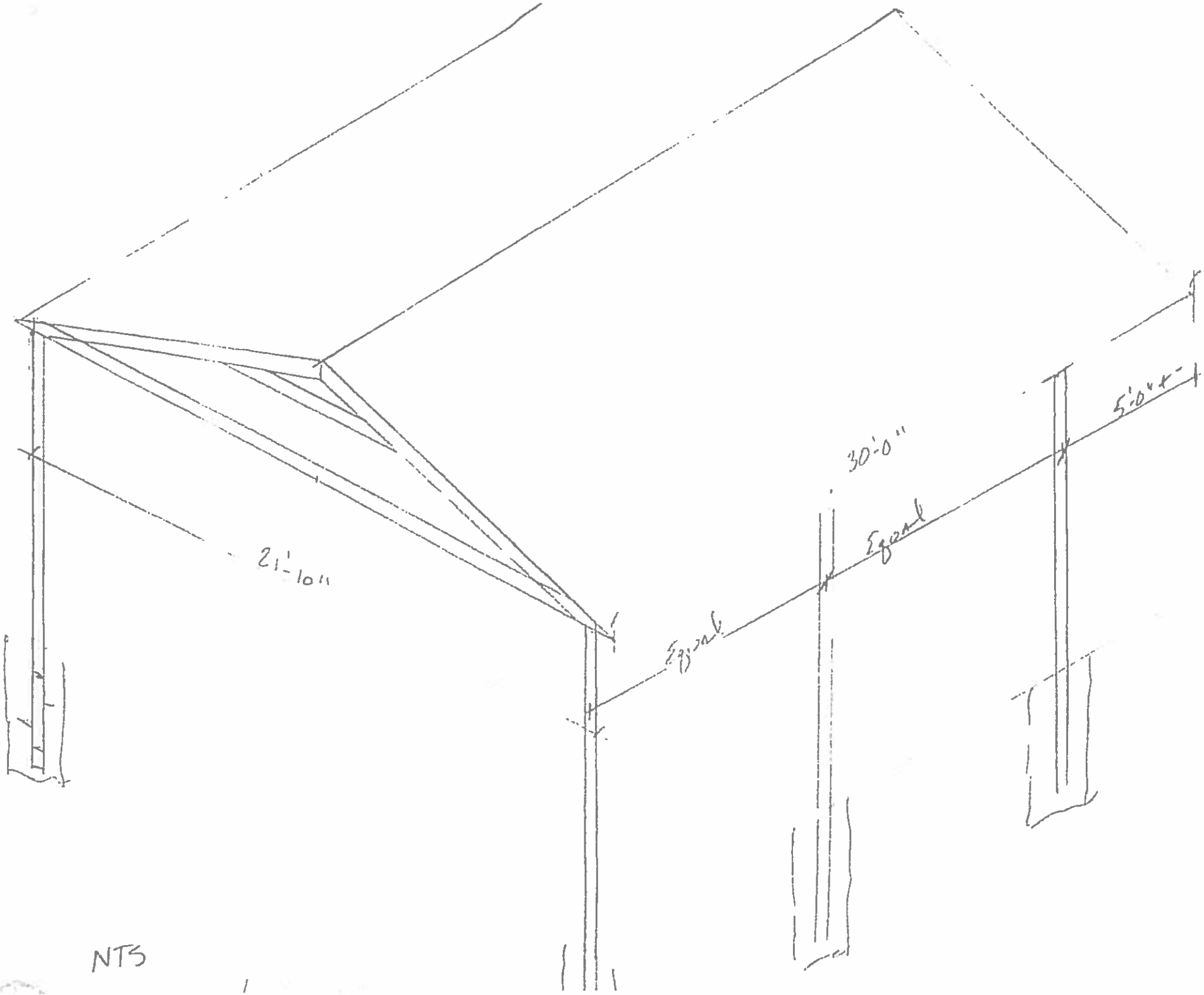
Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

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

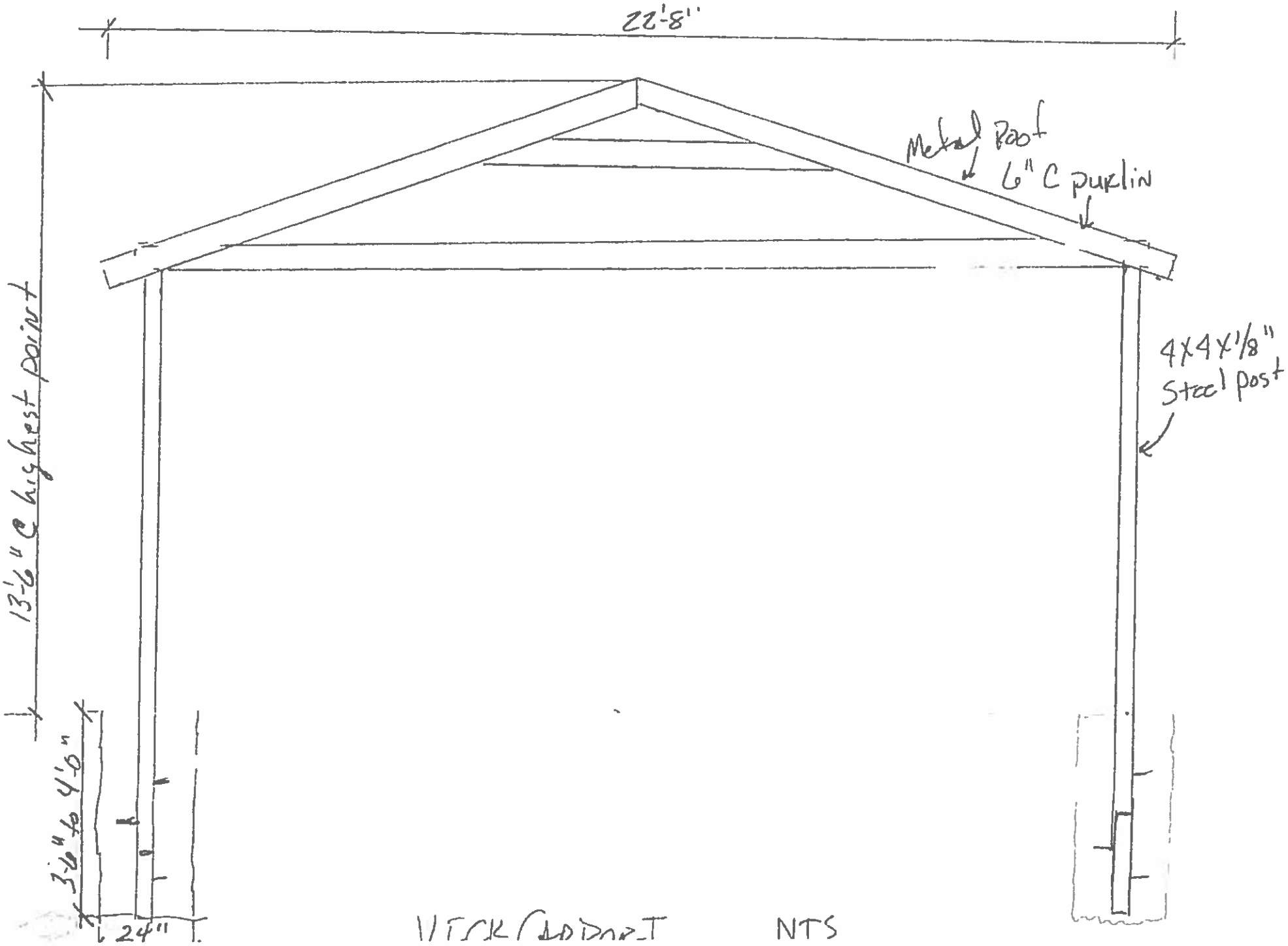
_____

Notary in And for State of Texas


4X4X 1/8" wall
Steel Sq. Tubing
3600 - 4000 psi
Sakrete
4X4 Tab welded
to Tubing
48"
3'-6"
24"



NTS



WICKCADDINGT NTS

03.31.2020

Address: 802 N Harrison

Conditional Use Permit No_____

Building permit could not be issued due to proposed structure placement into the right-of-way. No placement of proposed structure allowed without a conditional use permit.

Conditional Use: Structure must be designed to be removed by the owner from right-a-way if utility work is required.
Section 4 of Appendix C, Nonconforming use of structure and land shall be applicable to this conditional use permit.

David Hale

3.31.2020
Date

WARRANTY DEED

Notice of Confidentiality Rights:

If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: 31 day of January, 2020

Grantor: **City of Alpine, Texas**
Mailing Address: 100 North 13th Street
Alpine, TX 79830

Grantee: **Paul Tanksley**
Mailing Address: 802 North Harrison
Alpine, TX 79830

Consideration: The sum of TEN AND NO/100 DOLLARS ($10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

Property: Approximately 10,454 square feet (0.240acres) East Brown Avenue, Alpine, Texas (east of N. Harrison to street terminus) with legal description of 0.240 acres of land, north of Lots 1-3, Block 7, Hancock C Addition to the City of Alpine, Brewster County, Texas, being identified out of survey 101, Block 9, G.H. & S.A. RY.CO. Surveys, Brewster County, Texas, being a portion of unimproved Brown Ave Right-Of-Way, City of Alpine, as further described in "Survey Plat" with "field notes" attached as the two-page "Exhibit A" to this instrument

Reservations from Conveyance:

Easements, rights-of-way, and prescriptive rights, whether of record or not, including past, present, and future utility easements, which shall be and remain with the Grantor; all presently recorded restrictions, severances, and other instruments, other than liens and conveyances, that may affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping improvements.

Grantor, for the Consideration and subject to the Reservations from Conveyance, grants, sells, and conveys to Grantee the Property together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

(SIGNATURE AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE)

GRANTOR: **City of Alpine, Texas**

Signature: _____

Printed Name: Erik M. Zimmer

Title: City Manager

STATE OF TEXAS

COUNTY OF BREWSTER

Before me, the undersigned notary, on this day personally appeared Erik Zimmer, on behalf of the City of Alpine, Texas and acknowledged to me that they are fully authorized to execute the foregoing document and that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 31st day of January, 2020.

GEOFFREY R CALDERON
Notary Public, State of Texas
Comm. Expires 03-12-2023
Notary ID 131926398-9

_____
Notary Public – State of Texas

Doc#: 109606
Pages: 5
02/06/2020 03:22PM
Filed & Recorded in
Official Records of
BREWSTER COUNTY
BERTA RIOS-MARTINEZ
COUNTY CLERK
Fees: $38.00

STATE OF TEXAS
COUNTY OF BREWSTER
I hereby certify that this Instrument was
FILED on the date and at the time stamped
hereon by me and was duly RECORDED in the
Volume and Page of the Official Public
Records of Brewster County, Texas
VOL: 0381 PAGE: 0519

Berta Rios-Martinez
County Clerk, Brewster County, Texas

From: Paul Tanksley
Sent: Wednesday, March 25, 2020 3:25 PM
To: building.official@ci.alpine.tx.us
Subject: Letter of use

David,
This letter is the inform any concerned parties that I would like to build a carport.
In my estimation the carport should not at anyway harm the value, use, or enjoyment of other property in the neighborhood. By adding this carport it should increase the value of my property and the surrounding properties.
If the city needs to do utility work the carport unbolts so it can be moved, so any work can proceed.

Paul Tanksley

Sent from my iPhone

Google Maps E Brown Ave

Imagery ©2020 Google, Imagery ©2020 Maxar Technologies, Map data ©2020 100 ft

"Exhibit A"

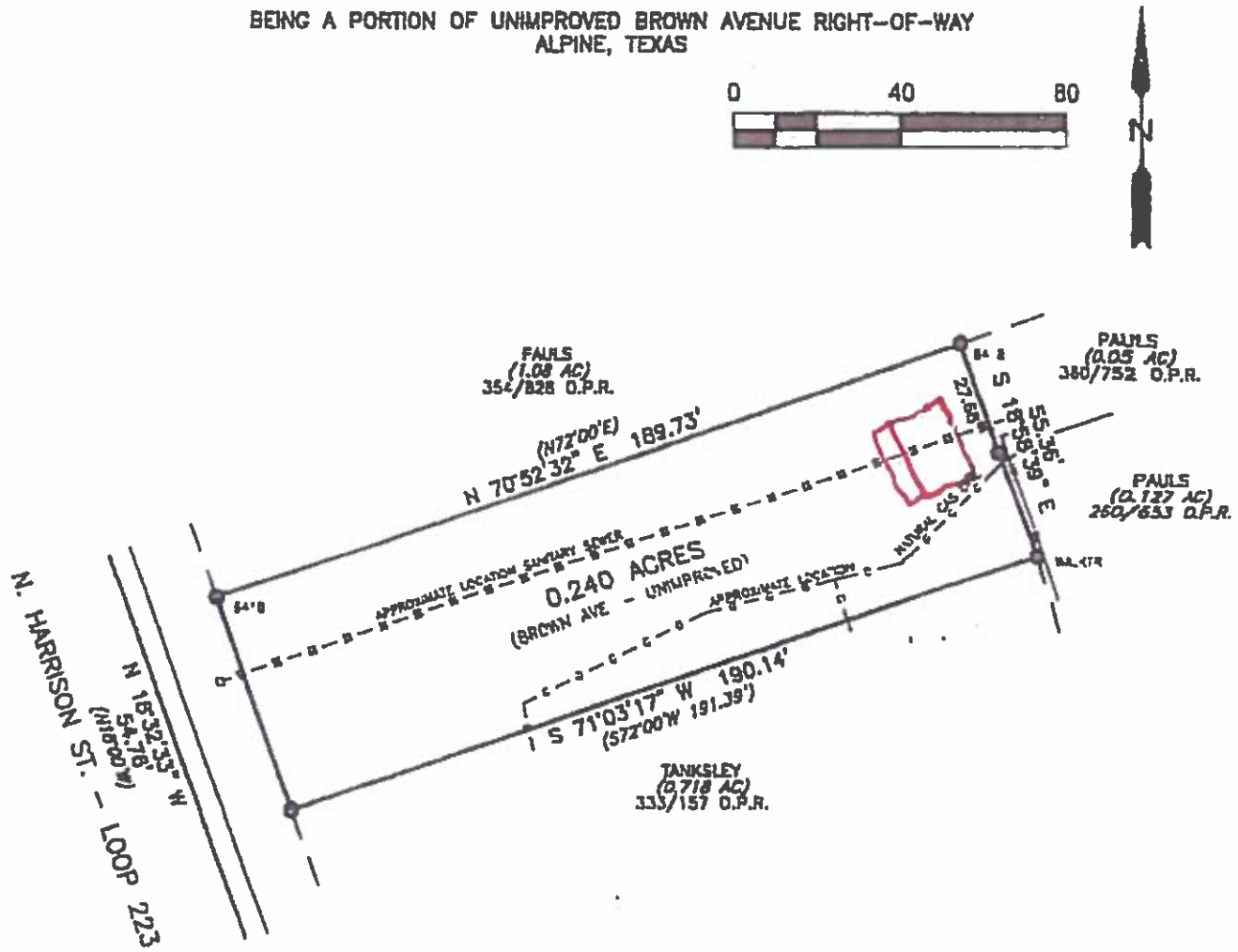
TX SURVEY FIRM NO. 10194432

SURVEY PLAT

19-0154

0.240 ACRES OUT OF SURVEY 101, BLOCK 9, G.H. & S.A. RY. CO. SURVEYS
BREWSTER COUNTY, TEXAS

BEING A PORTION OF UNIMPROVED BROWN AVENUE RIGHT-OF-WAY
ALPINE, TEXAS



AN INDEPENDENT EXHAUSTIVE SEARCH OF THE PUBLIC RECORD HAS NOT BEEN CONDUCTED. EASEMENTS/RESTRICTIONS NOT SHOWN HEREON MAY AFFECT THIS TRACT.

LEGEND

- ● IRON ROD FOUND [CAPPED AS NOTED]
- WOOD FENCE
- ( ) RECORD INFORMATION

BEARING BASIS: WGS 84

STATE OF TEXAS
REGISTERED
KEVIN MUELLER
5911
PROFESSIONAL
LAND SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ACTUAL ON THE GROUND SURVEY AND THAT THE LINES AND CORNERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

9-4-19

KEVIN MUELLER
105 N. COCKRELL ST.
(512) 492-5502
KEVIN.MUELLER@SAWTOOTHSURVEY.COM

SAW TOOTH SURVEY
P.O. BOX 1751
ALPINE, TX 79831

3. Discuss, consider, and take appropriate action on Resolution 2020-06-17, tire fee's for the City of Alpine. (E. Zimmer, City Manager)

CITY COUNCIL

AGENDA REQUEST

AGENDA FOR COUNCIL MEETING:	JUNE 16, 2020	AGENDA REQUEST NO:	ACTION
INITIATED BY:	ERIK ZIMMER	RESPONSIBLE DEPARTMENT:	ADMINISTRATION
PRESENTED BY:	ERIK ZIMMER	FINANCE DIRECTOR:	MEGAN ANTRIM
		ADDITIONAL DIRECTOR (S):	
SUBJECT / PROCEEDING:	DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION ON RESOLUTION 2020-06-17, TIRE FEE'S FOR THE CITY OF ALPINE.		
EXHIBITS:	RESOLUTION 2020-06-17		

CLEARANCES		APPROVAL	
LEGAL:	CITY ATTORNEY	ROD PONTON:	_____
FINANCE:	FINANCE DIRECTOR	MEGAN ANTRIM:	_____
APPROVAL:	CITY MANAGER	ERIK ZIMMER:	_____

BUDGET

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

RECOMMENDED ACTION

EXECUTIVE SUMMARY

STATE OF TEXAS COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2020-06-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ESTABLISHING A TIRE INITIATIVE THROUGH THE ENVIRONMENTAL SERVICES DEPARTMENT.

WHEREAS, residents of the City of Alpine benefit from the sanitation services provided by the Hal Flanders Recycling Center, an effort that helps Alpine protect the environment; and

WHEREAS, as citizens comply with code compliance and possible code violations, the need for proper tire disposal will increase; and

WHEREAS, the Hal Flanders Recycling Center collected data regarding inquiries about scrap tires and found that a tire initiative would be beneficial to the City of Alpine; and

WHEREAS, the City Council of the City of Alpine deems the establishment of a tire initiative necessary and beneficial to the citizens of Alpine.

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

A tire initiative is hereby established and will be implemented through the Environmental Services Department at the following rates:

Price Per Tire	
Pass. Tired up to 19.5"	$5.00 ea.
Truck Tires 20" to 24"	$10.00 ea.
Tractor Tires 24" and up	$75.00 ea.

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

ATTEST:

Andres "Andy" Ramos, Mayor
City of Alpine

Cynthia Salas, City Secretary
City of Alpine