

**City of Alpine**  
**Workshop Meeting and**  
**Regular City Council Meeting**  
**Tuesday, July 21, 2020**

Notice is hereby given that the City Council of the City of Alpine, Texas will hold a **Workshop Meeting at 3:30 P. M. on Tuesday, July 21, 2020 via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at [www.cityofalpine.com/meetinglink](http://www.cityofalpine.com/meetinglink)** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

Notice is hereby given that the City Council of the City of Alpine, Texas will hold a **Regular Meeting at 5:30 P. M. on Tuesday, July 21, 2020 via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at [www.cityofalpine.com](http://www.cityofalpine.com)** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

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

**WORKSHOP MEETING – 3:30P.M.**

**AGENDA**

1. Call to Order.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Workshop.
  1. Capital and Expense Proposed Budget for FY 2020-2021. (E. Zimmer, City Manager)
4. Adjourn

**CITY COUNCIL REGULAR MEETING – 5:30 P.M.**

**AGENDA**

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

City Mayor's Report – (A. Ramos, Mayor) – COVID-19

City Attorney's Report –

- State and area COVID restrictions update
- Tax rate authority under Governor Emergency Order
- CARES Act funding opportunities

City Manager Report –

- Coronavirus Update
- Restaurant and HVAC initiatives
- Ordinance Revisions

City Staff Update –

- Quarterly Report – Animal Control Officer Jennifer Stewart.

6. Public Hearings - None

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

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

A. Approval of minutes from City Council meeting on July 7, 2020. (E. Zimmer, City Manager)

B. Approval of Laura Gold for the HOT Committee for Ward 4. (L. Escovedo, City Council)

8. Information or Discussion items –

1. EMS Quarterly Update by Mike Scudder. (E. Zimmer, City Manager)
2. Discuss GA-28 and GA-29, differences in the Governor's Executive Orders and the impacts on restaurants, bars and the wearing of masks. (E. Zimmer, City Manager)
3. Discuss changing the advisory board membership to include up to two (2) alternate members who would only be voting members in the event there is not a sufficient number of members to conduct business. (R. Stephens, City Council)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (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, amending Ordinance 2020-06-01, an Emergency Ordinance of the City of Alpine that was approved by Council on June 30, 2020 or additional action as determined by Council(E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action approving Resolution 2020-07-09, a Resolution of the City of Alpine, Texas supporting outdoor dining expansions as a protective measure to combat the spread of COVID-19. (E. Zimmer, City Manager)

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

11. Executive Session - - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. – None

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

12. Action – Executive Session – None

I certify that this notice was posted at 1:00 P. M. on July 17, 2020, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services

must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email [city.secretary@ci.alpine.tx.us](mailto:city.secretary@ci.alpine.tx.us) for further information.

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

Cynthia Salas, City Secretary  
City of Alpine

City Staff Update –

- Quarterly Report – Animal Control Officer Jennifer Stewart.

## ACO report for June 2020

Total number of animals picked up/ brought in as stray : 31 of those, 1 repeat offender

	Cats	Dogs
Ward 1	3	6
Ward 2	5	3
Ward 3	7	3
Ward 4	1	1
Ward 5	0	2
County	0	0
Born in care	4	0

Total number of animals returned to owner: 14 of those, 1 repeat offenders

	Cats	Dogs
Ward 1	0	3
Ward 2	0	1
Ward 3	0	4
Ward 4	1	3
Ward 5	0	1
County	0	1
SRSU	0	0

Total number of surrenders: 0

	Cats	Dogs
Ward 1	0	0
Ward 2	0	0
Ward 3	0	0
Ward 4	0	0
Ward 5	0	0
County	0	0

Animals seized from ward 3 warrant: 29

Cats	9
Dogs	13
Birds	4
Rabbits	3

Total number of adoptions 21 : 11 cats, 3 dogs, 4 birds, 3 rabbits

Total number of returned adoptions 0 : 0 cats, 0 dogs

Total number of animals transferred to other rescues 15 : 13 cats, 2 dogs

Total animals who died in care or euthanized due to illness 3: 3 cats

We placed 6 microchips for the public , 2 cats and 4 dogs

Total number of animal bites:

Details on bites: 1

Ward 1- No reports

Ward 2- No reports

Ward 3- No reports

Ward 4- June 22<sup>nd</sup>, Victim let her sons dog out, dog ran up to bark at them, raccoon were startled and chased the dog off. Victim was scared for the dog so she ran out of the house and chased the raccoon. Victim fell and startled the raccoon, possibly falling on them. Raccoon bit her and ran off. Victim went to the hospital. Live traps currently set for raccoon at the residence.

Ward 5- No reports

Shelter- No reports

Citations issued: 26

Animals at large: 16

No license: 3

No Microchip: 2

No vaccination: 2

Neglect: 2

Cruelty: 1

Feral Cat intake: 13

#### Cats

Ward 1	2
Ward 2	0
Ward 3	4
Ward 4	6
Ward 5	1
County	0

## ACO Second Quarterly Report

Total number of animals picked up/ brought in as stray : 84 of those, 1 repeat offender

	Cats	Dogs
Ward 1	10	6
Ward 2	10	8
Ward 3	15	6
Ward 4	11	6
Ward 5	2	8
County	0	2
Born in care	4	0

Total number of animals returned to owner: 31 of those, 1 repeat offenders

	Cats	Dogs
Ward 1	0	5
Ward 2	0	3
Ward 3	0	9
Ward 4	3	4
Ward 5	0	4
County	0	3
SRSU	0	0

Total number of surrenders: 2

	Cats	Dogs
Ward 1	0	0
Ward 2	0	0
Ward 3	1	0
Ward 4	0	0
Ward 5	0	1
County	0	0

Animals seized from ward warrant: 29

Cats	9
Dogs	13
Birds	4
Rabbits	3



Total number of adoptions 49 : 23 cats, 19 dogs, 4 birds, 3 rabbits

Total number of returned adoptions 2 : 1 cat, 1 dog

Total number of animals transferred to other rescues 29 : 23 cats, 6 dogs

Total animals who died in care or euthanized due to illness 3 : 3 cats

We placed 12 microchips for the public , 4 cats and 8 dogs

Total number of animal bites: 5

**Details on bites:**

Ward 1- May 11<sup>th</sup> Victim was riding her bike. She got off her bike to pet 2 dogs in their fenced yard through the fence. The smallest dog bit her right hand. Victim stated that both dogs were barking but, wagging their tails. Dog was current on vaccinations and home quarantined.

Ward 2- No reports

Ward 3- April 2<sup>nd</sup> Victim was moving things around his room and his cat came from out from under the bed and scratched and bit the victims leg. Owner surrendered, cat was euthanized and sent for testing, results negative.

Ward 4- April 29<sup>th</sup> Victim was helping a friend get some stray cats vetted one of them bit the victim while attempting to put it in a carrier. Cat is currently set for cat.

June 22<sup>nd</sup>, Victim let her sons dog out, dog ran up to bark at them, raccoon were startled and chased the dog off. Victim was scared for the dog so she ran out of the house and chased the raccoon. Victim fell and startled the raccoon, possibly falling on them. Raccoon bit her and ran off. Victim went to the hospital. Live traps currently set for raccoon at the residence.

Ward 5- No reports

Shelter- April 11<sup>th</sup> Employee was cleaning cat in quarantines cage, cat came up to victim sniffed her, she petted the cat and he bit her. Cat was euthanized and sent for testing, results negative.

Citations issued: 40

Animals at large: 25

No license: 5

No Microchip: 4

Barking: 1

No vaccination: 2

Neglect: 2

Cruelty: 1

Feral Cat intake: 35

**Cats**

Ward 1	4
Ward 2	5
Ward 3	8
Ward 4	15
Ward 5	2
County	1

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

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

- A. Approval of minutes from City Council meeting on July 7, 2020. (E. Zimmer, City Manager)
- B. Approval of Laura Gold for the HOT Committee for Ward 4. (L. Escovedo, City Council)

A. Approval of minutes from City Council meeting on July 7, 2020. (E. Zimmer, City Manager)

City of Alpine  
Workshop Meeting and  
Regular City Council Meeting  
Tuesday, July 7, 2020  
5:30 P.M.  
Minutes

Workshop Meeting

1. Call to Order, and Pledge of allegiance to the flag –
2. Determination of a quorum and proof of notice of the meeting –
3. Workshop
  1. Capital and Expense Proposed Budget for FY 2020-2021. (E. Zimmer, City Manager)
4. Adjourn

City Council Meeting

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

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

City Attorney's Report – None

City Manager Report –

- COVID-19 Update
- City Hall and Facility Hours
- Parks and Recreation Program

City Staff Updates –

- Municipal Court Docket Updates by Judge Sandy Stewart
- Street Update by Director of Public Works Eddie Molinar

Council minutes: 06-16-2020

Approved: 07-07-2020

- Police Update by Chief Martin

6. Public Hearings –

- Public Hearing on citizen's views and comments on Resolution 2020-06-04, requesting \$22,500 in funds from the US Department of Agriculture's Rural Development – Community Facilities Direct Grant program to procure a new commercial mower to be used at the Alpine Casparis Airport.

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

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

1. Approval of minutes from City Council meeting on June 16, 2020. (E. Zimmer, City Manager)
2. Approval of minutes from Emergency City Council meeting on June 23, 2020. (E. Zimmer, City Manager)
3. Approval of minutes from Emergency City Council meeting on June 30, 2020. (E. Zimmer, City Manager)
4. Approval of John Green for the HOT Committee for Ward 5. (R. Stephens, City Council)
5. Approval of Jim Street for the Transportation Committee for Ward 5. (R. Stephens, City Council)
6. Approval of John Kennedy for at large on the Transportation Committee. (R. Stephens, City Council)

Motion was made by Councilor Stephens, by Resolution 2020-07-01 to approve the consent agenda as presented. Motion was seconded by Councilor Escovedo. Motion unanimously carried.

8. Information or Discussion items – None

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

1. Discuss, consider, and take appropriate action to approve the first reading of Resolution 2020-06-16, an Investment Policy for the City of Alpine. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-07-02 to approve the first reading of Resolution 2020-06-16, an Investment Policy for the City of Alpine. Motion was seconded by Councilor Curry. Motion unanimously carried.
2. Discuss, consider, and take appropriate action to approve the first and final reading concerning an application for a Conditional Use Permit for Jimmy Ringo in a R-2 zone for a home business to repair mowers. Property Identification is 608 N. 10<sup>th</sup> street. Legal description is Kincaid Addition, Block A1, Lot W3/5 of N/2. Record owner is Jimmy Ringo. (E. Zimmer, City Manager)- Motion was made by Councilor Stephens, by Resolution 2020-07-03 to approve the first and final reading concerning an application for a Conditional Use Permit for Jimmy Ringo in a R-2 zone for a home business to repair mowers. Property Identification is 608 N. 10<sup>th</sup> street. Legal description is Kincaid Addition, Block A1,

Lot W3/5 of N/2. Record owner is Jimmy Ringo. Motion was seconded by Councilor Curry. Motion unanimously carried.

3. Discuss, consider, amending Ordinance 2020-06-01, an Emergency Ordinance of the City of Alpine that was approved by Council on June 30, 2020 or additional action as determined by Council. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-07-04 to take no action relative to changing the Emergency Ordinance 2020-06-01. Motion was seconded by Councilor Curry. Motion unanimously carried.

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

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

Motion was made by Councilor Stephens, by Resolution 2020-07-05 to move into Executive Session. Motion was seconded by Councilor Escovedo. Motion unanimously carried. (6:28pm)

1. Discuss the County Jail accessibility. (E. Zimmer, City Manager)

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

Motion was made by Councilor Stephens, by Resolution 2020-07-06 to come out of Executive Session. Motion was seconded by Councilor Curry. (7:03pm)

Motion was made by Councilor Stephens, by Resolution 2020-07-07 to go into open session. Motion was seconded by Councilor Curry. Motion unanimously carried. (7:08pm)

12. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, on the County Jail accessibility. (E. Zimmer, City Manager)

Motion was made by Councilor Stephens, by Resolution 2020-07-08 to take no action. Motion was seconded by Councilor Olivas. Motion unanimously carried. (7:09pm)

I certify that this notice was posted at 1:00 P.M. on July 2, 2020, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

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Andres "Andy" Ramos, Mayor

Attest:

Council minutes: 06-16-2020

Approved: 07-07-2020

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Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 1:00 P.M. on July 2, 2020, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Cynthia Salas, City Secretary

B. Approval of Laura Gold for the HOT Committee for Ward 4. (L. Escovedo, City Council)



RECEIVED

JUL 15 2020

BY: [Signature]



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

\* First Name

Laura

\* Last Name

Gold

\* Street Address

901 N ORANGE ST UNIT 4

\* City

ALPINE

\* State

TX

\* Zip

79830-\_\_\_\_

\* Email Address

lauragoldbrainard@gmail.com

\* Phone

432-294-1068

\* Occupation

Semi-retired from hospitality and human resources

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

I have been a resident of Alpine for a year and have lived in Brewster County for about 14 yrs

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

☒ Yes

☐ No

\* Board or Commission you have interest in serving on:

H.O.T. Committee & the Transportation Committee

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

Originally from Hawaii I graduated with a BA in Anthropology and Minor in Political Science. I worked in Arizona on community development and cultural resource protection projects. I have worked several years in hospitality, human resources, administration, management, accounting, and education. My favorite jobs have been volunteering on environmental protection and cultural and historic preservation projects. My education, training and experience lend me to passionately believe that people are the most important factor making any place an enduring, healthy, and sustainable place to live, work and thrive. I am an active member of the Texas Master Naturalists, Tierra Grande Chapter, and the Texas Native Plant Society. I am working on community education projects about lighting and night sky protection. I have an interest in making and keeping Alpine beautiful, live-able and strong.

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

I support improving the quality of life in and around Alpine and looking carefully into the details, considering short and long-term impacts, listening to colleagues, and seeing the planning processes through. I support growing local business, schools, universities, human services, people, programs, and agencies who contribute to Alpine and carefully grow the economy. There are many interpretations of how to accomplish these goals, but long-term goals should incorporate sustainability, especially in far West Texas where resources, are both hard to come by and harder to hold on to.

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

☐ Yes

☒ No

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

☐ Yes

☒ No

If yes, in what capacity?

How long?

If yes, please explain:

\* \* \*

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

\* Electronic Signature

\* Date

Laura Gold

07/15/2020

Format: MM/DD/YYYY

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

☒ Option 1

8. Information or Discussion items –

1. EMS Quarterly Update by Mike Scudder. (E. Zimmer, City Manager)
2. Discuss GA-28 and GA-29, differences in the Governor's Executive Orders and the impacts on restaurants, bars and the wearing of masks. (E. Zimmer, City Manager)
3. Discuss changing the advisory board membership to include up to two (2) alternate members who would only be voting members in the event there is not a sufficient number of members to conduct business. (R. Stephens, City Council)

1. EMS Quarterly Update by Mike Scudder. (E. Zimmer, City Manager)

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

**Quarterly Report for April 1, 2020 through June 30, 2020  
Presented to the City of Alpine  
City Council Members, Honorable Mayor and City Manager  
on July 21, 2020**

**by Michael Scudder, Owner/Operator**

**West Texas Ambulance Service - Alpine E.M.S.  
Quarterly EMS Run Report for April 1, 2020 through June 30, 2020**

**Total number of City/County/Marathon Runs 04/01/2020 to 06/30/2020 - 124 calls**

<b>Total City Calls</b>	<b>- 74</b>
<b>Total City No Transports</b>	<b>- 19</b>
<b>Total County Calls</b>	<b>- 20</b>
<b>Total County No Transports</b>	<b>- 11</b>

**Monthly Break Down of Calls**

<b><u>Month</u></b>	<b><u>City</u></b>	<b><u>City No Transport</u></b>	<b><u>County</u></b>	<b><u>County No Transport</u></b>	<b><u>Total</u></b>
<b>April</b>	<b>26</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>43</b>
<b>May</b>	<b>18</b>	<b>7</b>	<b>10</b>	<b>0</b>	<b>35</b>
<b>June</b>	<b>30</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>46</b>
<b>Total</b>	<b>74</b>	<b>19</b>	<b>20</b>	<b>11</b>	<b>124</b>

**Air Ambulance Transports (Interfacility) from BBRMC to Alpine Municipal Airport  
(2<sup>nd</sup> Quarter 2020)**

<b>April</b>	<b>22</b>
<b>May</b>	<b>34</b>
<b>June</b>	<b>27</b>
<b>Total</b>	<b>83</b>

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

**West Texas Ambulance Service - Alpine E.M.S.  
Quarterly EMS Run Report for April 1, 2020 through June 30, 2020  
Supplemental Information**

- 1. COVID-19 Update**
  - a. EMS Responses**
  - b. PPE Supply Status**
  - c. Grant Assistance**
  
- 2. EMS Response Billing**
  - a. No change: \$750.00 Base Rate,  
\$15.00 per loaded mile**
  - b. No Transports - No Charge**
  
- 3. Pre-Inspection - EMS Provider Compliance Survey from January 17, 2018  
(Information requested by City Manager Erik Zimmer)**
  - a. Deficiencies that needed to be corrected during survey (3)**
  - b. Deficiencies corrected within required 30 day period.**
  - c. EMS Provider license renewed on May 1, 2018 with no deficiencies or violations**

Submitted by:



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

07/15/2020

**Date**



TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
Division for Regulatory Services  
PO Box 149347, Austin, TX 78714  
(512) 834-6660

Name	MICHAEL SCUDDER DBA	License Type	EMS Provider
Address	106 E BROWN ST ALPINE TX 79830	License Number	022001
Inspection Type	Survey	Inspection Number	9070
Inspector	GUERRERO, RAUL	Inspection Date	01/17/2018

This notice is to acknowledge that the Texas Department of State Health Services (DSHS) conducted an inspection of or visited your business on the date listed above. The information that has been gathered is subject to further department review, and you may receive additional correspondence as a result.

Your attention is directed to the deficiency/violation noted below within the scope of this inspection/visit.

07 - EMS Provider Compliance Survey

Regulation	Description/Notes
157.11(c)(7)(R)	EMS Provider failed to follow their submitted description of how they will conduct quality assurance in coordination with the EMS Provider's Medical Director and/or they do not have a description of how they will conduct Quality Assurance reviews in coordination with their medical director.
157.11(n)(2)(A)	EMS Provider failed to develop, implement, maintain, and/or evaluate an effective, ongoing, system-wide, data-driven, interdisciplinary quality assessment and performance improvement program that is individualized to the EMS Provider and/or does not, at a minimum, include: The standard of patient care as directed by the Medical Director's protocols and Medical Director input into the EMS Provider's policies and standard operating procedures.
157.11(n)(3)	EMS Provider failed to provide documentation that its management staff has and will continue to participate in the local regional advisory council. Notes: EMS PROVIDER DOES ACTIVELY PARTICIPATE WITH THE REGIONAL ADVISORY COUNCIL

Inspector/Sanitarian:  
GUERRERO, RAUL



Date: 01/17/2018

Owner/Operator/Manager:  
MICHAEL SCUDDER

Date: 01/17/2018



West Texas Ambulance Service - Alpine E.M.S.  
P.O. Box 338 - 106 E. Brown Street  
Alpine, Texas 79831  
(432) 837-1119

March 1, 2018

Raul Guerrero, EMS Specialist  
Texas Department of State Health Services  
EMS South Group  
401 E. Franklin Ave., Ste. 210  
El Paso, Texas 79901-1206

Dear Raul Guerrero,

**Reference:**

EMS Provider Survey January 17, 2018 (Deficiency Report)  
Inspection Number 9070 EMS Document Number 64043.

**Plan of Correction**

**EMS Provider Compliance Survey**

**Regulation:**

157.11(c)(7)(R)

*EMS Provider failed to follow their submitted description of how they will conduct quality assurance in coordination with the EMS Provider's Medical Director and/or they do not have a description of how they will conduct Quality Assurance reviews in coordination with their medical director.*

Our Operations Policies contain a QA/QI plan which does reference the relationship of quality assurance with the review process of Patient Care Reports and/or complaints by the EMS Director/Administrator of Record. The type of reports that are reviewed are based on monthly review by the AOR with determination of how far the review will precede i.e. onward to Medical Director. Example: Cardiac Arrest calls are also reviewed by the System Medical Director and/or Physician in attendance at cardiac arrest with further review if necessary. The deficiency has been reviewed and corrected as of March 1, 2018.

The Corrective Action includes utilizing the new NEMSIS 3 compliant emsCharts Electronic PCR program which includes indicators and monitoring mechanisms for Quality Assurance. Further indicators as recommended by research from other EMS authorities will be integrated into reviews for further quality improvements as

this is a “living document” for improving care to our patients. As stated implementation is immediate but will improve as time goes on.

Regulation:

157.11(n)(2)(A)

*EMS Provider failed to develop, implement, maintain, and/or evaluate an effective, ongoing, system-wide, data-driven, interdisciplinary quality assessment and performance improvement program that is individualized to the EMS Provider and/or does not, at a minimum, include: The standard of patient care as directed by the Medical Director's protocols and Medical Director input into the EMS Provider's policies and standard operating procedures.*

With our Quality Assurance Program within our Operations Manual as with our review procedures this too is a “living document” that is and will be improved upon with current and future changes and improvements in regard to patient care. The system quality improvement is based on current evaluations by the EMS Director/AOR and/or input from the System Medical Director. Example: Current review of use of long spine boards on spine injuries vs. no longer using as a routine devise. Example: percentage of unsuccessful endotracheal intubations indicating ongoing CE re-education, reviews and assessments.

The Corrective Action plan includes as above the new usage of the emsCharts ePCR program that includes statistical analysis of performed skills including success and failure rates. Other data for analysis includes the use of a form for Quality Assurance improvements based on the above ePCR analysis and/or reported incidents. The form would dictate review by at the minimum the EMS Director and/or System Medical Director allowing input from our Medical Director with recommendations on mitigating the reported problem or incident. Example: QA Report on improving documentation on ePCR not following established EMS Protocols with re-education CE on documentation with review and assurance for compliance by involved staff. This has been instituted but a form is being researched and will be instituted as soon as possible to assure proper documentation of any event requiring QA improvement. The new form will be forwarded for review as soon as it is complete.

Regulation:

157.11(n)(3)

*EMS Provider failed to provide documentation that its management staff has and will continue to participate in the local regional advisory council.*  
**Notes: EMS PROVIDER DOES ACTIVELY PARTICIPATE WITH THE REGIONAL ADVISORY COUNCIL.**

After discussion with the EMS Specialist and contact information was given to EMS Provider AOR contact was established to assure continued participation in the local RAC via direct attendance or through Webinars to assure attendance to meet the requirements. The EMS Director/AOR or designee shall attend scheduled meetings or participate in the RAC Webinars.

Should there be any suggestions for improvement of the above corrections or any comments or questions please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Scudder", with a long horizontal flourish extending to the right.

Michael L. Scudder, EMTP  
EMS Director/AOR, WTAS-AEMS

Cellphone (432) 294-5119

**West Texas Ambulance Service - Alpine EMS**  
**P.O. Box 338 - Alpine, Texas - 79831-0338**  
**(432) 837-1119**

**Trip Sheet Audit Form**  
**CONFIDENTIAL CQI ACTIVITY**

CCR#	Pt. Age	Pt. Sex	<input type="checkbox"/> M	<input type="checkbox"/> F	Date
<b>Etiology of Pain</b>					
<input type="checkbox"/> Suspected Fracture	<input type="checkbox"/> Abd pain	<input type="checkbox"/> Back Pain	<input type="checkbox"/> Other		
- Area involved					
<input type="checkbox"/> Upper ext <input type="checkbox"/> Lower ext <input type="checkbox"/> Chest <input type="checkbox"/> Back <input type="checkbox"/> Head <input type="checkbox"/> Neck <input type="checkbox"/> Other					
<b>Trauma involved</b>					
<input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>Was Pain Severity documented?</b>					
<input type="checkbox"/> Yes <input type="checkbox"/> No					
-Pain scale used		<input type="checkbox"/> 1-10	<input type="checkbox"/> Mild, Mod, Severe		
<b>Initial Pain Rating</b>					
1 2 3 4 5 6 7 8 9 10		Mild, Mod, Severe			
<b>Initial Vitals</b>					
Pulse	BP	/	Resp	GCS	SPO2
<b>Analgesic Used</b>					
<input type="checkbox"/> None					
<input type="checkbox"/> Fentanyl					
<input type="checkbox"/> Morphine-> Initial dose mg Route <input type="checkbox"/> IM only <input type="checkbox"/> IM and IV <input type="checkbox"/> IV only					
-> Total dose mg					
<b>Final Pain Rating</b>					
1 2 3 4 5 6 7 8 9 10		Mild, Mod, Severe			
<b>Final Vitals</b>					
Pulse	BP	/	Resp	GCS	SPO2
<b>Were there contraindications to analgesics?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No					
<input type="checkbox"/> Altered LOC	<input type="checkbox"/> Head injury		<input type="checkbox"/> Allergy		
<input type="checkbox"/> Altered VS	<input type="checkbox"/> Multi-system trauma		<input type="checkbox"/> Short transport <5min		
<input type="checkbox"/> COPD	<input type="checkbox"/> Suspected Pneumothorax		<input type="checkbox"/> Other		
<input type="checkbox"/> Intoxication					
<b>Did any complications occur as a result of analgesia?</b>					
<input type="checkbox"/> No	<input type="checkbox"/> Yes ->	<input type="checkbox"/> Altered LOC	<input type="checkbox"/> Altered VS	<input type="checkbox"/> Vomiting	
<input type="checkbox"/> Other					
<b>Was Command Contacted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>Does the reviewer believe this patient should have received analgesics?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No					

Reviewer	Date reviewed	Trip sheet author
	/ /	

2. Discuss GA-28 and GA-29, differences in the Governor's Executive Orders and the impacts on restaurants, bars and the wearing of masks. (E. Zimmer, City Manager)

E-MAIL EXCHANGE (READ FROM THE BOTTOM UP) INITIATED ON SATURDAY JULY 11, 2020 BY AMY HARDY ON BEHALF OF THE OWNERS OF THE OLE CRYSTAL BAR (AMY HARDY, BUDDY CAVNESS, RYAN KINKADE) REQUESTING ACTION BE TAKEN TO OVERRIDE THE GOVERNOR'S EXECUTIVE ORDER FOR BARS TO BE CLOSED, THEREBY ALLOWING BARS IN ALPINE TO RE-OPEN. AS A MEMBER OF CITY COUNCIL, I RESPONDED TO THE REQUEST AND PUT IN PLACE ACTIONS AIMED TOWARD HOLDING A SPECIAL CITY COUNCIL MEETING ON AS SOON AS TUESDAY, JULY 14, 2020. THOSE ACTIONS WERE STOPPED WHEN IT WAS LEARNED THAT NEITHER THE COUNTY NOR THE CITY HAD AUTHORITY TO OVERRIDE THE GOVERNOR'S ORDER. AMY HARDY STATED THAT SHE HAD CONTACTED THE GOVERNOR'S OFFICE ON THE SUBJECT AND WAS TOLD "ONCE THE COUNTY HAS LESS THAN 20 ACTIVE CASES, THEN THE CITY GOVERNMENT CAN DECIDE ON ORDERS." AMY WAS ASKED SEVERAL TIMES ONCE BY PHONE AND MULTIPLE TIMES BY E-MAIL FOR THE NAME AND CONTACT INFORMATION FROM THE INDIVIDUAL SHE SPOKE WITH AT THE GOVERNOR'S OFFICE. SHE HAS NOT PROVIDED THAT INFORMATION AS OF FRIDAY, JULY 17TH. THERE ARE NO ACTIONS PENDING REGARDING THE REQUEST.

RICK STEPHENS

From: [Rick Stephens](#)

Sent: Tuesday, July 14, 2020 4:59 PM

To: [Amy Hardy](#)

Cc: [Andy Ramos](#); [Erik & Dee Dee Zimmer & Family](#); [Cynthia Salas](#)

Subject: Re: Ole Crystal Bar

No, I'm not threatening you...was just thinking you would want to meet on what you view as your home turf by phone works too. Provide the name of the individual you spoke with at the Governor's office and their number then we can talk. Since this is such an urgent issue, why is it so hard? When will you have it? I've moved a number of large businesses across country so know information can be found. You're original message was about getting the business reopened....time keeps moving.

Rick

On Jul 14, 2020, at 4:32 PM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

You are the one that started with you had been in area a long time, and I simply stated that in fact my family has been way longer. It seems to be you can't stand me wrong, I proved many things and its ALL about you. As a taxpayer and a business owner, I will get with my partners and figure another solution out since you have clearly stated you didn't want to help after my comments.

Are you threatening me? Why does it matter if we meet face to face, I thought especially since you are a great one of the council members you were staying home to keep others safe, or are you even back from your vacation to California??

Instead of fighting with me.... YOU should be fighting for every single business in Alpine that has felt the affect of COVID-19.

**Amy Hardy**

Sent from Mail for Windows 10

**From:** Rick Stephens

**Sent:** Tuesday, July 14, 2020 2:36 PM

**To:** Amy Hardy

**Subject:** Re: Ole Crystal Bar

I'm glad you did. In my first response I stated that there would be a meeting not later than Tuesday, and had pre-coordinated that.

If this is all about who has been in the area longer, I really don't care. My family has been in this nation since before it began as I am Native American. But that is not the point. This very much appears to be about pushing your family heritage, not solving your problem.

Again, good luck. By the way, you never responded to meeting face to face. Must be too much of an ask, but you're a busy person.

On Jul 14, 2020, at 2:26 PM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

Oh I did..... every single word. Running a multi million company and owning one are two completely different things.

So your father in law received money from my sister n laws family. Go look up Cavness and Granger in the archives and then get back to me about how long my family has been in the area. YOU have personally not been.

You started it by stating that you weren't you weren't going to help, don't worry Ill finish it.

**Amy Hardy**

Sent from [Mail](#) for Windows 10

**From:** [Rick Stephens](#)

**Sent:** Tuesday, July 14, 2020 12:48 PM

**To:** [Amy Hardy](#)

**Cc:** [Andy Ramos](#); [Erik & Dee Dee Zimmer & Family](#); [Cynthia Salas](#)

**Subject:** Re: Ole Crystal Bar

Amy -

Herbert Kokernot gave my wife's Dad money to start his business. The family name is Neu.

You asked for help, I offered and now you just want to fight.

When you share the story, please share all of it, not just your side.

Good luck.

On Jul 14, 2020, at 1:32 PM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

We are moving from one state to another so I doubt you get it.

Funny I was born in and raised in alpine, never heard of you or your wife. I also own a home there as well. My family has been around the area longer than you've been alive so don't you preach to me about not being from the area.

You have a made a huge mistake by your comments. I can promise you the people of alpine will hear about it.

Amy Hardy

Sent from my iPhone

On Jul 14, 2020, at 12:20 PM, Rick Stephens <[ward5.stephens@ci.alpine.tx.us](mailto:ward5.stephens@ci.alpine.tx.us)> wrote:  
Some feedback. First thanks for your response. I've run multi billion enterprises so understand what it takes to move an office. But I also understand that when you make a request to hold a special meeting, it gets priority. Given the importance of this issue, would have thought that a name and number would be have been easy to find.



Second, if your assessment is that only people born in Alpine can make statements about it, and now you live in El Paso, we're not on the same page. My wife was raised in Alpine and her family still runs one of the oldest businesses in Alpine. I've only been here for 10 years. If that isn't long enough, I don't know what is.

All businesses support the city and since April have been pushing to get business opened up. The Governor took away that ability.

I listen to many people and have an outreach that includes doing a twice monthly radio shows that I pay for out of my own pocket and meet regularly with residents. The direct feedback has been very positive and supportive.

You clearly don't know me and clearly I don't know you. If you want to meet face to face, am happy to do that, but you'll have to meet me in Alpine, but because that's where I live.

Rick Stephens

On Jul 14, 2020, at 12:00 PM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

As I mentioned yesterday on the phone to you I'm in the process of moving my office and I'm still unpacking boxes. If you've ever moved a multi million dollar company you understand the undertaking.

As per my post..... yes I in fact did post it, while on the meeting you all couldn't get it together..... one member was extremely late, another was eating on camera, technical difficulties (don't tell me it's a new way of meeting you all have been doing it for months) so yea if I could vote I would not be voting for many of you. If you want to go head to head with a business owner that pays taxes in your city, you got it. And you aren't even from Alpine so do you really have it's best interest in heart?

My business along with other bars, not to mention restaurants who are not to capacity, contribute greatly to this city and county. You are allowing your citizens to go broke and in the process breaking both the city and the county. This all in the name of "health and the greater good". We have 7 active cases as of yesterday. The majority have healed with little no symptoms. The two deaths were over 80yrs old with major health conditions. None of this makes any sense. Even if you council members volunteer or get paid, you are elected by the people. This means you should listen to the people, not run it like some dictatorship. I get a response from Rick Stephens that my business should just take out a small business loan. Well that is just hilarious because what bank is going to lend to a business who is shut down? You council members are not thinking passed today. I'm extremely disappointed in the lack of

support for the citizens in this great city. You all should be ashamed of yourselves!!! Your regret is coming oh to soon my friend!!!!

And I just want to make clear because I have an opinion on how the meetings were run you are now not going to fight for my business that pays taxes in that city, maybe you're skin isn't as thick as you say it yes.

Amy Hardy

Sent from my iPhone

On Jul 14, 2020, at 9:33 AM, Rick Stephens <[ward5.stephens@ci.alpine.tx.us](mailto:ward5.stephens@ci.alpine.tx.us)> wrote:  
Good Morning Amy -

Since I haven't received any feedback about your contact at the Governor's office, having reviewed the Governor's orders GA-28 and GA-29, and having read the response that Judge Cano sent to you regarding the issue, the Alpine City Council won't be taking any action relative to your request. Ready to reconsider in the event you are able to provide contact information, however without feedback relative to the following, it will be difficult to get a quorum for a special council meeting.

As part of the discussion with a colleague about your request, I received input about a Facebook post that was attributed to you from June 23rd when the City Council was debating the mask ordinance. The post was "I'm on a zoom meeting watching the City Clowns. I'm embarrassed for my hometown. It's truly a shit show." "If I lived in Alpine I'd get rid of these fools."

I spent 8 years in the armed forces to defend the rights of individuals to express their options and perspectives. Further, my skin is very thick when it comes to comments. In addition, Council spends well over 30 hours a month in preparing for meetings, meeting with individuals and in the actual Council meetings. At \$100 per month, City Council positions are essentially volunteer jobs.

While entitled to your perspective, if the comments that were attributed to you are in fact ones that you posted, then the goodwill to work issues on your behalf is dramatically diminished.

Rick Stephens

On Jul 11, 2020, at 4:07 PM, Rick Stephens <[ward5.stephens@ci.alpine.tx.us](mailto:ward5.stephens@ci.alpine.tx.us)> wrote:

At the core, we agree, getting and keeping businesses open is the central point. Rick

On Jul 11, 2020, at 11:22 AM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

Im referring to waterparks in general. To be honest I am going to get into about wearing masks that's neither nor there. My main concern is get my business open and running, so the employees I employed can get back to work.

**Amy Hardy**

Sent from [Mail](#) for Windows 10

**From:** [Rick Stephens](#)

**Sent:** Saturday, July 11, 2020 11:20 AM

**To:** [amy hardy](#)

**Cc:** [Andy Ramos](#); [Erik & Dee Dee Zimmer & Family](#); [Cynthia Salas](#)

**Subject:** Re: Ole Crystal Bar

I too understand individual desires to not wear a mask, but I also believe that living in a community, we have a personal responsibility to cause no harm to others. Frankly, I'm of the opinion that people should be able to do what they want, so long as they don't have the potential for inflicting harm on others. Others would disagree with that view. For me a simple examples is speeding. I don't care if someone speeds and crashes (of course other than you or I have to pay for that through insurance premiums.) That's their individual issue and they face the consequences. What I do care about are those that speed and crash into others who are safe drivers. The safe drivers pay the price because of the actions of someone else.

For me, Covid is no different. Studies have shown that when masks are not worn by an individual who is asymptomatic (or in the early stages of disease incubation) the spread to others increases dramatically, even more so while in doors. When masks are worn, that risk diminishes significantly. When outdoors the risk diminishes significantly as well. Not sure if you've seen any examples of the impact of masks, but attached is one from a hair salon <https://www.cleveland.com/coronavirus/2020/06/two-hair-stylists-with-the-coronavirus-wore-masks-so-did-their-140-clients-of-those-tested-none-got-sick.html>

Hopefully you've been tested, are negative and thus wearing a mask is not an issue. For those of us with parents who have underlying conditions, or those with underlying conditions, taking the risk of not wearing a mask and being exposed to Covid by someone who is asymptomatic and not wearing a mask is too high. Even Sweden, who made the decision to not wear masks

(are was shown to be an example for all to follow), has now openly stated the their strategy to keep the economy going with hopes of herd immunity did not work. Their death rate is higher and their economy was hurt just like neighboring countries. .\

Relative to waterparks. Council made a conscious decision to not open the city pool because of concerns over Covid. Not sure if there is another water park you are referring to. In my view, bars should be open long before the city pool will be open.

Glad you were able to use PPP, but understand the limitations. The SBA small business loans are easy to access, but also understand the challenges of dealing with this up/down, open/closed/open/closed situation. Makes business planning a real issue, particularly for restaurants and bars that have less than 3 weeks of cash float.

Will ensure you get notification when Council meets, expecting it to be Tuesday. It will be a Zoom call as Council has decided to continue remote meetings until we are confident that the City facility HVAC systems have been improved to minimize the spread of Covid. I expect when Council does meet again in person, masks will be required until such time as the rate of spread is reduced and there is no evidence of a second wave.

Rick Stephens

On Jul 11, 2020, at 9:39 AM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

Thank you for your reply. I have used the PPP but after being closed for 60 days and losing ALL my inventory that loan is used and gone. I understand people not wanting to wear masks, I do not wear one personally and that is my choice. I went to Las Vegas over the weekend and wore one in compliance with the casinos that required them.

I personally don't feel like only certain business can remain open whiles are forced to close. What is the difference between a waterpark being open (no masks required) and a bar?

Please let me know when and where and I will make sure to attend.

Thanks

**Amy Hardy**

Sent from Mail for Windows 10

**From:** [Rick Stephens](#)

**Sent:** Saturday, July 11, 2020 10:32 AM

**To:** [amy hardy](#)

**Cc:** [Andy Ramos](#); [Erik & Dee Dee Zimmer & Family](#); [Cynthia Salas](#)

**Subject:** Re: Ole Crystal Bar

Good Morning Amy -

The Texas Open Meetings Act does not allow an elected official to respond all, so I have only included the Mayor in the list where you sent your request. In addition, I have included the City Manager, and City Secretary on my response.

Clearly understand the issue and as a small business owner myself, fully support businesses being able to be open and operate. It's one of the reasons I pushed for people to wear masks at the end of April with hopes that we wouldn't find ourselves in this position. Unfortunately there was significant community resistance and many derogatory comments were directed at me when suggesting that masks should be required. Today there is significant data that supports the value of masks in reducing the spread of Covid-19.

Hopefully you've been able to access the payroll protection program to access federal funding. The recent changes in how the funds need to be spent have helped many small businesses. PPP has been extended twice and funds remain available.

From a process standpoint, City Council will need to call a special emergency meeting to address your request. That meeting can be called by the Mayor, or by three members of Council. I will initiate that action. A quorum is required for Council to take any action, which is the Mayor and three Council members or 4 Council members. As I'm sure you are aware, Council meets for regular meetings on the first and third Tuesday of the month, but has met nearly every week on Tuesday during the Covid situation.

Given that 4 members are required to meet, I don't see Council being able to convene for a special meeting this weekend, but most assuredly see that they would be able to meet to consider your request not later than this coming Tuesday.

Rick Stephens  
714-262-5089

On Jul 11, 2020, at 8:59 AM, amy hardy <[ajcavness@yahoo.com](mailto:ajcavness@yahoo.com)> wrote:

I realized I didn't include my phone number in case you wanted to personally speak to me.

915-491-8610

**Amy Hardy**

Sent from [Mail](#) for Windows 10

**From:** [amy hardy](#)

**Sent:** Saturday, July 11, 2020 9:23 AM

**To:** [Eleazar.Cano@co.brewster.tx.us](mailto:Eleazar.Cano@co.brewster.tx.us); [mikepallanez@yahoo.com](mailto:mikepallanez@yahoo.com); [ruben1096@yahoo.com](mailto:ruben1096@yahoo.com); [colando@co.brewster.tx.us](mailto:colando@co.brewster.tx.us); [betse.esparza@yahoo.com](mailto:betse.esparza@yahoo.com); [city.manager@ci.alpine.tx.us](mailto:city.manager@ci.alpine.tx.us); [ward5.stephens@ci.alpine.tx.us](mailto:ward5.stephens@ci.alpine.tx.us); [ward4.escovedo@ci.alpine.tx.us](mailto:ward4.escovedo@ci.alpine.tx.us); [ward3.fitzgerald@ci.alpine.tx.us](mailto:ward3.fitzgerald@ci.alpine.tx.us); [ward2.olivas@ci.alpine.tx.us](mailto:ward2.olivas@ci.alpine.tx.us); [ward1.curry@ci.alpine.tx.us](mailto:ward1.curry@ci.alpine.tx.us); [mayor.ramos@ci.alpine.tx.us](mailto:mayor.ramos@ci.alpine.tx.us)

**Subject:** Ole Crystal Bar

Good Morning,

I am sure you all can imagine what this email is going to entail so we will make it short and sweet. We have contacted the Governor's office and was informed that once the county has less than 20 active cases then the City Government can decide on orders (Brewster county currently falls under 20 active cases). We asking that you over ride the executive order and let the bars in the City of Alpine reopen. When we were finally allowed to open in May we followed all CDC guidelines and did exactly what was required. We may just be a "bar" but we do employ local residents and contribute to the community. If action is not taken to allow not only us to reopen but the other small family owned bars to reopen we are headed into a point of bankruptcy with no return.

If not do not consider allowing us to open. We will be forced to explore another route.

Thank you

The Owners of The Ole Crystal Bar

**Amy Hardy, Buddy Cavness and Ryan Kinkade**

Sent from [Mail](#) for Windows 10

<D874A6DC5E0046E2A4459C23E7E4DC56.png>



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



GOVERNOR GREG ABBOTT

June 26, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:45 AM O'CLOCK

JUN 26 2020  
*[Signature]*  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-28 relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

*[Signature]*  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
June 26, 2020

## EXECUTIVE ORDER GA 28

*Relating to the targeted response to the COVID-19 disaster  
as part of the reopening of Texas.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from DSHS; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, targeted and temporary adjustments to the reopening plan are needed to achieve the

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6:45am O'CLOCK

JUN 26 2020



least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols from DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and other medical advisors, the Governor's Strike Force to Open Texas, the White House, and the CDC, do hereby order the following on a statewide basis effective at noon on June 26, 2020:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:
  - a. any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
  - b. religious services, including those conducted in churches, congregations, and houses of worship;
  - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
  - d. child-care services;
  - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths; and
  - f. recreational sports programs for youths and adults;
2. Except as provided below by paragraph number 5, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:
  - a. professional, collegiate, or similar sporting events;
  - b. swimming pools;
  - c. water parks;
  - d. museums and libraries;
  - e. zoos, aquariums, natural caverns, and similar facilities; and

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- f. rodeos and equestrian events;
- 3. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
  - a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
  - b. massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and
  - c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services;
- 4. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner;
- 5. For any outdoor gathering in excess of 100 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
- 6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall remain at 75 percent until 12:01 a.m. on June 29, 2020, at which time such restaurants may only operate at up to 50 percent of the total listed occupancy of the restaurant, subject to paragraph number 9 below;
- 7. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph number 6; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC;
- 8. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing;
- 9. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment;
- 10. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed;
- 11. Staff members are not included in determining operating levels, except for manufacturing services and office workers;
- 12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group;
- 13. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the

- home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation;
14. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS;
  15. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering;
  16. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible; and
  17. For the remainder of the 2019-2020 school year, public schools may resume operations for the summer as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by TEA.

Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall not visit.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-26, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, or GA-27. This

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executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 26th  
day of June, 2020.

A handwritten signature in black ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT  
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Ruth R. Hughs", written over a horizontal line.

RUTH R. HUGHS  
Secretary of State

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JUN 26 2020



GOVERNOR GREG ABBOTT

July 2, 2020

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2:30 PM O'CLOCK

*[Signature]*  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-29 relating to the use of face coverings during the  
COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

*[Signature: Gregory S. Davidson]*  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 2, 2020

## EXECUTIVE ORDER GA 29

*Relating to the use of face coverings during the COVID-19 disaster.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: [www.tdem.texas.gov/ga29](http://www.tdem.texas.gov/ga29).

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

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Given under my hand this the 2nd  
day of July, 2020.

  
\_\_\_\_\_  
GREG ABBOTT  
Governor

ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHES  
Secretary of State

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JUL 02 2020

3. Discuss changing the advisory board membership to include up to two (2) alternate members who would only be voting members in the event there is not a sufficient number of members to conduct business. (R. Stephens, City Council)

**State Law reference—** *Municipal parks and recreation, Vernon's Ann. Civ. St. art. 1015c et seq.; public improvements, bonds, occupancy tax, Vernon's Ann. Civ. St. art. 1269j-4.1; city parks, Vernon's Ann. Civ. St. art. 6081h et seq.; local parks and other recreational and cultural resources, V.T.C.A., Local Government Code chs. 315, 331 et seq.; lease of land from state parks and wildlife department, V.T.C.A., Parks and Wildlife Code § 13.006; local boating regulations, V.T.C.A., Parks and Wildlife Code § 31.092; safety standards for publicly funded playgrounds, V.T.C.A., Health and Safety Code § 756.061.*

## ARTICLE I. - IN GENERAL

### Sec. 74-1. - Alcoholic beverages generally.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Alcoholic beverages* means spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes or intended for beverage purposes

- (b) *Consumption prohibited in certain areas.* No person shall consume any alcoholic beverage while in or upon prohibitive areas defined in this section.
- (c) *Sale.* It shall be unlawful for any person, firm or corporation to sell alcoholic beverages within the boundaries of Kokernot and Centennial Parks, including the Kokernot Park athletic complex, within the city.
- (d) *Possession and consumption.*
- (1) It shall be unlawful for any person to consume alcoholic beverages, or to have in his possession an alcoholic beverage, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city.
  - (2) It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundary of Centennial Park, in the city.
- (e) *Signs and notices.* Signs shall be posted in appropriate locations stating substantially "No alcoholic beverage may be brought into this park or consumed in this park in violation of city ordinances which are strictly enforced." The signs shall be placed in locations to be visible on entering areas where possession or consumption of alcoholic beverages are prohibited.

(Code 1978, § 19-8(a)—(d))

### Sec. 74-2. - Playing of golf and other dangerous sports in certain city parks.

- (a) *Application.* This section shall not apply to the Alpine Municipal Golf Course operated by the Alpine Country Club.

- (b) *Prohibited; signs to be posted.* It shall be unlawful for any person to practice, hit golf balls in the Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex in the city. It shall further be unlawful for any person to carry on any activity for which the park is specifically designed and the performance of which would constitute a hazard to the health of those lawfully using the park facilities. Signs shall be posted in appropriate locations directed by the city council or the city manager advising citizens of the restricted activities permitted in Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex.

(Code 1978, § 19-9(a), (b))

### Sec. 74-3. - Medina Park.

- (a) *Hours of operation.* Medina Park will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 9:00 p.m. daily, and closed to the public between the hours of 9:00 p.m. and 8:00 a.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Medina Park during the hours that such park is closed.
- (b) *Alcoholic beverages.* No person shall, at any time, transport to and/or carry upon such park, any alcoholic beverage, whether any of the alcoholic beverage is consumed upon such park or not. It is a violation of this section, and constitutes an illegal association, for any person to knowingly be in the company of any person who are in obvious violation of this section.
- (c) *Violation; penalty.* Any person in violation of the mandates of this section will be prosecuted as criminal trespassers and if found guilty may be assessed the maximum fine that, by law, may be assessed by the municipal court.

(Code 1978, §§ 19-51—19-53)

### Sec. 74-4. - Baines Park.

*Hours of operation.* Baines Park will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 10:30 p.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Baines Park during the hours that such park is closed.

(Ord. No. 2002-5-4, 7-9-02)

### Secs. 74-5—74-35. - Reserved.

## ARTICLE II. - PARKS AND RECREATION BOARD<sup>[2]</sup>

#### Footnotes:

— (2) —

*Cross reference— Boards and commissions, § 2-176 et seq.*

## **Sec. 74-36. - Board established; appointment, terms.**

There is created and established for the city, being a home rule municipality, a parks and recreation board which shall be composed of five members, each of whom shall represent one of the five election wards of the city. The members shall be resident citizens, taxpayers and qualified voters of the city. The members shall be recommended by a councilmember representing each ward and shall be appointed by the mayor subject to confirmation by the city council. The members shall serve terms of two years, and each member's term shall align and coincide with that of the recommending councilmember. All vacancies shall be filled for the unexpired term in the same manner as provided for in the original appointments. All expired terms shall be filled as provided for in the original appointments and in the same manner. Members of the board may be removed by the mayor, with the consent of the city council, after being absent from three consecutive meetings without being excused by the mayor. The reason for an absence shall be reported to the mayor or city secretary before the meeting occurs and recorded in the minutes of the scheduled meeting together with the mayor's decision on the absence. The members of the board shall serve without compensation.

(Code 1978, § 19-1; Ord. No. 2016-10-02, 11-1-16)

## **Sec. 74-37. - General purposes.**

The general purposes of the parks and recreation board shall be to receive suggestions, study situations, plans, projects and generally to act in an advisory capacity to such extent as the city council may desire to be advised, relative to the parks and recreation program of the city and, when requested by the city council, to interview applicants for positions, discuss employee relationships and make such reports as the council may request regarding such, to the end that the council may have the benefit of the opinions of interested citizens and groups who have time, and are willing to make more indepth study of, and reports on, park and recreation matters than time will permit the council to engage in, considering the variety of other city business to be dealt with.

(Code 1978, § 19-6)

## **Sec. 74-38. - Quorum.**

All five members of the parks and recreation board shall have a vote. A majority of three members shall be necessary to constitute a quorum, hold a meeting and transact business.

(Code 1978, § 19-2)

## **Sec. 74-39. - Appointment, duties of chairperson.**

A chairperson of the parks and recreation board shall be appointed annually by the city council from among the members of such board, and such chairperson's duties shall be to call and preside at the meetings of such board, make such reports and suggestions to the city manager and city council as such board may vote to be submitted; resolve by his vote any tie votes of such board and generally act as liaison between such board and the city manager and city council. The board may appoint an acting chairperson for any regular meeting that such appointed chairperson is unable to attend and, such acting chairperson shall have a vote in all matters before the board requiring a vote.

(Code 1978, § 19-3; Ord. No. 2016-10-02, 11-1-16)

#### **Sec. 74-40. - Regular meetings.**

Regular meetings of the parks and recreation board shall be held at least quarterly at such times and places as the chairman may, from time to time, establish.

(Code 1978, § 19-4; Ord. No. 2016-10-02, 11-1-16)

#### **Sec. 74-41. - Meetings to be public; exception.**

All meetings of the parks and recreation board shall be open to the public except such executive sessions as the city council may authorize to interview applicants for park and recreation work, or to discuss employees and their relationship to the program, when requested to do so by the council.

(Code 1978, § 19-5)

#### **Sec. 74-42. - Suggestions and recommendations; action thereon.**

The parks and recreation board, upon placing its request upon the city council's agenda, may make such suggestions and recommendations to the city council, from time to time, as such board may deem advisable and in the best interest of the parks and recreation programs of the city. Each suggestion and recommendation must first be approved by a majority of those members present and voting, and no such suggestions or recommendations shall be made by the parks and recreation board, as such, unless a quorum is present at the meeting where such is made. Nothing in this section shall be construed to prevent any individual from bringing any matter before the council or to prevent the making of the minority report by the members of such board so desiring. The council may act, or not, upon any matter brought before it by the board, upon any minority report, or any suggestion or recommendation of any individual or group.

(Code 1978, § 19-7)

#### **Secs. 74-43—74-75. - Reserved.**

### **ARTICLE III. - MUNICIPAL SWIMMING POOL<sup>[3]</sup>**

**Footnotes:**

— (3) —

**State Law reference—** *Authority to provide swimming pools, Vernon's Ann. Civ. St. art. 1015c-2.***DIVISION 1. - GENERALLY****Sec. 74-76. - Council designated administrator.**

The council is designated as the administrator of the municipal swimming pool under rules, regulations and directives that it may, from time to time, promulgate.

(Code 1978, § 19-19)

**Sec. 74-77. - Admission charges.**

Charges to be made for admission to the municipal pool shall be set by the council, by resolution, annually.

(Code 1978, § 19-20)

**Sec. 74-78. - Additional rules.**

Such other rules, regulations and administrative policies that, from time to time, are adopted by the council, shall be and become a part of this article as supplementary rules and regulations to this article, and violations thereof shall be subject to the penalties provided for violation of this Code.

(Code 1978, § 19-39)

**Secs. 74-79—74-100. - Reserved.****DIVISION 2. - CONDUCT IN POOL AREA****Sec. 74-101. - Applicability of regulations.**

This division shall govern all persons using the municipal pool or pool property, or present at such municipal pool or pool property. Failure to comply with this division shall constitute a misdemeanor.

(Code 1978, § 19-21)

**Sec. 74-102. - Running prohibited.**

There shall be no running in the pool area.

(Code 1978, § 19-22)



### **Sec. 74-103. - Drinks prohibited.**



No drinks or containers of drinks of any kind shall be permitted in the fenced-in pool area.

(Code 1978, § 19-23)

### **Sec. 74-104. - Number of divers on diving board.**



There may be only one diver on the diving board at any given time.

(Code 1978, § 19-24)

### **Sec. 74-105. - Swimming in diving area.**



No swimming shall be permitted in the diving area, or under any diving board, except upon returning to the pool surface from a dive.

(Code 1978, § 19-25)

### **Sec. 74-106. - Use of safety ropes.**



Swimmers shall not use safety ropes except for emergency safety, and there shall be no playing upon or with such ropes.

(Code 1978, § 19-26)

### **Sec. 74-107. - Rough play.**



No dunking of others or rough play shall be allowed in the pool or pool area.

(Code 1978, § 19-27)

### **Sec. 74-108. - Toys, floats, etc.**



Inflatable toys, floats or other paraphernalia shall be permitted in the pool area only at the discretion of the pool manager.

(Code 1978, § 19-28)

### **Sec. 74-109. - Number of swimmers.**



The pool manager shall have the authority to determine the number of swimmers in the pool at any given time.

(Code 1978, § 19-29)



**Sec. 74-110. - Playing with pool equipment.**

No playing shall be permitted upon ladders or boards, or upon or with other pool equipment.

(Code 1978, § 19-30)

**Sec. 74-111. - Talking to lifeguard.**

There shall be no talking to the lifeguard on duty, except to call for assistance or instructions regarding pool safety or etiquette.

(Code 1978, § 19-31)

**Sec. 74-112. - Alcoholic beverages.**

No alcoholic beverages in any form shall be permitted in the pool area or in the parking area adjacent to the pool area.

(Code 1978, § 19-32)

**Sec. 74-113. - Shower required.**

All swimmers must take showers before entering the pool area.

(Code 1978, § 19-33)

**Sec. 74-114. - Bathing caps required.**

Swimmers with long hair must wear bathing caps in the pool.

(Code 1978, § 19-34)

**Sec. 74-115. - Accompaniment of small children.**

All children under six years of age in the pool area must be accompanied by a parent or other responsible adult person who is 18 years of age or older.

(Code 1978, § 19-35)

**Sec. 74-116. - Smoking.**

No smoking in the pool area shall be permitted.

(Code 1978, § 19-36)

**Sec. 74-117. - Refuse disposal.**

No refuse of any kind or nature shall be deposited, or permitted to be deposited, in any manner, in the swimming or wading pool, or in any other portion of the pool area, other than in designated receptacles.

(Code 1978, § 19-37)

**Cross reference—** Solid waste, ch. 82.

### **Sec. 74-118. - Trespassing.**

No one, except authorized pool personnel, or other city employees engaged in their respective duties relative to city business, garbage collection or other designated duties, shall be permitted within the pool area except when the pool is open for business and regular attendants are on duty. Any violation of this section shall be declared a trespass, per se.

(Code 1978, § 19-38)

**Secs. 74-119—74-125. - Reserved.**

## **ARTICLE IV. - STANDARD OF CARE FOR PARKS AND RECREATION DEPARTMENT RECREATION PROGRAM**

### **DIVISION 1. - GENERALLY**

#### **Sec. 74-126. - Purpose.**

The purpose of this chapter is to protect the health, safety and well being of the children in the city by establishing the minimum standards for their safety and protection for the parks and recreation programs sponsored by the city. It is the policy of the state that all recreation programs operated by a municipality adopt such standards of care by ordinance after a public hearing for such programs. The standards of care are to include, but are not limited to, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health and safety standards, and a mechanism for monitoring and enforcing the adopted local standards. Further, all parents will be provided with information on the programs and be advised that the programs are not licensed by the state.

(Ord. No. 2001-3-5, § 1.01, 3-28-01)

**Secs. 74-127—74-150. - Reserved.**

### **DIVISION 2. - OVERVIEW**

**Sec. 74-151. - Program description.**

Program descriptions must be submitted to the parks and recreation department to determine if exemption status from child and licensing can be awarded.

(Ord. No. 2001-3-5, § 2.01, 3-28-01)

**Sec. 74-152. - Open-ended programs.**

- (a) Open-ended programs are defined as programs where the children in attendance have the right to "come and go" as they please.
- (b) Activities in open-ended programs are subject to attendance by participants on an "at-will" basis.
- (c) Supervision of open-ended programs and child/staff ratios are the sole responsibility of the vendor.
- (d) Open-ended programs will not require registration from child participants.

(Ord. No. 2001-3-5, § 2.02, 3-28-01)

**Sec. 74-153. - Structured programs.**

- (a) Structured programs shall be defined as programs that are required to meet the criteria set forth in the childcare licensing rules and regulations.
- (b) Childcare programs must meet the requirements based on section 74-153 and all other requirements of this chapter.
- (c) Application for licensing of a structured program is the sole responsibility of the vendor.
- (d) Renewal of vendor agreement of structured programs is subject to application and approval of childcare licensing.

(Ord. No. 2001-3-5, § 2.03, 3-28-01)

**Secs. 74-154—74-175. - Reserved.****DIVISION 3. - VENDORS/SUBCONTRACTORS****Sec. 74-176. - Definition of vendor/subcontractor.**

- (a) Vendors and/or subcontractors shall be defined as any organization or agency, federal, state or local, that contracts with the city's parks and recreation department to facilitate a structured or open-ended program for children under 18 years of age.
- (b) All vendors/subcontractors will comply with the municipality guidelines and standard of

care rules in this chapter and public health and safety standard.



- (c) Renewal of vendor agreement/contract by the department will be subject to the approval of an annual evaluation of contract, submission for renewal of vendor contract, and verification of compliance with childcare licensing if applicable.

(Ord. No. 2001-3-5, § 3.01, 3-28-01)

## **Sec. 74-177. - Vendor rights and obligations.**



The city has the right to subcontract recreation programs to vendors. Vendors that are awarded the contract to provide municipality programs must demonstrate that the program(s) provided will meet the minimum rules and standards of care set forth by the city:

- (1) Vendors shall submit a vendor's agreement with the city parks and recreation department. The vendor's agreement shall include but is not limited to:
  - a. An indemnity policy that will indemnify and hold the city harmless against any and all claims, liabilities or expenses, including attorneys' fees arising directly or indirectly, or any way connected with the performance or services under the agreement.
  - b. All fiscal responsibilities are the sole responsibility of the vendor. The vendor will bear the administrative cost of all fiscal functions of programs, personnel costs to include: Federal Income Tax, or Social Security, benefit programs, Workers' Compensation Insurance, Unemployment Compensation Insurance, or any other insurance or benefits coverage provided by the vendor to its employees.
  - c. Vendor shall enter into a mutual agreement with the city parks and recreation department. The mutual agreement shall be renewed annually by the vendor.
  - d. Hours of program and program description shall be provided in the vendor agreement, and any and all reimbursement rates listed, and transportation rates listed if applicable.
  - e. A vendor data worksheet/descriptive information document must also be submitted. This document shall include facility type, facility name, facility address, facility owner, contact person, authorized vendor representative, capacity of rooms if applicable, group size, period of operation, transportation, snacks and other food supplied, special disabilities programs, and insurance/bond information.
  - f. Notice of ages of children not under contract information (children under seven years of age).

(Ord. No. 2001-3-5, § 3.02, 3-28-01)

**Secs. 74-178—74-190. - Reserved.****DIVISION 4. - RULES AND STANDARDS****Sec. 74-191. - Rules and standards—Generally.**

- (a) The city shall make rules to carry out the provisions of the chapter.
- (b) The city shall conduct an annual comprehensive evaluation and review of the ordinance to comply with childcare licensing rules and standards where applicable and maintain exemption status of programs that meet exemption criteria. The review shall be conducted at least on the last day of the first annual quarter of the programs or at:
  - (1) The conclusion of the annual review of the rules and standards;
  - (2) A decision by the city to revise the rules and standards;
  - (3) A decision by the city council not to revise the rules and standards; or
  - (4) By the city council adopting of new standards.
- (c) The city parks and recreation department shall promulgate minimum standards that apply to parks and recreation programs covered by this chapter that will:
  - (1) Promote the health, safety, and welfare of children in attendance program.
  - (2) Promote minimum physical facilities for programs that fall under the jurisdiction of this chapter.
  - (3) Ensure adequate supervision of children attending programs by capable, healthy and qualified personnel.
  - (4) Prohibit racial discrimination in any programs.
  - (5) Provide parental information on programs.
  - (6) Provide parents with liability information.
  - (7) Post all city waiver of liability information in every area inside and outside where activities take place.

(Ord. No. 2001-3-5, § 4.01, 3-28-01)

**Sec. 74-192. - Staffing ratios.**

Child/staff ratios shall be in compliance with Texas State Licensing Rules and Regulations of structured programs.

- (1) Renewed or amended regulations according to state statutes for structured and open-ended programs must be in compliance within a 30-day period of amendment.

- (2) The child/staff ratio is based on the age of more than half the children in any group.
- (3) Volunteers may be counted to meet the child/staff ratios.
- (4) Children six to 13 years of age in an open-ended program must be in a group size of one adult to 26 children and a maximum group size not to exceed one adult to 35 children.
- (5) A parent or guardian in open-ended programs must accompany children under six years of age.

(Ord. No. 2001-3-5, § 4.02, 3-28-01)

#### **Sec. 74-193. - Minimum staff qualifications.**

- (a) Minimum staff qualifications prescribed by the parks and recreation department to ensure the safety and well being of children in municipality programs shall include:
  - (1) Structured programs must follow state recommendations for childcare centers on all staff, directors, coordinators and volunteers.
  - (2) Open-ended programs must have a minimum of a high school diploma for general staff.
  - (3) Open-ended programs must have a director/coordinator/supervisor with a minimum of two years of university level course work or an AA degree or higher.
  - (4) All staff must submit to a background and criminal history check from:
    - a. The state department of public safety under V.T.C.A., Government Code § 411.114, or by the Federal Bureau of Investigation or any other criminal justice agency under V.T.C.A., Government Code § 411.087; and
    - b. The department record of reported abuses and neglect.

(Ord. No. 2001-3-5, § 4.03, 3-28-01)

#### **Secs. 74-194—74-200. - Reserved.**

### **DIVISION 5. - MINIMUM FACILITY**

#### **Sec. 74-201. - Minimum facility—Definitions.**

Minimum facility shall be defined as any edifice that is currently under the jurisdiction of the city.

- (1) Facilities shall have running water.
- (2) Facilities shall have minimum adequate lighting.
- (3) Facilities shall have emergency exits.

- (4) Facilities shall have minimum electricity available.
- (5) Facilities shall have adequate ventilation.
- (6) Facilities must permit city employees to have access to facility.
- (7) Facility shall have adequate parking for recreation program participants/parents.
- (8) Facility shall have handicapped access.



(Ord. No. 2001-3-5, § 5.01, 3-28-01)

**Secs. 74-202—74-215. - Reserved.**

## **DIVISION 6. - HEALTH AND SAFETY STANDARDS**

**Sec. 74-216. - Health standards—Generally.**

The department retains the right to facilitate minimum health and safety standards of recreation programs and the edifice in which the program is housed.

- (1) Health standards of structured and open-ended programs must include a minimum of:
  - a. All personnel in general good health.
  - b. All personnel shall have a basic knowledge in first aid procedures.
  - c. Programs will be posted in every room where children are present and an emergency evacuation plan.
  - d. Staff shall maintain minimum housekeeping of facility.

(Ord. No. 2001-3-5, § 6.01, 3-28-01)

**Sec. 74-217. - Safety standards.**

- (a) The department for all recreation programs in the city shall promulgate minimum safety standards. These safety standards shall include but are not limited to:
  - (1) Free access to all entrance/exits.
  - (2) Facilities free from refuse.
  - (3) Visual inspection of facilities must take place on a regular basis to ensure proper upkeep of outside/inside areas where children are present.
- (b) Staff of the facility or program must call the fire department in case of fire or danger of fire, explosion, toxic fumes, or other chemical release.
- (c) Fire extinguishers must be mounted on wall by a bracket or hanger and made readily

available for immediate use by staff.



- (d) Extinguishers must be serviced when required.
- (e) Evacuation plans must be posted in every area where children are present. The plan must show all emergency exits from area.
- (f) Emergency exits must be kept clear at all times.
- (g) All structured programs must be in compliance with all childcare licensing safety, fire and emergency rules and regulations.
- (h) Heating devices and areas near heat sources must not present fire hazards and must not present hazards to children.

(Ord. No. 2001-3-5, § 6.02, 3-28-01)

**Secs. 74-218—74-225. - Reserved.**

## **DIVISION 7. - MONITORING**

**Sec. 74-226. - Monitoring—Generally.**

Monitoring mechanisms for recreation programs are defined as procedures and processes that ensure that programs are in compliance with minimum standards of care, minimum rules and safety and health and safety standards in these chapters.

- (1) Monitoring mechanisms shall include but are not limited to:
  - a. Annual approval of submitted renewal vendor/subcontractor agreement with city.
  - b. All structured programs that are subject to childcare licensing rules and regulations are verified annually that the program and facility are in compliance with set standards of the state.
- (2) Enforcing local standards shall be the province of the city.
  - a. All recreation programs must notify in writing within a 30-day period to the city parks and recreation department upon the approval, revocation, suspension or modification of existing or new programs, licensing, or vendor/subcontractor agreements.
  - b. The city will require a written statement of compliance with all standards in these chapters annually of all recreation programs in the city.

(Ord. No. 2001-3-5, § 7.01, 3-28-01)

**Secs. 74-227—74-240. - Reserved.**



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, amending Ordinance 2020-06-01, an Emergency Ordinance of the City of Alpine that was approved by Council on June 30, 2020 or additional action as determined by Council(E. Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA FOR COUNCIL MEETING: INITIATED BY:</b>	<b>JULY 21, 2020</b>	<b>AGENDA REQUEST NO:</b>	<b>ACTION</b>
	<b>ERIK ZIMMER</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>ADMINISTRATION</b>
<b>PRESENTED BY:</b>	<b>ERIK ZIMMER</b>	<b>FINANCE DIRECTOR:</b>	<b>MEGAN ANTRIM</b>
		<b>ADDITIONAL DIRECTOR (S):</b>	

<b>SUBJECT / PROCEEDING:</b>	<b>DISCUSS, CONSIDER, AMENDING ORDINANCE 2020-06-01, AN EMERGENCY ORDINANCE OF THE CITY OF ALPINE THAT WAS APPROVED BY COUNCIL ON JUNE 30, 2020 OR ADDITIONAL ACTION AS DETERMINED BY COUNCIL</b>
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<b>EXHIBITS:</b>	
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CLEARANCES	APPROVAL
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<b>LEGAL:</b>	<b>CITY ATTORNEY</b>	<b>ROD PONTON:</b>	_____
<b>FINANCE:</b>	<b>FINANCE DIRECTOR</b>	<b>MEGAN ANTRIM:</b>	_____
<b>APPROVAL:</b>	<b>CITY MANAGER</b>	<b>ERIK ZIMMER:</b>	_____

BUDGET
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<b>EXPENDITURE REQUIRED: \$</b>	<b>0</b>
<b>SAVINGS ANTICIPATION: \$</b>	
<b>CURRENT BUDGET FY2018-2019: \$</b>	<b>0</b>
<b>ADDITIONAL FUNDING: \$</b>	

RECOMMENDED ACTION
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EXECUTIVE SUMMARY
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**ORDINANCE 2020-06-01**

**AN AMENDED EMERGENCY ORDINANCE OF THE CITY OF ALPINE INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY; ESTABLISHING A PENALTY AS PROVIDED HEREIN; ALLOWING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Greg Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**WHEREAS**, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS); and

**WHEREAS**, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

**WHEREAS**, on June 17, 2020, DSHS reported that Brewster County received confirmation of additional COVID-19 positive cases, bringing the County to a total of 22 cases, and further reported that most of these new infections are due to community transmission; and

**WHEREAS**, the transmission of COVID-19 has therefore not dissipated and remains a significant threat to the health and safety of the City of Alpine Community, and rates of infection are increasing at an alarming rate despite efforts by local authorities to control the spread; and

**WHEREAS**, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, has recommended that individuals wear facial coverings to help prevent individuals from infecting others and an increasing body of evidence supports the effectiveness of such facial coverings in halting the spread of COVID-19; and

**WHEREAS**, the City Council of the City of Alpine has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat; and

**WHEREAS**, a municipality is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code; and

**WHEREAS**, it is the intent of this Emergency Ordinance to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott and the current

Declaration of Disaster by the City of Alpine and by Brewster County (as extended or modified); and

**WHEREAS**, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated; and

**WHEREAS**, this Ordinance is intended to supplement previous Ordinances enacted by the City Council of the City of Alpine regarding the City's COVID-19 response.

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

The following is hereby in effect:

**1. HEALTH AND SAFETY POLICY – COMMERCIAL ENTITIES**

From the date of this Ordinance, all commercial entities in the City of Alpine providing goods or services directly to the public must develop and implement a health and safety policy ("**Health and Safety Policy**"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face covering when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet if separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Ordinance may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screening. Commercial entities must post the Health and Safety Policy required by this Ordinance in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Nothing in this Ordinance precludes requiring a customer to follow additional hygiene measures when obtaining services. Failure to develop and implement the Health and Safety Policy required by this Ordinance within five(5) calendar days following the Effective Date may result in a fine not to exceed \$1000.00 for each violation.

**2. FACE COVERINGS – GENERAL PUBLIC**

It is further recommended that all people 10 years or older wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Alpine residents should continue to maintain social distancing of at least six feet while outside their home. Alpine employees and City Officials are also recommended to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS OR N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.

Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

### 3. SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and, to this end, the provisions of this Ordinance are severable.

### 4. INTERPRETATION AND ADDITIONAL TERMS

To the greatest extent possible, this Ordinance shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Ordinance enforceable as if set forth herein without necessity for the issuance of any further orders.

### 5. ENFORCEMENT

Excepting Section 2 of this Ordinance and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce provisions of this Ordinance.

## 6. EMERGENCY

This emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This Ordinance shall remain in effect through the next regular City Council meeting of July 7, 2020, until the State of Disaster is terminated, or until otherwise rescinded or modified by the City Council of the City of Alpine at a duly noticed Emergency Meeting, whichever is sooner.

**PASSED AND ADOPTED THIS 30<sup>th</sup> DAY OF JUNE 2020 BY THE CITY COUNCIL  
OF THE CITY OF ALPINE, TEXAS.**

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Andres "Andy" Ramos, Mayor  
City of Alpine

ATTEST:

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Cynthia Salas, City Secretary  
City of Alpine

APPROVED AS TO FORM:

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Rod Ponton, City Attorney  
City of Alpine

2. Discuss, consider, and take appropriate action approving Resolution 2020-07-09, a Resolution of the City of Alpine, Texas supporting outdoor dining expansions as a protective measure to combat the spread of COVID-19. (E. Zimmer, City Manager)



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA FOR COUNCIL MEETING: INITIATED BY:</b>	<b>JULY 21, 2020</b>	<b>AGENDA REQUEST NO:</b>	<b>ACTION</b>
	<b>ERIK ZIMMER</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>ADMINISTRATION</b>
<b>PRESENTED BY:</b>	<b>ERIK ZIMMER</b>	<b>FINANCE DIRECTOR:</b>	<b>MEGAN ANTRIM</b>
		<b>ADDITIONAL DIRECTOR (S):</b>	

<b>SUBJECT / PROCEEDING:</b>	<b>DISCUSS, CONSIDER, AND TAKE APPROPRIATE ACTION APPROVING RESOLUTION 2020-07-09, A RESOLUTION OF THE CITY OF ALPINE, TEXAS SUPPORTING OUTDOOR DINING EXPANSIONS AS A PROTECTIVE MEASURE TO COMBAT THE SPREAD OF COVID-19</b>
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<b>EXHIBITS:</b>	
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### CLEARANCES APPROVAL

<b>LEGAL:</b>	<b>CITY ATTORNEY</b>	<b>ROD PONTON:</b>	
<b>FINANCE:</b>	<b>FINANCE DIRECTOR</b>	<b>MEGAN ANTRIM:</b>	
<b>APPROVAL:</b>	<b>CITY MANAGER</b>	<b>ERIK ZIMMER:</b>	

### BUDGET

<b>EXPENDITURE REQUIRED: \$</b>	<b>0</b>
<b>SAVINGS ANTICIPATION: \$</b>	
<b>CURRENT BUDGET FY2018-2019: \$</b>	<b>0</b>
<b>ADDITIONAL FUNDING: \$</b>	

### RECOMMENDED ACTION

### EXECUTIVE SUMMARY



STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

**RESOLUTION 2020-07-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS SUPPORTING OUTDOOR DINING EXPANSIONS AS A PROTECTIVE MEASURE TO COMBAT THE SPREAD OF COVID-19 .**

**WHEREAS**, the City of Alpine is taking innovative measures to protect citizens from the COVID-19 pandemic and to minimize the spread of the virus; and

**WHEREAS**, City Council has cause in their legislative pursuit to provide direction and insight in order to aid the community in staying healthy and well; and

**WHEREAS**, the City Council supports the expansion of outdoor dining provided by restaurants to innovate in their protective measures during the COVID-19 pandemic.

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

The City recommends and supports the expansion of outdoor dining in local restaurants. The City will allocate sidewalks and thoroughfares, where possible, to help ensure that restaurants have adequate space to run their business outdoors in order to minimize the spread of COVID-19.

**PASSED AND APPROVED THIS THE 21<sup>st</sup> DAY OF JULY 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

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Andres "Andy" Ramos, Mayor  
City of Alpine

**ATTEST:**

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Cynthia Salas, City Secretary  
City of Alpine