

City of Alpine
Emergency City Council Meeting
Tuesday, June 30, 2020

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

Members of the audience will be provided an opportunity to address the Council on any agenda item after determination of quorum and proof of notice of the meeting. Zoom meeting comment and question rules and procedures are listed on the City Website. Remarks will be limited to a total of 3 minutes per person. Please email your name to Megan Antrim (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.

Agenda

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

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

City Attorney's Report –

- Update on Municipal Mask Ordinance.

City Manager Report - None

City Staff Updates – None

6. Public Hearings - None

7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) – None

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.) - None

8. Information or Discussion items – None

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (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 23, 2020 or additional action as determined by Council(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 Sections 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) – 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 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) -

12. Action – Executive Session – None

I certify that this notice was posted at 4:00 P. M. on June 29, 2020, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email city.secretary@ci.alpine.tx.us for further information.



Cynthia Salas, City Secretary
City of Alpine

ORDINANCE 2020-06-01

AN 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 should follow recommended CDC guidelines aimed at reducing the spread of Covid-19.

In addition, all commercial entities must display one of two signs at the entrance of their business. One will be printed on green paper and state: "In order to minimize the spread of Covid-19, a condition of entrance into this building or on the premises requires wearing of a face mask that covers the nose and mouth". The other option is a sign printed on yellow paper that will state: "Masks to minimize the spread of Covid-19, while recommended, are not a requirement for entrance into this building or on the premises."

The City of Alpine will make both signs available to commercial entities in the City of Alpine.

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 23rd DAY OF JUNE 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

Andres "Andy" Ramos, Mayor
City of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine

APPROVED AS TO FORM:

Rod Ponton, City Attorney
City of Alpine

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

ORDER NO. _____

BY

THE MAYOR OF THE CITY OF ALPINE

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 22, 2020, DSHS issued a press release reporting that Brewster County received confirmation of additional COVID-19 positive cases, bringing the County to a total of 40 case at that times, and further reported that most of these new infections are due to community transmission; and

WHEREAS, as of June 28, 2020, DSHS statistics indicated that Brewster County has a total of 85 COVID-19 positive cases; 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, infected persons can transmit the COVID-19 virus to others before showing any symptoms, and widespread and consistent use of face coverings over the nose and mouth when in public is a critical and necessary measure to help slow the spread of the virus while allowing local businesses to continuing to reopen and help the Alpine economy recover;

WHEREAS, I, the Mayor of the City of Alpine, have 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 mayor 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 Order 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 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;

NOW THEREFORE, I, MAYOR OF THE CITY OF ALPINE, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY ORDER, EFFECTIVE AS OF 11:59 P.M. ON JUNE 29, 2020, AND CONTINUING THROUGH JULY 6, 2020, THAT IN THE CITY OF ALPINE:

The following is hereby ORDERED and in effect:

1. HEALTH AND SAFETY POLICY – COMMERCIAL ENTITIES

From the date of this Order, 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 coverings 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 of separation is not feasible. Restaurant patrons are not required to wear face coverings when seated at a table to receive food and drink service. The Health and Safety Policy required to be developed and implemented by this Order 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 screenings. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Order within two (2) calendar days following the Effective Date may result in a fine not to exceed \$1,000 for each violation. A proposed Health and Safety Policy complying with the minimum requirements of this Section is attached as Exhibit “A” to this Order.

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 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 Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order 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 Order are severable.

4. INTERPRETATION AND ADDITIONAL TERMS

To the greatest extent possible, this Order 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 Order enforceable as if set forth herein without necessity for the issuance of any further orders.

5. ENFORCEMENT

Excepting Section 2 of this Order 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 Order.

ORDERED THIS THE ___ DAY OF JUNE 2020, IN THE CITY OF ALPINE, BREWSTER COUNTY, TEXAS BY THE MAYOR OF THE CITY OF ALPINE, TEXAS.

Andres "Andy" Ramos, Mayor
City of Alpine

ATTEST:

Cynthia Salas, City Secretary
City of Alpine

EXHIBIT "A" TO ORDER _____ ON FOLLOWING PAGE:

PROPOSED HEALTH AND SAFETY POLICY
COMPLYING WITH MINIMUM REQUIREMENTS OF
ORDINANCE

HEALTH AND SAFETY POLICY

All employees and visitors to these premises are required to wear face coverings at all times while inside this business establishment and in an area or performing an activity which will necessarily involve close contact or proximity to others where six feet of separation is not feasible.

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

A PROCLAMATION

BY

THE MAYOR OF THE CITY OF ALPINE

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 22, 2020, DSHS issued a press release reporting that Brewster County received confirmation of additional COVID-19 positive cases, bringing the County to a total of 40 case at that times, and further reported that most of these new infections are due to community transmission; and

WHEREAS, as of June 28, 2020, DSHS statistics indicated that Brewster County has a total of 85 COVID-19 positive cases; 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, I, the Mayor of the City of Alpine, have 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 declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Alpine residents.

NOW, THEREFORE, BE IT PROCLAIMED:

By virtue of the authority vested in me by the City Charter, as the presiding officer of the governing body and under Texas Government Code, Section 418.108, **I DECLARE** a local state of disaster within the City of Alpine to continue for a period of 7 days from this date, subject to continuation or renewal by consent of the City Council.

**DECLARED THIS THE ___ DAY OF JUNE 2020, IN THE CITY OF ALPINE,
BREWSTER COUNTY, TEXAS BY THE MAYOR OF THE CITY OF ALPINE, TEXAS.**

Andres "Andy" Ramos,
Mayor
City of Alpine

ATTEST:

Cynthia Salas, City
Secretary
City of Alpine