

**NOTICE OF REGULAR MEETING
BASTROP CITY COUNCIL
May 28, 2013 6:15 P.M.**

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on **May 28, 2013 at 6:15 p.m.** at Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas and will consider the following matters to wit:

<u>REGULAR MEETING</u>	<u>TAB</u>	<u>PAGE</u>	<u>ORIGINATOR</u>	<u>STATUS</u>
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ANNOUNCEMENTS

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Presentations – Bastrop Opera House
4. Proclamations – National Historic Preservation Month
5. Announcements

CITY MANAGER INFORMATIONAL UPDATE REPORT: Items for update, discussion and possible action:

Due to medical leave there will not be a City Managers Report at this time.

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Members so requests.

- | | | | |
|---|-----|----|------------------|
| A.1 Approval of meeting minutes of May 14, 2013 Regular Council Meeting. | A.1 | 5 | Traci Chavez |
| A.2 Approval of an extension, for a period of 180 days Commencing on June 6, 2013 for the Preliminary Plat for Hunters Crossing, Section 9C located west of State Highway 304 and south of Home Depot Way within the city limits of Bastrop, Texas | A.2 | 14 | Melissa McCollum |
| A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for Rolling Oaks, amended Portion of Lot 6, being approximately 3.463 acres out of the Jose Manuel Bangs Survey, Abstract 5, located, within Area A of Bastrop County, Texas (per the Inter Local agreement with Bastrop County). | A.3 | 18 | Melissa McCollum |
| A.4 Approval of the Special Event Permit submitted by the Downtown Business Association to host “Pet & Pal Parade” on Saturday, July 6, 2013 in downtown Bastrop. | A.4 | 20 | Trey Job |
| A.5 Appointment by Mayor and confirmation by Council of Mr. Lee Harle to the Parks Board. | A.5 | 31 | Mayor Terry Orr |
| A.6 Approval of the Second Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Brenda Bush in an amount not to exceed \$20,350, for renovations to the building at 706 Pine Street, Grace Miller Restaurant), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000. | A.6 | 35 | Dave Quinn |

A.7 Approval of the Second Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Bryan and Janean Whitten in the amount not to exceed \$25,000, for renovations to the building at 1106 Pecan Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000.	A.7	38	Dave Quinn
A.8 Approval of the Special Event Permit Application submitted by Bastrop Juneteenth Committee to host “Bastrop Juneteenth Celebration” on Saturday, June 15, 2013, in downtown Bastrop, to include a parade down city streets, a car show at the City Hall, parking lot, and a street dance on Main Street.	A.8	41	Trey Job

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION

B.1 PUBLIC HEARING: To receive public input/comments on the proposed Amended Park Fee Schedule Ordinance Which was unanimously approved by the Parks Board on May 2, 2013.	B.1	57	Trey Job
B.2 Consideration, discussion and possible action on the First Reading of an Ordinance amending Section A1.10.002, fee schedule in Appendix “A” of the Bastrop Code of Ordinances which provides deposits/reservations fees for Bastrop Parks and establishing an effective date.	B.2	58	Trey Job
B.3 PUBLIC HEARING: To receive public input/comments on the proposed Amended Park Rules Ordinance which was unanimously approved by the Parks Board on May 2, 2013.	B.3	64	Trey Job
B.4 Consideration, discussion and possible action on the First Reading of an Ordinance amending Section 1.10.002 “Park Rules” and adding Section 1.10.003 “Commercial Use of Parks” to Article 1.10 Parks of Chapter one “General Provisions” and establishing an effective date.	B.4	65	Trey Job
B.5 PUBLIC HEARING: To receive public input/comments On Ordinance amending Chapter 14 “Bastrop Regulations”; Article 4.10 “Vehicle Towing” of the Bastrop Code of Ordinances Clarify criteria for towing companies inclusion on the tow rotation List; providing for a tow study if requested by towing companies.	B.5	74	Matt Wagner
B.6 Consideration, discussion and possible action on the First Reading for Ordinance amending Chapter 14 “Bastrop Regulations” Article 4.10 “Vehicle Towing” of the Bastrop Code of Ordinances clarify criteria for towing companies, inclusion on the tow rotation list; providing for a tow study if requested by towing companies, providing for penalties and establishing an effective date.	B.6	78	Matt Wagner
B.7 PUBLIC HEARING: To receive public input/comments on an Ordinance amending City Code Appendix A: Fee Schedule; Article A4.10 Vehicle Towing.	B.7	92	Matt Wagner
B.8 Consideration, discussion and possible action on the First Reading for Ordinance amending City Code Appendix A: Fee Schedule; Article A4.10 Vehicle Towing, providing for an effective date.	B.8	96	Matt Wagner

B.9 PUBLIC HEARING: On a request for Variances to Subdivision Regulations Section 5.70A to reduce a 50’ setback from state highways to allow a 25’ setback and Section 5.70J to reduce a 100’ setback (as measured from the nearest point of the easement) from gas or petroleum pipelines to allow a 25’ setback for Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.	B.9	99	Melissa McCollum
B.10 Discussion, consideration and possible action on Variance to Subdivision Regulations Section 5.70A to reduce a 50’ setback from state highways to allow a 25’ setback and Section 5.70J to reduce a 100’ setback (as measured from the nearest point of the easement) from gas or petroleum pipelines to allow a 25’ setback for Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.	B.10	105	Melissa McCollum

B.11 Citizen Comments

 Executive Session: The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Chapter 551 Government Code, Vernon’s Texas Code, Annotated, the item below will be discussed in closed session.
 1. Section 551.071 – Consultations with Attorney

C. OLD BUSINESS

D. NEW BUSINESS

D.1 Consideration, discussion and possible action on a Final Plat for Lots 2 and 3, Block “A” Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.	D.1	106	Melissa McCollum
D.2 Consideration, discussion and possible action on proposed Three-Tiered Approach to HOT Funding.	D.2	109	Ken Kesselus

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Governmental Code, Chapter 551 to discuss the following:

1. Section 551.071(1) (A) and Section 551.071(2) – Consultations with Attorney: (1) threatened and/or contemplated litigation, and (2) matters upon which the Attorney has a duty and/or responsibility to report to the governmental body.
2. Section 551.086: Certain Public Power Utilities: Competitive Matters.
3. Section 551.087: Deliberation Regarding Economic Development Negotiations – Project Zebra.

E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

F. ADJOURNMENT

CERTIFICATE

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Bastrop, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted the 10th day of May 2013 at 12:00 p.m. Copies of this agenda have been provided to those members of the media requesting such information.

Traci Chavez

Traci Chavez, Interim City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8811. PLEASE PROVIDE FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.

Confirm time posted: KR

CITY OF BASTROP

AGENDA ITEM:

A.1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 22, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Approval of meeting minutes of May 14, 2013 Regular Council Meeting.
2. Party Making Request: Traci Chavez, Interim City Secretary
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

May 14, 2013 – Regular Council Meeting

The Bastrop City Council met in regular session on **May 14, 2013** at 6:15 p.m. at the Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Ken Kesselus, Kay Garcia McAnally, and Dock Jackson. Absent were Joe Beal and Willie DeLaRosa.

ANNOUNCEMENTS

1. CALL TO ORDER

At 6:18 p.m. Mayor Terry Orr called the meeting to order with all members present except Joe Beal and Willie DeLaRosa.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Kay Garcia-McAnally led the pledges of allegiance to the U.S. and Texas flags. Reverend Jimmy Cottle led the invocation.

3. PRESENTATION

1. Character Education – Presented by Bluebonnet Elementary Student Bronwyn Berry on integrity.
2. Texas Forest Service presented Public Works Director Trey Job and Parks Superintendent Jason Alfaro with a writing pen for all their hard work and support during the 2013 Arbor Day event.

4. PROCLAMATIONS

National Police Week 2013 – Read by Mayor Orr
Relay for Life – Read by Kay Garcia McAnally

5. ANNOUNCEMENTS

The Mayor stated that sales tax was up 3% for this period. He also stated that Council Member Beal was absent due to a business commitment, Council Member Willie DeLaRosa and City Manager Mike Talbot were both out due to illness.

CANVASS OF ELECTION RETURNS:

1. Council to canvass returns and declare results of May 11, 2013 General Election.

Mayor Orr and Council Member McAnally canvassed the returns. Ms. McAnally was appointed Chair of the committee. Ms. McAnally stated that the results were correct and stated the following:

Jackson	Place 1	325 Votes
Kesselus	Place 5	319 Votes
Webster	Place 5	73 Votes

2. Oath of Office to be administered to newly elected officials of the City.

Ms. Rose Pietsch, Bastrop County Clerk, administered the Oath of Office to Mr. Jackson and Mr. Kesselus.

ORGANIZATION OF THE COUNCIL:

1. Consider adoption of Robert's Rules of Order.

Ms. Garcia-McAnally made the motion to adopt Robert's Rules of Order and nominate Dock Jackson for parliamentarian. Ken Kesselus seconded. Interim City Secretary Traci Chavez call for the vote and motion carried unanimously.

2. Consider election by Council of Mayor Pro-Tem.

Mr. Kesselus stated that he spoke with Joe Beal and Mr. Beal stated that he would be happy to serve as Mayor Pro Tem. Ms. Garcia-McAnally seconded. Interim City Secretary Traci Chavez called for the vote and the motion carries unanimously.

CITY MANAGER INFORMATIONAL UPDATE REPORT: Items for update, discussion and possible action:

A. Meetings and Events Attended:

1. The Hunter's Crossing Local Government Corporation Meeting of April 24, 2013.
2. The Cemetery Board Meeting of April 24, 2013.
3. The Monthly Meeting of the Planning & Zoning Commission Meeting of April 25, 2013.
4. A Special Meeting of the Lost Pines Groundwater Conservation District of April 29, 2013.
5. The Hunters Crossing Home Owners Association Meeting of May 2, 2013.
6. The Monthly Meeting of the Main Street Board of May 6, 2013.
7. A Special Council Meeting regarding "Long Term Water Supply for the City of Bastrop" on May 7, 2013.

B. Update on City Projects:

1. The Quarterly report from the Bastrop Marketing Corporation.
2. Finalization of the Process for the Allocation of Hotel/Motel Funds for FY-14.
3. Update on Form Based Codes Project.
4. RFQ for Employee Benefits Consulting Services.
5. Development Agreement between the Bastrop Economic Development Corporation and the City of Bastrop.
6. Update on the Bob Bryant Water Facilities Phase II
7. Short and Long Term Water Supply for the City of Bastrop.
8. Review of the Top 10 Strategic Priorities for 2013 – 2016.

9. Update to the Repairs to the Wastewater Treatment Plant.
 10. Water Consumption: April 1, 2013 through April 10, 2013.
 11. Update for School Zone Project Improvements Project
 12. Striping of City Streets.
 13. Update on Proposed Changes to the City of Bastrop Zoning Ordinance.
 14. Utility Meeting of September 21, 2013.
 15. Angle Parking on Pine Street
- C. Update on City Business:
1. Convention Center Activities
 2. Main Street Program Activities
 3. Commercial/Residential Construction Projects in the City
 4. YMCA Activities
- D. Department and Board Reports
- E. Inviting input from Council related to issues for possible inclusion on future agendas, related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

City Manager, Mike Talbot was ill this evening and not present at Council Meeting. His CM Report was handed out by Traci Chavez prior to the meeting. Mayor Orr explained that there was one item on his City Manager Report that Mr. Talbot would like Ms. JC Brown, the City Attorney, to comment on, regarding item B.5. Development Agreement between BEDC and the City of Bastrop regarding the BEDC Development regarding infrastructure. Mr. Talbot would like the council to go ahead and authorize him to move forward with this Agreement. Mr. Kesselus asked Ms. Brown if they had the City Managers enthusiastic endorsement on this Agreement and Ms. Brown said absolutely. Mr. Kesselus asked Mayor Orr if he could give the BEDC Board perspective on this. Mayor Orr gave a brief history. Mayor Orr also stated that all involved have worked very hard to get this Agreement in place to get improvements that are needed at the Business Park since there have not been any recently. This Agreement will also open up additional areas in the park. Mayor Orr also included that this is an excellent project and the BEDC fully supports it. Currently 99 acres are currently being platted. This Agreement will also make more acres available to prospects with lots ready to go. Ms. Brown stated the item needs action from the council to give Mr. Talbot the authority to move forward. Mr. Kesselus moved that the council give Mr. Talbot the authority to enter into this Agreement as outlined and demonstrate the City Council's Approval. Dock Jackson seconded the motion. Motion carried unanimously.

Mayor Orr commented that in the last months HOT revenue from the Hyatt has been about 3 times more than normal. After speaking with Mr. Dewire at the Hyatt he stated that they expect this to continue at this pace through the remainder of this year. They are already taking reservations for next year.

Mr. Kesselus asked that Mike will address his and Mr. Beals Vision regarding the next utility meeting scheduled for May 21. He would also like a schedule regarding the Long Term Water Study. Asked Mayor how we are doing on the General Manager Evaluation Process and the Mayor responded I have not had that discussion.

Karla Stovall addressed the Council regarding City Manager Report Item B you will find information and application to HOT funding and Community Support funding.

Dock Jackson commented that he and Ms. Stovall had a brief conversation regarding Cemetery Ordinance regarding policy on Saturdays. After speaking with citizens and families he would like to address that issue as Saturdays are often requested and the process in obtaining permission really needs to be reviewed. Kesselus offered that perhaps that should go to the Cemetery Review Board. Mayor commented that he did not realize that was in the Ordinance and suggested Mr. Jackson contact the City Manager. Kesselus commented that he appreciated the thoroughness of Mr. Talbot's reports and how it helps keep Council on the ball.

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests.

A.1 Approval of meeting minutes of April 23, 2013 Special Council Meeting and April 23, 2013 Regular Council Meeting.

A.2 Approval of Bastrop Marketing Corporation's request for Reimbursement of expenses.

A.3 Approval of an Ordinance amending Chapter 12 "Traffic and Vehicles" of the Bastrop Code of Ordinances to add new Article 12.12 to prohibit the standing and/or parking of certain types of trucks, motor vehicles, boats, construction vehicles, trailers, farm equipment and commercial vehicles in restricted areas; providing for penalties; and establishing an effective date. Mayor Orr read the caption.

A.4 Approval of the Special Event Permit submitted by the Bastrop Chamber of Commerce to host "Patriotic Festival" on Saturday, July 6, 2013 in Fisherman's Park.

A.5 Appointment by Mayor and confirmation by Council of Mr. Drew Pickle to the Planning and Zoning Commission.

A.6 Approval of the First Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Brenda Bush in an amount not to exceed \$20,350, for renovations to the building at 706 Pine Street, Grace Miller Restaurant), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000. Item pulled by Mayor to be considered under regular agenda item.

A.7 Approval of the First Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Bryan and Janean Whitten in the amount not to exceed \$25,000, for renovations to the building at 1106 Pecan Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000. Item pulled by Mayor to be considered under regular agenda item.

A.8 Approval of the statutory denial, for a period of 180 days from the date of Council Action on this request, for the Amended Plat of Lots 36 and 37, Block A of Riverside Grove

Subdivision, Phase 1 located on Old Austin Highway and Hasler Shores Drive within the City limits of Bastrop, TX.

A.9 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for XS Ranch Estates Preliminary Plat located within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas.

Kay Garcia-McAnally moved to approve the consent agenda excluding items A.6 and A.7. Motion was seconded by Ken Kesselus and was carried unanimously.

A.6 Approval of the First Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Brenda Bush in an amount not to exceed \$20,350, for renovations to the building at 706 Pine Street, Grace Miller Restaurant), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000. Dave Quinn addressed the Council and answered questions regarding the First Reading of the Resolution which follows BEDC By-Laws. Mr. Quinn also gave a detailed outline of how the process works. This project is essentially complete and this Resolution would close out the project.

Dock Jackson moved to approve and place the second reading on the next consent agenda. Motion was seconded by Ken Kesselus and was carried unanimously.

A.7 Approval of the First Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Bryan and Janean Whitten in the amount not to exceed \$25,000, for renovations to the building at 1106 Pecan Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000. Dave Quinn addressed the Council and answered questions regarding the First Reading of the Resolution which follows BEDC By-Laws. This project is essentially complete and this Resolution would close out the project. Nancy Wood addressed the council and provided financial information to the council to show the success of this program. Ms. Garcia-McAnally asked if these grants could be used on the backs of buildings. Ms. Wood said yes.

Ken Kesselus moved to approve and place the second reading on the next consent agenda. Motion was seconded by Kay Garcia-McAnally and was carried unanimously.

Mr. Kesselus stated that he had no problem putting these types of items on the consent agenda in the future. Mrs. McAnally agreed.

B. PUBLIC HEARINGS

B.1 PUBLIC HEARING: to receive public input/comments on a Replat of Lots 1 & 2, Reserve B of the Bastrop Business and Industrial Park, Phase 1. The proposed lots are located south of State Highway 71 East and Jackson Street, in the Bastrop Economic Development Park off Technology Drive.

Dave Quinn asked Planning Director, Melissa McCullom to present on his behalf. Ms. McCullom explained that this goes with the City of Bastrop and BEDC Development agreement then discussed the project. Mr. Kesselus expressed concern that this street will be used as

roadway for the tenants. Mayor Orr stated that this would only be used in the event of an emergency and would be gated. Mayor declared item closed.

B.2 Consideration, discussion and possible action on a request for a Replat of Lots 1 & 2, Reserve B of the Bastrop Business and Industrial Park, Phase 1.

The proposed lots are located south of State Highway 71 East and Jackson Street, in the Bastrop Economic Development Park off Technology Drive. Ms. McCullom this is the action of approving the request in item B.1. Staff and Planning and Zoning Commission recommend approval. Mr. Kesselus moved to approve item B.2. Motion seconded by Ms. Garcia-McAnally and was carried unanimously.

B.3 CITIZEN COMMENTS

No citizen comments

NEW BUSINESS

D.1 Consideration, discussion and possible action regarding approval of a funding agreement between the City of Bastrop and the Bastrop Fine Arts Guild.

Mayor explained that this agreement has to do with the Development of the Art Center. He explained that the Council had previously approved \$100,000 grant over the course of 5 years. To date we have made no payment. He asked about the date and Ms. Brown explained that we decided on a retroactive date to allow the original funding to flow correctly. Mr. Kesselus asked if we might put this on the next regular agenda and have some of the guild members attend to further discuss this and other HOT funding and be sure we are all on the same page. Mayor responded that he was fine with not taking action on this item but is not comfortable with delaying to add other things with it. The Mayor stated that he also remembered that the money was requested to help cover the expenses to be sure the site was acceptable. Ms. Brown said that the guild has expressed to some degree that this money is needed to start paying on those expenses which have already be completed. Mr. Jackson said since this has already been approved he does not want to delay action. Ms. Brown also stated the agreement does require the Art Guild to keep the Council/City up to date as the construction process begins. Mr. Kesselus and Mayor Orr discussed the Phases of the project. Ms. Brown stated that the first two payments were for the property acquisition and the TCEQ cleanup. The remainder would go toward the deconstruction of the property. Mr. Kesselus stated we were "front loading" the project and the Mayor corrected him and stated we are catching up. Mayor Orr and Mr. Kesselus discussed their varying views on HOT Funding.

Mr. Jackson made motion to approve. Motion seconded by Mr. Kesselus and carried unanimously.

D.2 Consideration, discussion and possible action regarding approval of an interlocal agreement for sign and other passenger amenities, maintenance and installation between the City of Bastrop and the Capital Area Rural Transportation System.

The Mayor explained the item to Council. Karla Stovall gave brief overall of item. She also indicated how much time the City Manager, Melissa McCullom and JC Brown had spent on this.

Mr. Kesselus made the motion to approve the item. Mrs. Garcia-McAnally seconded and the motion carries unanimously.

D.3 Consideration, discussion and possible action regarding a presentation by Todd McClanahan of the Texas Parks and Wildlife regarding the needs facing Bastrop State Park resulting from the Fire of 2011.

Mayor Orr asked that Mr. Kesselus be the lead on this item. Mr. Kesselus discussed conversations that have been held with Jaime Hackett and Todd McClanahan regarding best ways the City could assist the State Park. Mr. Kesselus asked Mr. McClanahan to address the Council. Mr. McClanahan thanked Mr. Job and Mr. Alfaro for their hard work on the Arbor Day Event. Mr. McClanahan gave an overview of the State Park, including the golf course, before and after the fire of 2011. Through meetings with Mr. Kesselus and Mrs. Garcia-McAnally we have discussed funding of the golf course. Mr. Kesselus came up with the idea of the voucher program. There are approximately 12,000 rounds of golf played here every year. In summary I am here to officially ask for that funding. Mr. Kesselus proposed how the voucher program would work. The City would basically buy 1000 rounds of golf in the form of vouchers. These vouchers would then be given to local hotels to give out to customers. Mr. Kesselus stated the \$ 25,000 could come from the windfall HOT taxes from the fire. Mr. Jackson asked if this is a onetime funding, a yearly funding, or what. Mr. Kesselus feels this is a program that we would continue to fund. The Mayor stated he supported the idea for other reasons. He stated it was a fire break between the forest and the City and feels it helped save the City during the 2011 fire. Discussion among Council continues. Ms. McAnally asked if we want to establish a time frame. Mr. Kesselus said yes and that the hotels would have to verify the person(s) using the voucher lived at least 50 miles away. Vouchers could be used any time but would like to have the vouchers in the Hotels within 4 weeks. Mr. Jackson feels the idea is a good one but not sure about the mileage stipulation. Mr. Kesselus said that this is a good question for JC. She stated that research shows the mileage stipulation was a hindrance to promote tourism. The Mayor stated that if the mileage requirement was outside of the county of Bastrop that he would be comfortable with that. Mr. McClanahan indicated that the State Park would also monitor the users of the voucher. Mr. Kesselus made the motion to instruct the City Manager within the next 30 days to develop a voucher program run by the City of Bastrop and the Lost Pines Golf Course to purchase \$ 25,000 worth of vouchers and distribute them to local hotels and following procedures which make the program work the best. Mrs. McAnally seconded the motion. Ms. McAnally asked if these vouchers could be done electronically? Ms. Stovall feels her staff can monitor the voucher program. Mayor called for a vote which passed unanimously. Mr. Kesselus wanted to say what an asset the State Park is to the City of Bastrop.

ORDINANCES FOR FIRST READING:

ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

D.4 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending of March 31, 2013.

Karla Stovall gave a brief overview of the financial statements for the period of March 2013. Mr. Kesselus moved to approve the financial statements, Ms. McAnally seconded the motion which carried unanimously.

F. ADJOURNMENT

At 8:03 PM Dock Jackson moved to adjourn. Motion was seconded by seconded by Kay McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Traci Chavez Interim City Secretary

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 22, 2013

MEETING DATE: May 28, 2013

1. Agenda Item: **Approval of an extension, for a period of 180 days commencing on June 6, 2013 for the Preliminary Plat for Hunters Crossing, Section 9C located west of State Highway 304 and south of Home Depot Way within the city limits of Bastrop, Texas.**

2. Party Making Request: **Carlson, Brigrance & Doering, Inc. for Forestar Real Estate Group Inc.**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

City Council approved Hunters Crossing, Section 9C Preliminary Plat June 12, 2012. Section 4.10.6 – Expiration of Preliminary Plat Approval in the City of Bastrop Subdivision Ordinance states that a preliminary plat expires at the end of 6 months/180 days from the date of City Council action unless a final plat has been submitted to the City Council.

City Council granted a 6 month extension November 27, 2012 that will expire June 7, 2013. Carlson, Brigrance & Doering, Inc. on behalf of Forestar Real Estate Group Inc. submitted a letter requesting an additional 6 month extension.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: **Staff recommends approval of the extension request as staff continues to work with the engineer, CBD, representing Forestar Real Estate Group Inc.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying

May 10, 2013

Mayor Terry Orr
City of Bastrop City Council
1311 Chestnut Street
Bastrop, TX 78602

**RE: Hunters Crossing 9C – Preliminary Plat Application
CBD Job # 4533**

180-Day Extension Request

Honorable Mayor Orr,

On behalf of our client, Forestar (USA) Real Estate Group Inc., Carlson, Brigrance & Doering, Inc. formally requests a 180-day extension for the preliminary plat application of Hunters Crossing 9C. Due to the persisting economic situation, we find it necessary to postpone the preliminary at this time.

Please let me know if you need any additional information.

Respectfully,

Geoff Guerrero

Zoning and Construction Development Manager

5/24/2013

16



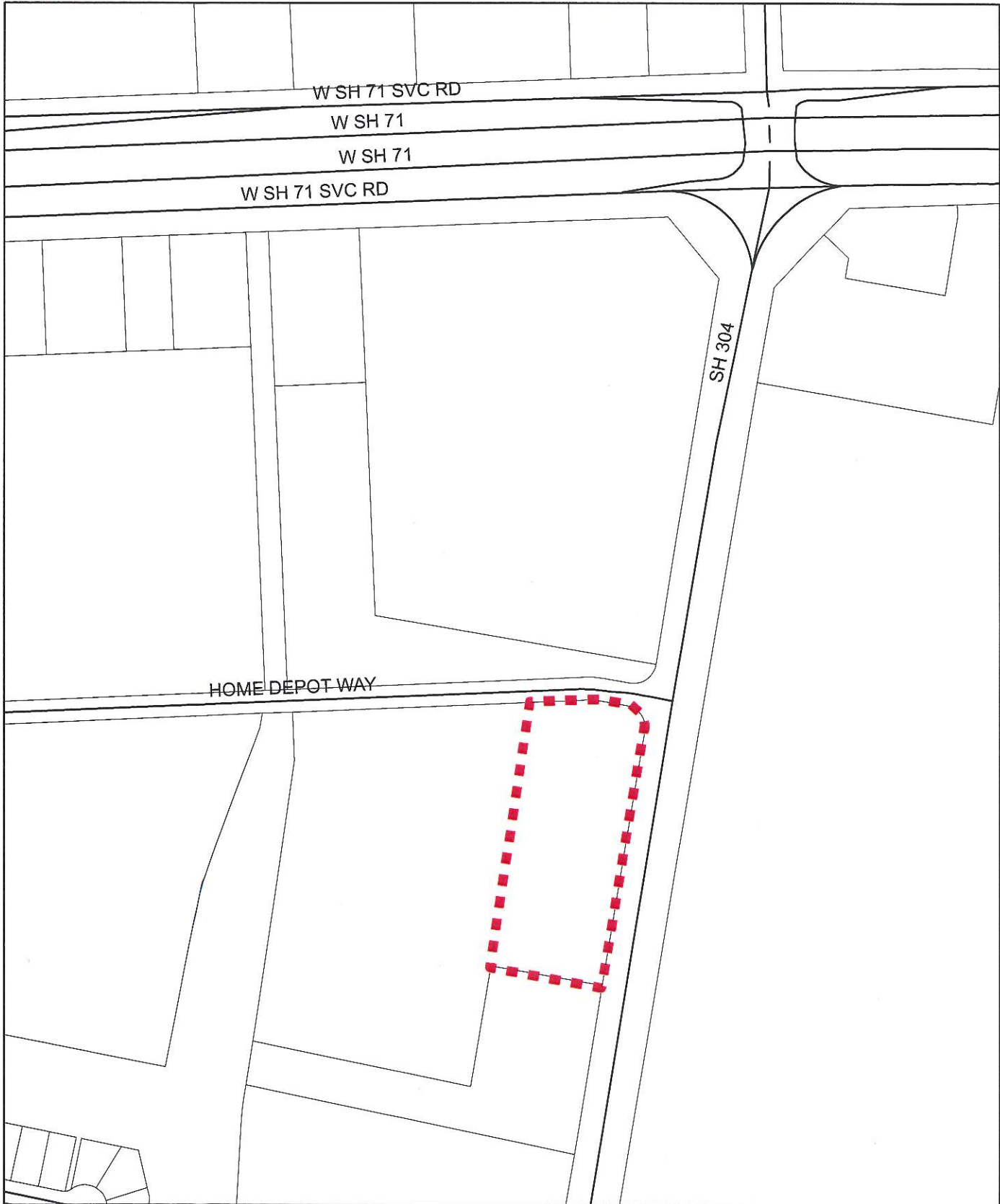
Property Location Map

Preliminary Plat for Hunter's Crossing
Section 9C

Legend

— roads

□ Parcels



STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 21, 2013

MEETING DATE: May 28, 2013

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for Rolling Oaks, Amended Portion of Lot 6, being approximately 3.463 acres out of the Jose Manuel Bangs Survey, Abstract 5, located within Area A of Bastrop County, Texas (per the Inter Local Agreement with Bastrop County).**

2. Party Making Request: **City of Bastrop**

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

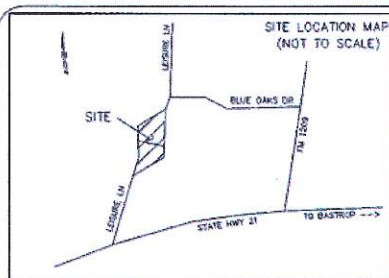
c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____



AMENDED PLAT FOR:
ROLLING OAKS, AMENDED PLAT OF A PORTION OF LOT 6
 A SUBDIVISION OUT OF THE JOSE MANUEL BANGS SURVEY, ABSTRACT 5, BASTROP COUNTY, TEXAS
 PER PLAT OF RECORD IN CABINET 1, PAGE 26B, PLAT RECORDS, BASTROP COUNTY, TEXAS

LEGEND

Q IRON ROD SET
 (XXX) DEED RECORD
 (XXX) PLAT RECORD

WATER SERVICE AVAILABILITY NOTE

AQUA WATER SUPPLY CORPORATION
 AS OF THE DATE INDICATED BELOW, AQUA WATER SUPPLY CORPORATION HAS NOT AGREED TO PROVIDE WATER SUPPLY SERVICE TO THIS SUBDIVISION BECAUSE THE SUBDIVISION HAS NOT COMPLIED WITH THE TARIFF OF AQUA WATER SUPPLY CORPORATION, INCLUDING SPECIFICALLY THE RULES AND REGULATIONS CONCERNING AQUA'S SERVICE TO SUBDIVISIONS. UNDER THE AQUA TARIFF, RETAIL WATER SERVICE IS NOT AVAILABLE TO ANY LOT IN A SUBDIVISION THAT IS NOT IN COMPLIANCE WITH ALL OF SUCH RULES AND REGULATIONS, INCLUDING THE PAYMENT OF APPLICABLE FEES. NO LOT IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE RETAIL WATER SERVICE FROM AQUA'S DISTRIBUTION SYSTEM UNTIL THE SUBDIVISION FULLY COMPLES WITH ALL OF THE PROVISIONS OF AQUA'S TARIFF, INCLUDING THE RULES AND REGULATIONS CONCERNING AQUA'S SERVICE TO SUBDIVISIONS.

WILLIAM E. LUNDY
 GENERAL MANAGER
 AQUA WATER SUPPLY CORPORATION

BASTROP COUNTY ENVIRONMENTAL AND SANITATION SERVICES

NO ON-SITE WATER WELL MAY BE PLACED WITHIN 150' (20' IF ENCASED) OF AN ON-SITE SEWAGE FACILITY (OSSF) AND/OR DRAIN FIELD. NOR CAN ANY OSSF AND/OR DRAIN FIELD BE PLACED WITHIN 150' (20' IF ENCASED) OF AN ON-SITE WELL. EACH LOT SHALL HAVE A 75' (20' IF ENCASED) WATER WELL SETBACK ADJACENT TO SIDE AND REAR PROPERTY LINES. PROPERTY OWNERS AND/OR REGISTERED WATER WELL INSTALLERS ARE RESPONSIBLE TO DETERMINE APPROPRIATE LOCATIONS FOR SAME IF NOT PROVIDED HEREIN. FURTHER INFORMATION AND REGISTRATION OF ON-SITE WATER WELLS IS OBTAINED AND ISSUED THROUGH LOST PINE'S GROUNDWATER CONSERVATION DISTRICT.

INDIVIDUAL ON-SITE SEWAGE FACILITIES CURRENTLY EXIST ON LOT 6 - A. INDIVIDUAL ON-SITE SEWAGE FACILITY AND / OR ON-SITE WATER WELL DESIGNS MUST BE SUBMITTED FOR APPROVAL FOR EACH VACANT LOT AND BUILT TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (CDEQ) RULES AND THE REQUIREMENTS OF THE BASTROP COUNTY ORDER FOR ON-SITE SEWAGE FACILITIES AND ON-SITE WATER WELLS PRIOR TO OCCUPATION OF THE RESIDENCE.

THIS SUBDIVISION PLAT RECOMMENDED FOR APPROVAL ON THIS THE _____ DAY OF _____ 20____ A.D.

PHILIP MURDO, D.R. #000000000
 DESIGNATED REPRESENTATIVE

EXTRA-TERRITORIAL JURISDICTION NOTE

THIS SUBDIVISION DOES NOT LIE WITHIN THE CITY LIMITS OR EXTRA-TERRITORIAL JURISDICTION OF ANY MUNICIPALITY.

9-1-1 ADDRESSING CERTIFICATION

THIS SUBDIVISION CREATES NO NEW STREETS. EXISTING STREET NAMES AS SHOWN ARE CORRECTLY CONTINUED.

JULIE SOMMERFELD
 9-1-1 ADDRESSING COORDINATOR

FLOOD PLAIN ADMINISTRATOR NOTE

BASED UPON THE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HEREON, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, IT IS DETERMINED THAT THIS PLAT COMPLES WITH THE REQUIREMENTS OF THE FLOOD DAMAGE PREVENTION ORDER FOR BASTROP COUNTY.

VOICE BOK, CIVIL NO. 0446-02N
 FLOODPLAIN ADMINISTRATOR

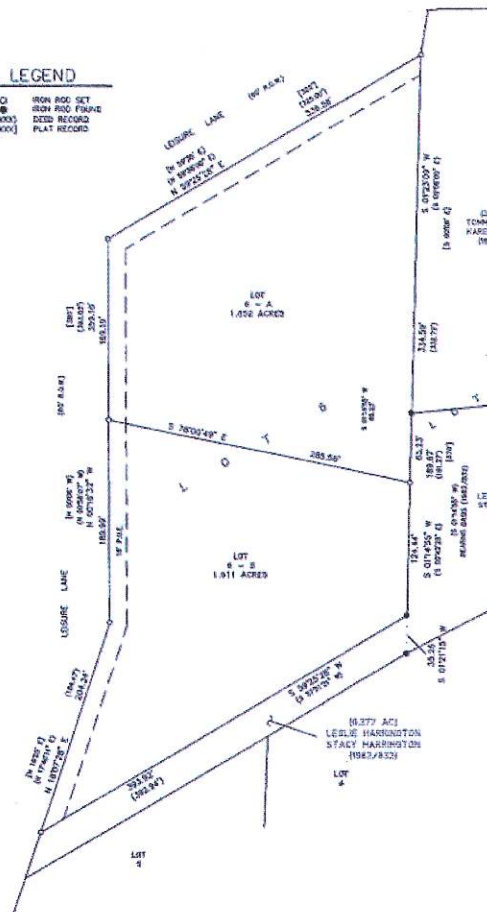
PROFESSIONAL LAND SURVEYORS

C. RICHARD RALPH, R.L.S. NO. 4756
 1515 CHESTNUT STREET
 BASTROP, TEXAS 76621

PH. (512) 324-0081
 FAX (512) 324-0081
 PROPLAND@AOL.COM



DATE: 04/22/13 PROJECT: 13024



STATE OF TEXAS
 COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS THAT ME, ROONEY C. KINSEY, SR. AND SAM JO KINSEY, OWNERS OF 3.463 ACRES OF LAND COMPOSED OF A PORTION OF LOT 6, ROLLING OAKS SUBDIVISION OUT OF THE JOSE MANUEL BANGS SURVEY, ABSTRACT 5, BASTROP COUNTY TEXAS PER PLAT OF RECORD IN CABINET 1, PAGE 26B, PLAT RECORDS OF BASTROP COUNTY, CONVEYED US AS 3.47 ACRES PER VOLUME 2006, PAGE 750, OFFICIAL RECORDS OF BASTROP COUNTY DO HEREBY SUBDIVIDE SAID 3.463 ACRES IN ACCORDANCE WITH THE ACCOMPANYING PLAT TO BE KNOWN AS:

ROLLING OAKS, AMENDED PLAT OF A PORTION OF LOT 6

AND DO HEREBY DEDICATE TO THE PUBLIC THE EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE _____ DAY OF _____ 20____ A.D.

ROONEY C. KINSEY, SR.
 4107 CALDWELL LANE
 DEL VALLE, TEXAS 76611

SAM JO KINSEY
 4107 CALDWELL LANE
 DEL VALLE, TEXAS 76611

STATE OF TEXAS
 COUNTY OF BASTROP

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROONEY C. KINSEY, SR. AND SAM JO KINSEY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 20____ A.D.

NOTARY IN AND FOR THE STATE OF TEXAS

PRINTED NAME OF NOTARY / EXPIRES

GENERAL NOTES:

1. UTILITY SERVICE PROVIDERS:
2. WASTEWATER SERVICE PROVIDED BY ON-SITE SEWAGE FACILITY (EXISTING FOR LOT 6 - A).
3. ELECTRIC SERVICE PROVIDED BY BLUEBONNET ELECTRIC COOPERATIVE, INC.
4. 2.463 ACRES TOTAL LOT 6 - A, 1.052 ACRES, LOT 6 - B, 1.911 ACRES.
5. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR CONSTRUCTION ON EACH LOT, INCLUDING SINGLE-FAMILY AND DUPLEX CONSTRUCTION.
6. ALL DRIVEWAYS IN THIS SUBDIVISION MUST BE CONSTRUCTED TO FACILITATE DRAINAGE ALONG THE FRONT DEVELOPER AND/OR PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF DRIVEWAYS IN ACCORDANCE WITH BASTROP COUNTY SPECIFICATIONS, WHICH MAY REQUIRE CHAIN PIT INSTALLATION. A PERMIT MUST BE OBTAINED FROM BASTROP COUNTY PRIOR TO THE CREATION OF A DRIVEWAY.
7. PERMITS: PROPERTY IN THIS SUBDIVISION SHALL BE DEVELOPED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS INCLUDING, BUT NOT LIMITED TO: BASTROP COUNTY 9-1-1 ADDRESSING ORDINANCE, DEVELOPMENT, FLOODPLAIN, AND ON-SITE SEWAGE FACILITY. COUNTY PERMITS ARE OBTAINED AND ISSUED THROUGH THE BASTROP COUNTY DEVELOPMENT SERVICES DEPARTMENT.
8. THIS SUBDIVISION IS SUBJECT TO ALL RESTRICTIVE COVENANTS, RESTRICTIONS, EASEMENTS, EASEMENT RIGHTS AND/OR RESERVATIONS SHOWN ON THE PLAT OF ROLLING OAKS SUBDIVISION (1/288) PLAT RECORDS, BASTROP COUNTY, TEXAS.
9. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS FROM THE PREVIOUS SUBDIVISION OF ROLLING OAKS SUBDIVISION, AS RECORDED IN CABINET 1, PAGE 26B, PLAT RECORDS, BASTROP COUNTY, TEXAS.

NO PORTION OF THIS SUBDIVISION IS WITHIN A DESIGNATED FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NO. 48153, FIRM NO. 46022-00330, E DATED JAN. 15, 2006. LOT 6 - A AND 6 - B LIE WITHIN ZONE "X", BASE FLOOD ELEVATION: NONE.

FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE BASTROP COUNTY FLOOD DAMAGE PREVENTION ORDER IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PLAT BY THE COURT DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES, NOR SHALL ACCEPTANCE OF THIS PLAT CREATE LIABILITY ON THE PART OF BASTROP COUNTY OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.

I, C. RICHARD RALPH, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND, AND THAT THE CORNER MONUMENTS SHOWN WERE PROPERLY PLACED, UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF BASTROP COUNTY, TEXAS.

SUBSCRIBED BY:

PROFESSIONAL LAND SURVEYORS
 1515 CHESTNUT STREET
 BASTROP, TEXAS 76621

C. RICHARD RALPH
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4756



04/22/2013

DATE

STATE OF TEXAS
 COUNTY OF BASTROP

I, ROSE PLETCH, CLERK OF THE COUNTY COURT OF BASTROP COUNTY, TEXAS DO HEREBY CERTIFY THAT ON THE _____ DAY OF _____ 20____ A.D., THE COMMISSIONERS' COURT OF BASTROP COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER HAS BEEN ENTERED INTO THE MINUTES OF SAID COURT.

WITNESS MY HAND AND SEAL OF OFFICE OF CLERK OF THE COUNTY COURT OF BASTROP COUNTY, TEXAS, THIS THE _____ DAY OF _____ 20____ A.D.

ROSE PLETCH, COUNTY CLERK
 BASTROP COUNTY, TEXAS

BY: DEPUTY

STATE OF TEXAS
 COUNTY OF BASTROP

I, ROSE PLETCH, CLERK OF BASTROP COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____ 20____ A.D. AT _____ O'CLOCK _____ M. IN PLAT CABINET NO. _____ PAGE(S) _____ PLAT RECORDS OF BASTROP COUNTY, TEXAS. FILED FOR RECORD ON THE _____ DAY OF _____ 20____ A.D. AT _____ O'CLOCK _____ M. WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE _____ DAY OF _____ 20____ A.D.

ROSE PLETCH, COUNTY CLERK
 BASTROP COUNTY, TEXAS

BY: DEPUTY



CITY OF BASTROP

AGENDA ITEM A.4**STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: May 17, 2013

MEETING DATE: May 28, 2013

1. Agenda Item: **Approval of the Special Event Permit Application submitted by DBA to host "Pet & Pal Parade" on Saturday, July 06, 2013, in downtown Bastrop.**
2. Party Making Request: **Trey Job, Director of Public Works, Parks, & Recreation.**
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No X N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

5/24/2013

Event:

Pet's Pal.

Date(s):

Sat
July 6, 2013

Date Submitted:

APR 30 2013 21

May 1, 2013



Bastrop Public Works, Parks, and Recreation
1209 Linden Street • P. O. Box 427 • Bastrop, TX 71222
Revised 2/20/2013 2:57 PM

Pet & Pal Parade

Saturday 07/06/13

Special Event Permit Application

Revised 2/20/2013

Name of event: Pet and Pal ParadeLocation of event: CourthousePurpose of event: contest / entertainmentDay 1 of Event: Saturday, July 6, 2013 9-12
Date & Day Times Open to PublicSetup for Day 1: same / Cleanup: same /
Date & Day Time Date/Day TimeDay 2 of Event: NA /
Date & Day Times Open to PublicSetup for Day 2: / Cleanup: /
Date & Day Time Date & Day TimeDay 3 of Event: NA /
Date & Day Times Open to PublicSetup for Day 3: / Cleanup: /
Date & Day Time Date & Day TimeName of organization: Downtown Business AllianceAddress of organization: Event coordinator #1: Michelle AdamsDaytime: 512 718 1504 Fax: Cell: same
Area Code/Number Area Code/Number Area Code/NumberE-mail address: michelle.adams711@yahoo.comEvent coordinator #2: —Deborah Johnson (pres.)Daytime: Fax: Cell: 512-657-4275
Area Code/Number Area Code/Number Area Code/NumberE-mail address: Pete Sommers olphant48@yahoo.com
(504) 718-1505

Please describe event activities (may continue on separate sheet of paper, if necessary):

Begin parade after registration & judging.
Animals w/ owners proceed down Pine &
Water to Main then to Spring to Opera House
for awards.

5/24/2013

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Event:

Pet & Pal

Date(s):

July 6, 2013

Date Submitted:

May 1, 2013

Processing Fee (cannot be waived and must accompany application – NO PERSONAL OR BUSINESS CHECKS):

- \$100.00 with proof of non-profit status
- \$300 for all others
- Cashier's Check # 906 402 OR Post Office-issued Money Order # _____ payable to City of Bastrop

RECEIVED APR 30 2013

Security Deposit Fee (cannot be waived and must accompany application – NO PERSONAL OR BUSINESS CHECKS):

- \$500.00
- Refunded if City property is clean and free of litter and damage after the event
- Cashier's Check # 906 402 OR Post Office-issued Money Order # _____ payable to City of Bastrop
- ☐ On file from prior event(s) 4563

Insurance (general liability policy in the amount of one million dollars with City named as additional insured):

- ☐ Submitted with app
- ☐ To be submitted _____
- ☒ On file from prior event(s)

Please describe/explain/list the following (may continue on separate sheet). Mark "N/A" if not applicable.

Admission Fees: ☒ No ☐ Yes (location of ticket booth): _____

Alcohol (TABC permit & City Council variance letter): _____

Animals (waste control): DBAAttendance (anticipated #): 60-100Banner Permit (location[s]): Chestnut & Alley A on BastropElectrical (hot check, mats): Copier Prop.

Emergency Services (First Aid Station, ambulance standby): _____

Fireworks Permit & Safety Plan (State Fire Marshal 512/305-7932): _____

Inspections (tents, stages, electrical, etc): _____

Litter Control (possible 20-yard dumpster fee): DBA

Map (location of activities, vendors, parking, etc): _____

Parking Plan (remote, shuttle): _____

Portacans (Jackpot 512/303-1467, American PortaCan 512/775-3175)(list locations): _____

Rodeo Arena (Rhonda Lock 512/ 563-8816): _____

Security Plan (off-duty police 512/332-8600): _____

5/24/2013

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Event:

Pet's Pal

Date(s):

July 6, 2013

Date Submitted:

May 1, 2013

Show Barn (Allen Stewart 512/413-8512):

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Signage (remove within 24 hours after event):

Sound Permit (for amplified sound):

Street Closures:

Chestnut & Main for crossing
Pine & Water crossing - close off Pine
from Pecan to Water.

Temporary Structures (location of tents, stages, etc):

Vehicles, Equipment, etc (description and location):

Vendors (Valid Tax ID #; food? other?):

- Bastrop County Health and Sanitation Department permit, 806 Water Street, (512) 332-7276

Volunteers (how many & how identified):

5-10

Water/Wastewater requirements:

spigots at Courthouse?
Opera House

I, the undersigned Applicant, hereby agree to indemnify and hold harmless the City of Bastrop, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

Michelle Ladan

Applicant - Please print or write legibly

May 1, 2013

Date

This application must be submitted in person and by appointment only: (512) 332-8920. The City's special event coordinator will go over the submitted app with you to confirm that all questions are answered and all required fees, permits, etc are submitted, as well.

5/24/2013

Event:

Pet's Pal

Date(s):

July 6, 2013

Date Submitted:

May 1, 2013

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RECEIVED APR 30 2013

Special Event Review Committee Signatures

The City's Special Event Coordinator will obtain the following applicable signatures.
In order to expedite the process, a designee may sign for any of the following in his or her absence



City Manager

Date



Police Department

Date



Public Works, Parks, & Recreation Department

Date



Bastrop Power & Light Department

Date



Water/Wastewater Department

Date



Main Street Manager

Date



Other

Date

City of Bastrop

Public Works, Parks, & Recreation

1209 Linden Street physical address

P. O. Box 427 mailing address

Bastrop, TX 78602

(512) 332-8920 main - Marty DuVall

(512) 321-1313 fax



Trey Job, Director, Public Works, Parks, & Rec

512/848-5716

Kevin Wilson, Public Works Foreman

512/848-6916

Jason Alfaro, Parks Superintendent

512/718-3766

Curtis Ervin, Director, Power & Light

512/848-6934

Matt Wagner, Assistant Police Chief

512/848-6930

Ted Bowers, City Inspector

512/629-5033

Nancy Wood, Main Street Manager

512/297-5382

This application must be submitted in person and by appointment only: (512) 332-8920.
The City's special event coordinator will go over the submitted app with you to confirm that
all questions are answered and all required fees, permits, etc are submitted, as well.

5/24/2013

APR 30 2013

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Pet & Pal Parade

Saturday 07/06/13

FIRST NATIONAL BANK

Bastrop County's Bank... Since 1889

Member FDIC

Notice to Customer
If this check is lost, destroyed, or stolen, the bank will not accept a replacement request on the check until 90 days after the issue date and then only with the issuance of a "Declaration of Loss" certification.

MRW

February 05, 2013

CASHIER'S CHECK

906402

\$100.00

Purchaser: BASTROP DOWNTOWN BUSINESS ALLIANCE

PET N PAL PERMIT

One Hundred Dollars And 00/100*****

PAY TO THE
ORDER OF:

CITY OF BASTROP

Zuca Thomas
Authorized Signature

⑈906402⑈ ⑆114904953⑆

⑈187898⑈

CITY OF BASTROP
PUBLIC WORKS, PARKS, & REC.
P.O. Box 427 • Bastrop, Texas 78602
(512) 332-8920

CASH RECEIPT

DATE 5/07 20 13 19747

Received From DBA

Address _____

Dollars \$ 100

For Special Event: Pet & Pal Parade 7/06/13

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	100	
BALANCE DUE			MONEY ORDER		

CI # 906402
By [Signature]

5/24/2013

APR 30 2013

APR 30 2013

Pet & Pal Parade

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Saturday 07/06/13

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING. THE REVERSE SIDE INCLUDES AN ARTIFICIAL WATERMARK.


DBA
Bastrop Downtown Business Alliance

 908 Main Street
 Bastrop, TX 78602
 512-303-3738

First National Bank
 1028 Main St
 Bastrop, TX 78602-3217
 512-321-2581

4563

DATE 2/2/2010
 PAY TO THE
 ORDER OF
City of Bastrop\$ ****500.00**

Five Hundred and 00/100*****

DOLLARS

City of Bastrop

MEMO

Event Deposit for 2010

⑆114904953⑆ ⑈1.563⑈ ⑈0316000⑈

DBA

4563

City of Bastrop

2/2/2010

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/2/2010	Bill	Event Deposit 2010	500.00	500.00		500.00
				Check Amount		500.00

First National Bank Event Deposit for 2010

500.00

5/24/2013
APR 30 2013

Pet & Pal Parade

Saturday 07/06/13

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INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

Date: APR 07 2008

BASTROP DOWNTOWN BUSINESS ALLIANCE
908 MAIN ST
BASTROP, TX 78602-3810

DEPARTMENT OF THE TREASURY

Employer Identification Number:
20-5587587

DLN:
408071030

Contact Person:
KAREN T HOOD

ID# 75069

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31

Form 990 Required:
Yes

Effective Date of Exemption:
September 21, 2006

Contribution Deductibility:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax-exempt status we have determined that you are exempt from Federal income tax under section 501(c)(6) of the Internal Revenue Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Please see enclosed Information for Organizations Exempt Under Sections Other Than 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Information for Organizations Exempt Under Sections Other Than 501(c)(3)

5/24/2013 2013

RECEIVED AUG 30 2012

Pet & Pal Parade

28

Saturday 07/06/13

P ID: MZ



CERTIFICATE OF LIABILITY INSURANCE

08/29/12

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

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

PRODUCER TX Assoc-Smithville P O Box 29 Smithville, TX 78957 Texas Asso Insurers-Smithville	512-360-2565 512-237-3294	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: FAX (A/C, No):
INSURED Downtown Business Alliance Alliance 906 Main St. #123 Bastrop, TX 78602		INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC		CPS1636111	08/23/12	08/23/13	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALLOWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A			WC STATU-TORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

CERTIFICATE HOLDER

CANCELLATION

CITYBAS CITY OF BASTROP 904 Main Street P.O. BOX 427 BASTROP, TX 78602	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

5/24/2013

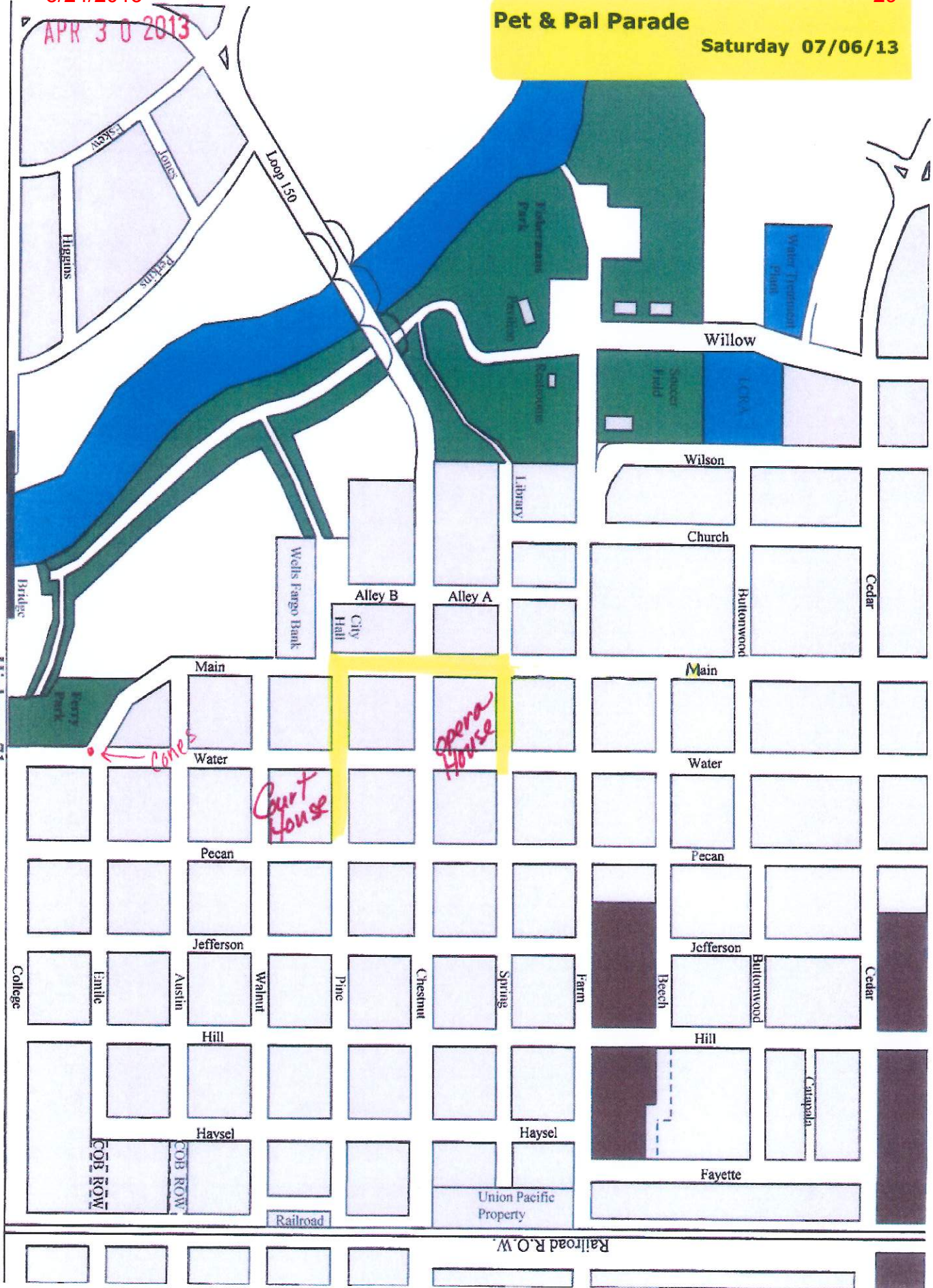
29

Pet & Pal Parade

Saturday 07/06/13

APR 30 2013

Highway 71



5/24/2013

30

Event:

Pet & Pal Parade

Date(s):

Sat 7/06/13

Date Submitted:

APR 30 2013

Sound Permit Application

Revised 8/31/2012 8:07

City of Bastrop - Public Works, Par
1209 Linden Street; Bastrop, T
Tel: (512) 332-8920 • Fax: (512)

Pet & Pal Parade**Saturday 07/06/13**

Office Hours: 7:00 a.m. to 11:30 a.m. and 1:00 p.m. to 3:30 p.m.

Special Event on City Property ☒Special Event on Private (not City) Property ☐Park Pavilion Rental ☐Activity on City Property ☐Activity on Private (not City) Property ☐

Permits are required for use of any and all amplified sound within the city limits by other than normal household portable stereo equipment, occurring on private (not City) and public residential and non-residential property. Permits are valid only for the duration of the event named in this application.

A permit for events held in residential areas is valid between the hours of **8:00 a.m. and 10:00 p.m.**

A permit for events held in non-residential areas is valid between the hours of **8:00 a.m. and midnight (12:00 a.m.)**.

The volume of the sound amplified shall not exceed **85 dB(A) (daytime)** or **80 dB(A) (night time)** when measured from the nearest receiving property. The Police Department can request the permit holder to turn down or turn off the amplified sound if there are complaints.

YOU MUST HAVE THIS PERMIT IN YOUR POSSESSION AT THE TIME OF THE EVENT!

Responsible party:

DBA

Address:

Phone No:

512 718 1504

Fax No:

E-mail address:

michelleadams711@yahoo.com

Date(s) of event, rental, or activity:

July 6th, 2013

Name of event or activity:

Pet & Pal Parade

Location(s) of event, rental, or activity:

Courthouse → Spring down

Location(s) of amplified sound equipment:

MainOpera House microphone on

Start time (AM or PM):

9am - 12pm

End time (AM or PM):

12pm + -

Comments:

Michelle Adams

Signature of Applicant

April 30 2013

Date

CITY OF BASTROP

AGENDA ITEM:

A.5

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 22, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Appointment by Mayor and confirmation by Council of Mr. Lee Harle to the Parks Board.
2. Party Making Request: Mayor Terry Orr
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

CITY OF BASTROP
APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES
FOR YEAR 2013

PLEASE TYPE OR PRINT CLEARLY

NAME:

Lee Harle

TELEPHONE:

512-921-8423

(H)

512-321-4661

(W)

ADDRESS:(RESIDENCE)

705 Pine StBastrop, TX 78602

(MAILING)

PO Box 752, BastropI have lived in Bastrop 1.5 years.DO YOU RESIDE WITHIN THE CITY LIMITS OF BASTROP? YES ☒ NO ☐

Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.

OCCUPATION OR AREA OF EXPERTISE:

Outdoor Recreation & Transportation
(If retired, please indicate former occupation or profession)

EDUCATION (Optional):

Texas Tech University: B.A. Finance, MBA General Business

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

Owner of Bastrop River Company, a Colorado River outfitter
Owner of BRC Rides, a Bastrop County shuttle & charter
transportation service.

ADDITIONAL PERTINENT INFORMATION/REFERENCES:

References:Drew Pickle, LCRA512-496-7611Terry Hoover512-304-5675Terry Moore, YMCA227-643-2977

PLEASE INDICATE THE BOARDS, COMMISSIONS OR COMMITTEES YOU ARE INTERESTED IN SERVING. (List in Order of Preference)

☒ Bastrop Parks Board

☐ Bastrop Library Board

☐ City Resident

☐ BISD Area Resident

☐ Planning and Zoning Commission

☐ Bastrop Housing Authority

☐ Bastrop Economic Development Corporation

☐ Historic Landmark Commission

*Please indicate which position/s you are qualified to serve under

☐ Architect, Planner, Designer

☐ Licensed Real Estate Professional

☐ Own Commercial Historic Structure/Property

☐ Own Residential Historic Structure/Property

☐ General Resident of City of Bastrop

☐ Planning & Zoning Member

☐ Bastrop County Historic Society Member

☐ Construction Standards Board of Adjustments and Appeals

☐ Main Street Advisory Board

☐ Board of Adjustment

☐ Cemetery Advisory Board

Please indicate if you are currently serving on a board/commission/committee

Name of Board/Commission NA


Signature of Applicant

5-15-13
Date

PLEASE RETURN THIS FORM TO:

CITY OF BASTROP
CITY SECRETARY'S OFFICE
P.O. BOX 427
BASTROP, TX 78602

FOR OFFICE USE ONLY:

APPOINTED TO _____
TERM EXPIRES _____

ON _____

APPLICATIONS ARE KEPT ON ACTIVE FILE IN THE CITY SECRETARY'S OFFICE FOR ONE (1) YEAR AND APPLICANTS MAY BE RECONSIDERED SHOULD A NEW VACANCY ARISE.

Traci Chavez

From: Terry Orr <terry.orr@bastropfuture.com>
Sent: Wednesday, May 22, 2013 1:00 PM
To: Traci Chavez
Subject: Fwd: Re: Parks Board Application

Tracie Pls include this with Mr. Harle's appointment. Thanks, Terry

----- Original Message -----

Subject:Re: Parks Board Application
Date:Thu, 16 May 2013 15:16:01 -0500
From:Kay McAnally <kay.mcanally@gmail.com>
To:Terry.Orr@BastropFuture.com

I don't know how we could get much luckier than to have Lee Harle on our Parks Board! His addition will offer a great opportunity to move forward with the River - something that is part of BEDC's plan as well as my own vision.

Kay

On May 16, 2013, at 3:02 PM, Terry Orr wrote:

Kay Pls review. Thanks, Terry

----- Original Message -----

Subject:Parks Board Application
Date:Thu, 16 May 2013 08:59:31 -0500
From:Traci Chavez <tchavez@cityofbastrop.org>
To:Terry Orr <terry.orr@bastropfuture.com>

<Mail Attachment.gif>

Mayor,

I received this application for the parks board yesterday.

<Mail Attachment.jpeg> **Traci Chavez**
Executive Assistant
To the City Manager
City of Bastrop, Texas

Main 512-332-8800 | Fax 512-332-8819
tchavez@cityofbastrop.org | www.cityofbastrop.org
P.O. Box 427 - 1311 Chestnut Street, Bastrop, Texas 78602

Confidentiality Notice | This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communications is strictly prohibited. Please reply to the sender that you have received the message in error,

CITY OF BASTROP

AGENDA ITEM:

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Approval of the Second Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Brenda Bush in an amount not to exceed \$20,350, for renovations to the building at 706 Pine Street, Grace Miller Restaurant), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$ 10,000.

2. Party Making Request: Mayor Terry Orr

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

RESOLUTION NO. R-2013-__**A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS,
APPROVING A PROJECT, USING FUNDS PROVIDED BY THE BASTROP
ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING
\$10,000.**

WHEREAS, the Board of the Bastrop Economic Development Corporation ("BEDC") met on November 19, 2012, and at that time took formal action to support and provide funds for various projects; and

WHEREAS, Section 4B(3), of the Texas Economic Development Act, mandates that prior to the BEDC funding a project involving an expenditure by the BEDC of more than \$10,000, per project, the City Council shall adopt a Resolution authorizing the project, which Resolution shall be read by the City Council, on two separate occasions; and

WHEREAS, the City has reviewed the November 19, 2012, actions of the BEDC related to the project noted herein below, has considered and evaluated that project, and has found it meritorious of the Council's approval.

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

- (1) The City Council of the City of Bastrop, Texas, hereby approves the following project, which had been approved for funding by the BEDC:
 - a. To fund a façade/mega grant in an amount up to \$20,350 to Brenda Bush for renovations to the building at 706 Pine Street, Bastrop, Texas (Grace Miller Restaurant).
- (2) The City Manager is hereby authorized to convey a copy of this Resolution of approval, as appropriate.
- (3) That this Resolution shall take effect immediately from and after its passage, and is accordingly so resolved.

READ and ACKNOWLEDGED on First Reading on the 14th day of May 2013.

READ and ADOPTED on Second Reading on the ____ day of May 2013.

APPROVED:

Terry Orr, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

CITY OF BASTROP

AGENDA ITEM:

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Approval of the Second Reading of a Resolution of the City of Bastrop approving a project (façade/mega grant to Bryan and Janean Whitten in an amount not to exceed \$25,000, for renovations to the building at 1106 Pecan Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$ 10,000.

2. Party Making Request: Mayor Terry Orr

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

RESOLUTION NO. R-2013-__**A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS,
APPROVING A PROJECT, USING FUNDS PROVIDED BY THE BASTROP
ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING
\$10,000.**

WHEREAS, the Board of the Bastrop Economic Development Corporation ("BEDC") met on July 18, 2011, and at that time took formal action to support and provide funds for various projects; and

WHEREAS, Section 4B(3), of the Texas Economic Development Act, mandates that prior to the BEDC funding a project involving an expenditure by the BEDC of more than \$10,000, per project, the City Council shall adopt a Resolution authorizing the project, which Resolution shall be read by the City Council, on two separate occasions; and

WHEREAS, the City has reviewed the July 18, 2011, actions of the BEDC related to the project noted herein below, has considered and evaluated that project, and has found it meritorious of the Council's approval.

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

- (1) The City Council of the City of Bastrop, Texas, hereby approves the following project, which had been approved for funding by the BEDC:
 - a. To fund a façade/mega grant in an amount up to \$25,000 to Bryan and Janean Whitten, for renovations to the building at 1106 Pecan Street, Bastrop, Texas.
- (2) The City Manager is hereby authorized to convey a copy of this Resolution of approval, as appropriate.
- (3) That this Resolution shall take effect immediately from and after its passage, and is accordingly so resolved.

READ and ACKNOWLEDGED on First Reading on the 14th day of May 2013.

READ and ADOPTED on Second Reading on the _____ day of May 2013.

APPROVED:

Terry Orr, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

CITY OF BASTROP

AGENDA ITEM A.8**STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: May 14, 2013
MEETING DATE: May 28, 2013

1. Agenda Item: **Approval of the Special Event Permit Application submitted by Bastrop Juneteenth Committee to host "Bastrop Juneteenth Celebration" on Saturday, June 15, 2013, in downtown Bastrop to include a parade down city streets, a car show in the City Hall parking lot, and a street dance on Main Street.**
2. Party Making Request: **Trey Job, Director of Public Works, Parks, & Recreation.**
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No X N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) _____	_____	_____	_____
b) _____	_____	_____	_____
c) _____	_____	_____	_____
8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

Event: Juneteenth CelebrationDate(s): Thurs-Sat 06/13-15/13Date Submitted: Tues 04/16/13Location(s): Church in Cedar Creek(?) on Thurs; Convention Ctr on Frid; parade, dance, & car show downtown on SatRev Committee Mtg: Thurs 5/02/13 8 AMParks Board Mtg: N/ACouncil Mtg: 5/14/13**Special Event Walk-Through Review List**

Revised 4/23/2013

Day 1 of Event: Saturday, 06/15/13

Date & Day

10 AM - Parade

Times Open to Public

Setup for Day 1:

Date & Day

Time

Cleanup:

Date & Day

Time

Day 2 of Event:

Date & Day

Times Open to Public

Setup for Day 2:

Date & Day

Time

Cleanup:

Date & Day

Time

Day 3 of Event:

Date & Day

Times Open to Public

Setup for Day 3:

Date & Day

Time

Cleanup:

Date & Day

Time

Admission Fees: ☐ No ☐ Yes (location of ticket booth): _____Alcohol (TABC permit & City Council variance letter): Provided by Paw Paw's restaurant permit taken to MattAnimals (waste control): Horses will be in parade—waste should be removed by horse owners &/or event coordinatorsAttendance (anticipated #): Hoping for at least 300 folksBanner Permit (location[s]): Plaza, Chestnut, & Old Iron Bridge light postsElectrical (hot check, mats): Band on Saturday night & car show at City Hall parking lotEmergency Services (First Aid Station, ambulance standby): EMS will be contacted. First Aid Kit on siteFireworks Permit & Safety Plan (State Fire Marshal 512/305-7932): N/AInspections (tents, stages, electrical, etc): Stage for bandLitter Control (possible 20-yard dumpster fee): Need trash containers & trash runs from city crew; community service workers possiblyMap (location of activities, vendors, parking, etc): SubmittedParking Plan (remote, shuttle): Throughout townPortacans (Jackpot 512/303-1467, American PortaCan 512/775-3175)(list locations): Next to FNB on Main/Spring; next to Insurance Network; city hall parking lotRodeo Arena (Rhonda Lock 512/ 563-8816): N/A

Event: Juneteenth CelebrationDate(s): Thurs-Sat 06/13-15/13Date Submitted: Tues 04/16/13Location(s): Church in Cedar Creek(?) on Thurs; Convention Ctr on Frid; parade, dance, & car show downtown on SatRev Committee Mtg: Thurs 5/02/13 8amParks Board Mtg: N/ACouncil Mtg: May 14, 2013**Special Event Walk-Through Review List**

Revised 4/23/2013

Security Plan (off-duty police 512/332-8600): Will hire off-duty officersShow Barn (Allen Stewart 512/413-8512): N/ASignage (remove within 24 hours after event): Will use DBA street closure signageSound Permit (for amplified sound): SubmittedStreet Closures: Chestnut to Spring. Set barricades @ 5pm Parade
5pm danceTemporary Structures (location of tents, stages, etc): Stage for bandMain & SpringVehicles, Equipment, etc (description and location): Parade & car showVendors (Valid Tax ID #; food? other?): Paw Paw's - alcohol; auto parts & accessories @ car show

- Bastrop County Health and Sanitation Department permit, 806 Water Street, (512) 332-7276

Volunteers (how many & how identified): Community Service Workers & Committee members ~ 30-50Water/Wastewater requirements: N/ANotes: Thurs @ Tabernacle / Fri @ Convention Ctr

Event: Bastrop Juneteenth CelebrationDate(s): June 13-15, 2013Date Submitted: April 16, 2013

Bastrop Public Works, Parks, and Rec
1209 Linden Street • P. O. Box 427 • Bastrop, TX 78003
Revised 2/20/2013 2:57 PM

Juneteenth Celebration**Saturday 06/15/13****Special Event Permit Application**

Revised 2/20/2013

Name of event: Bastrop Juneteenth CelebrationLocation of event: Bastrop Convention Center, Main Street, Bastrop City HallPurpose of event: Celebrate cultural awareness and heritageDay 1 of Event: _____ / _____
Date & Day Times Open to PublicSetup for Day 1: _____ / _____ Cleanup: _____ / _____
Date & Day Time Date/Day TimeDay 2 of Event: _____ / _____
Date & Day Times Open to PublicSetup for Day 2: _____ / _____ Cleanup: _____ / _____
Date & Day Time Date & Day TimeDay 3 of Event: _____ / _____
Date & Day Times Open to PublicSetup for Day 3: _____ / _____ Cleanup: _____ / _____
Date & Day Time Date & Day TimeName of organization: Bastrop Juneteenth CommitteeAddress of organization: P.O. Box 1015, Bastrop, Texas 78602Event coordinator #1: Dock JACKSONDaytime: (512) 308-2213 Fax: _____ Cell: SAME
Area Code/Number Area Code/Number Area Code/NumberE-mail address: dockjackson@utexas.eduEvent coordinator #2: Bill PetersonDaytime: (512) 308-5052 Fax: _____ Cell: _____
Area Code/Number Area Code/Number Area Code/NumberE-mail address: two willies@earthlink.comPlease describe event activities (may continue on separate sheet of paper, if necessary): Saturday, June 15

* The Annual Juneteenth Parade will begin @ 10:00 AM. Registration and Staging will be between 7:30-9:30 AM. Parade route begins @ corner of Hill and Cedar. Routes continues on Cedar to Main Street. Turn left on Main Street and continue

Event: Bastrop Juneteenth CelebrationDate(s): June 13-15, 2013Date Submitted: April 16, 2013

Please describe event activities (may continue on separate sheet of paper, if necessary):

to Walnut street. Turn left on Walnut and continue to Water Street. Turn left on Water and break down/disassemble @ Courthouse parking lot.

*The Blue Flame Cruisers Car & Motorcycle Show - Registration and Show will be in Bastrop City Hall Parking Lot. Event begins @ 8:00 AM and ends @ 2:00 PM. Electricity is needed for sound system. Portable Toilets will be provided. Cars will be parked in parking lot as per marked locations (spaces). No traffic cones or barricades or officers will be needed. This is a car show and not a fundraiser. Possible small auto part vendors with pop-up tents.

*Street Dance - The Blue Mist Band will be performing from 8:00 PM until 11:00 PM. Electricity is needed for band on portable stage. Trash receptacles will be needed. Paw Paws Catfish Restaurant will be selling alcohol from their restaurant. We would like to have ability to have beverages within the block of street dance. No outside coolers or drinks will be allowed.

Event: Bastrop June 14th Celebration Date(s): June 13-15, 2013 Date Submitted: April 16, 2013

Processing Fee (cannot be waived and must accompany application - NO PERSONAL OR BUSINESS CHECKS):

- \$100.00 with proof of non-profit status
- \$300 for all others
- Cashier's Check # 1453310 OR Post Office-issued Money Order # _____ payable to City of Bastrop

Security Deposit Fee (cannot be waived and must accompany application - NO PERSONAL OR BUSINESS CHECKS):

- \$500.00
- Refunded if City property is clean and free of litter and damage after the event
- Cashier's Check # _____ OR Post Office-issued Money Order # _____ payable to City of Bastrop
- ☒ On file from prior event(s)

Insurance (general liability policy in the amount of one million dollars with City named as additional insured):

- ☐ Submitted with app
- ☐ To be submitted
- ☒ On file from prior event(s)

Please describe/explain/list the following (may continue on separate sheet). Mark "N/A" if not applicable.

Admission Fees: ☒ No ☐ Yes (location of ticket booth): _____

Alcohol (TABC permit & City Council variance letter): Paw Paw's Restaurant will provide

Animals (waste control): Horses will be in parade. Waste handled by owners.

Attendance (anticipated #): 300

Banner Permit (location(s)): Banner Plaza and Chestnut and Bridge

Electrical (hot check, mats): Electricity for band on Main St. Electricity @ City Hall for car show.

Emergency Services (First Aid Station, ambulance standby): First Aid Kit on hand. EMS on standby.

Fireworks Permit & Safety Plan (State Fire Marshal 512/305-7932): NA

Inspections (tents, stages, electrical, etc): Stage for Band

Litter Control (possible 20-yard dumpster fee): Card board trash + bags + existing cans

Map (location of activities, vendors, parking, etc): community service workers
Stage for street dance @ intersection of Main + Spring

Parking Plan (remote, shuttle): NA

Portacans (Jackpot 512/303-1467, American PortaCan 512/775-3175) (list locations): Located next to FNB on Main and Insurance Network Bldg. Also @ city hall for car show.

Rodeo Arena (Rhonda Lock 512/ 563-8816): NA

Security Plan (off-duty police 512/332-8600): off duty security will be hired.

Event: Bastrop Juneteenth celebration Date(s): June 13-15, 2013 Date Submitted: April 16, 2013

Show Barn (Allen Stewart 512/413-8512): NA

Signage (remove within 24 hours after event): We will use DBA signage for street closure

Sound Permit (for amplified sound): Attached

Street Closures: See MAPS

Temporary Structures (location of tents, stages, etc): stage for street dance

Vehicles, Equipment, etc (description and location): CAR show @ City Hall

Vendors (Valid Tax ID #; food? other?): Paw Paws Restaurant
 • Bastrop County Health and Sanitation Department permit, 806 Water Street, (512) 332-7276

Volunteers (how many & how identified): Community service workers & Committee 30-50

Water/Wastewater requirements: NA

I, the undersigned Applicant, hereby agree to indemnify and hold harmless the City of Bastrop, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

DOCK JACKSON

Applicant - Please print or write legibly

April 16, 2013

Date

This application must be submitted in person and by appointment only: (512) 332-8920. The City's special event coordinator will go over the submitted app with you to confirm that all questions are answered and all required fees, permits, etc are submitted, as well.

5/24/2013

48

APR 16 2013

Juneteenth Celebration

Saturday 06/15/13

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING. IT ALSO INCLUDES AN ARTIFICIAL WATERMARK.


DBA
Bastrop Downtown Business Alliance

 905 Main Street
 Bastrop, TX 78602
 512-303-3733

 First National Bank
 1026 Main St
 Bastrop, TX 78602-3217
 512-321-2581

4563

DATE 2/2/2010
 PAY TO THE
 ORDER OF
City of Bastrop\$ 500.00

Five Hundred and 00/100

DOLLARS

City of Bastrop

MEMO

Event Deposit for 2010

⑆114904953⑆ ⑈4563⑈ ⑈0316000⑈

DBA

4563

City of Bastrop

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/2/2010	Bill	Event Deposit 2010	500.00	500.00		500.00
				Check Amount		500.00

2/2/2010



PROSPERITY BANK®

MEMBER FDIC

CASHIER'S CHECK No. 1453310
 REMITTER BASTROP JUNETEENTH COMMITTEE
CL 159
Apr 16, 2013
 PAY TO THE
 ORDER OF
CITY OF BASTROP

\$100.00

 One Hundred and 00/100 *****
 DOLLARS

TWO SIGNATURES REQUIRED

 NOTICE TO CUSTOMERS
 THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED
 BEFORE THIS CHECK WILL BE REPLACED OR REFUNDED IN
 THE EVENT IT IS LOST, MISPLACED OR STOLEN.

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈1453310⑈ ⑆113122655⑆ ⑈04131271⑈

Juneteenth Celebration**Saturday 06/15/13**

Internal Revenue Service
District Director

Juneteenth Committee

Date: **JUN 18 1998:**

Kerr Community Center
c/o Elroy Williams
Box 370
Cedarcreek, TX 78612

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:

D A Downing

Telephone Number:

513-241-5199

Fax Number:

513-684-5936

Federal Identification Number:

74-2387654

Dear Sir or Madam:

This letter is in response to your request for a copy of your organization's determination letter. This letter will take the place of the copy you requested.

Our records indicate that a determination letter issued in June 1988 granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

5/24/2013

50

APR 16 2013

RECEIVED

Juneteenth Celebration

Saturday 06/15/13

ACORD

JWNT01

OP ID: MZ

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/29/12

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

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

PRODUCER TX Assoc-Smithville P O Box 29 Smithville, TX 78957 Texas Asso Insurers-Smithville		512-360-2565 512-237-3294	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	FAX (A/C, No): NAIC #
INSURED Downtown Business Alliance Alliance 906 Main St. #123 Bastrop, TX 78602				

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

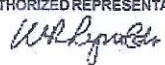
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC		CPS1636111	08/23/12	08/23/13	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

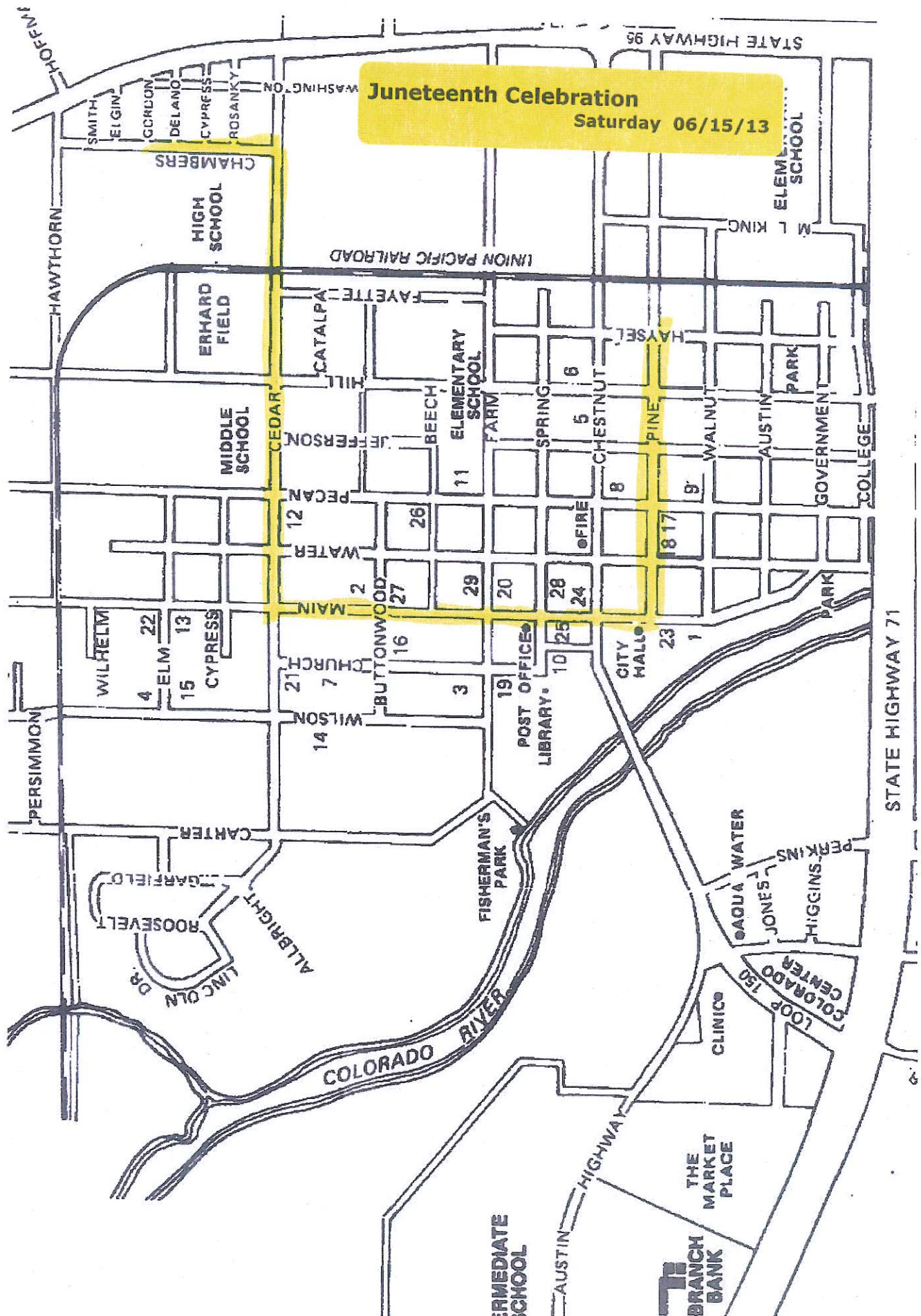
CERTIFICATE HOLDER

CANCELLATION

CITY OF BASTROP 904 Main Street P.O. BOX 427 BASTROP, TX 78602	CITYBAS SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

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Class Description: Juneteenth Celebration YESTERFEST RATED AS: PARADE (PRODUCTS-COMPLETE GENERAL AGGREGATE LIMIT)				Saturday 06/15/13		Premises/ Operations Rate Premium .33 \$330.00	
				Products/ Comp Operations Rate Premium INCLUDED INCLUDED			
Prem. No.	Bldg. No.	Class Code	Exposure	Basis			
1	1	46590	3,000	OTHER			
Class Description: JUNETEENTH CELEBRATION RATED AS: PARADE (PRODUCTS-COMPLETE OPERATIONS ARE SUBJECT TO THE GENERAL AGGREGATE LIMIT)				Premises/ Operations Rate Premium .33 \$250.00 MP			
				Products/ Comp Operations Rate Premium INCLUDED INCLUDED			
Prem. No.	Bldg. No.	Class Code	Exposure	Basis			
1	1	46590	1,000	OTHER			
Class Description: PET & PAL PARADE RATED AS: PARADE (PRODUCTS-COMPLETE OPERATIONS ARE SUBJECT TO THE GENERAL AGGREGATE LIMIT)				Premises/ Operations Rate Premium FLAT \$100.00			
				Products/ Comp Operations Rate Premium INCLUDED INCLUDED			
Prem. No.	Bldg. No.	Class Code	Exposure	Basis			
1	1	46590					
Class Description: RIBBON CUTTING RATED AS: PARADE (PRODUCTS-COMPLETE OPERATIONS ARE SUBJECT TO THE GENERAL AGGREGATE LIMIT)				Premises/ Operations Rate Premium FLAT \$100.00			
				Products/ Comp Operations Rate Premium INCLUDED INCLUDED			



Event: Bastrop Juneteenth Celebration Date(s): June 13-15, 2013 Date Submitted: April 16, 2013

Sound Permit Application

Revised 8/31/2012 8:02 AM



City of Bastrop - Public Works, Parks, & Recreation
1209 Linden Street; Bastrop, Texas 78602
Tel: (512) 332-8920 • Fax: (512) 332-1515

Juneteenth Celebration

Saturday 06/15/13

Office Hours: 7:00 a.m. to 11:30 a.m. and 1:00 p.m. to 3:30 p.m.

Special Event on City Property ☒

Special Event on Private (not City) Property ☐

Park Pavilion Rental ☐

Activity on City Property ☒

Activity on Private (not City) Property ☐

Permits are required for use of any and all amplified sound within the city limits by other than normal household portable stereo equipment, occurring on private (not City) and public residential and non-residential property. Permits are valid only for the duration of the event named in this application.

A permit for events held in residential areas is valid between the hours of **8:00 a.m. and 10:00 p.m.**

A permit for events held in non-residential areas is valid between the hours of **8:00 a.m. and midnight (12:00 a.m.)**.

The volume of the sound amplified shall not exceed **85 dB(A) (daytime)** or **80 dB(A) (night time)** when measured from the nearest receiving property. The Police Department can request the permit holder to turn down or turn off the amplified sound if there are complaints.

YOU MUST HAVE THIS PERMIT IN YOUR POSSESSION AT THE TIME OF THE EVENT!

Responsible party: Bastrop Juneteenth Committee
Address: P.O. Box 1015 - Bastrop, Texas 78602
Phone No: (512) 308-2213 Fax No: _____
E-mail address: dockjackson@utexas.edu
Date(s) of event, rental, or activity: _____
Name of event or activity: Bastrop Juneteenth Celebration
Location(s) of event, rental, or activity: _____
Location(s) of amplified sound equipment: City Hall and Main Street
(Car show) (Street Dance)
Start time (AM or PM): _____ End time (AM or PM): _____

Comments: _____

Dock Jackson
Signature of Applicant

April 16, 2013
Date

Event: Bastrop Juneteenth Celebration Date(s): June 13-15, 2013 Date Submitted: April 16, 2013



City of Bastrop, Texas
Special Event Banner Permit A
for Banners Hung on Banner Plaza
Revised 02/19/2013 9:06 AM

Juneteenth Celebration

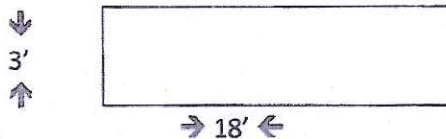
Saturday 06/15/13

Special Event: Bastrop Juneteenth Celebration
Date(s) of Event: June 13-15, 2013
Contact person: Dock JACKSON
Address: P.O. BOX 1015, Bastrop, TX 78602
E-Mail: dockjackson@utexas.edu
Phone: (512) 308-2213 Fax: () Cell Phone: SAME

Banners will no longer be hung on the Old Iron Bridge per Ordinance No 2011-23a.

ONLY NON-PROFIT organization banners will be hung on Banner Plaza, which is at the intersection of Perkins and Loop 150 (a/k/a Chestnut). **Fees are automatically waived for nonprofit organizations.**

- Banner Plaza will accommodate 3 banners at a time.
- Banners will hang for **no more than 3 weeks** prior to date of the event. If there are more than 3 banners submitted to hang for the same time period, the timeframe for hanging each banner may be shortened at the discretion of the City staff.
- Banners must measure 18 feet in width and 3 feet in height.



- Banners made of vinyl must have numerous slits to prevent wind tears.
- A banner must have grommets/eyelets (metal reinforced holes) on each corner and at least one in the middle of both sides, as well as grommets/eyelets spaced equally across the top and bottom of the banner.
- Banners must be delivered to Public Works with a storage container (pvc pipe with cap on each end, plastic bin, plastic storage bag, etc) labeled with event name and a contact name and number.
- Please contact Public Works at (512) 332-8920 **within 1 week** after completion of the event to arrange to pickup banner(s). Unclaimed banners will be disposed of due to lack of storage space.

Event: _____ Date(s): _____ Date Submitted: APR 16 2013



City of Bastrop, Texas
Special Event Banner Permit
for Banners Hung on Antique Light Poles on
Chestnut and Main Streets
 Revised 02/19/2013 9:17 AM

Juneteenth Celebration

Saturday 06/15/13

Cost included in Processing Fee if processed through Public Works, Parks, & Recreation Department

Special Event: Bastrop Juneteenth Celebration

Date(s) of Event: June 13-15, 2013

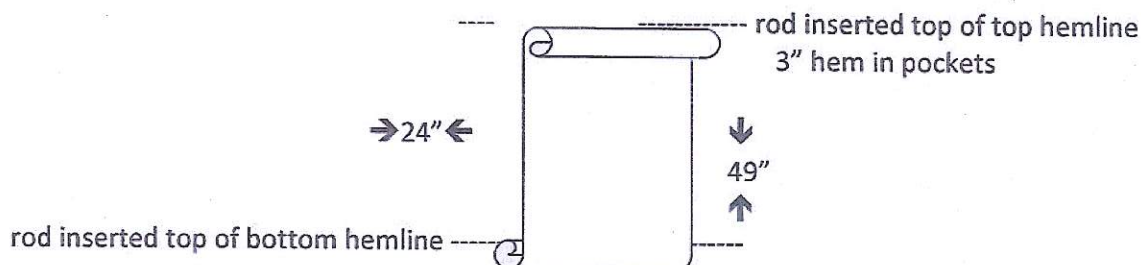
Contact person: Dock JACKSON

Address: P.O. Box 1015

E-Mail: dockjackson@utexas.edu

Phone: (512) 308-2213 Fax: () Cell Phone: SAME

- Banners will hang for **no more than 3 weeks** prior to date of the event. If more than one banner permit is requested for the same time period, the timeframe for each permit may be shortened at the discretion of the City staff.
- Banners must measure 24 inches in width (rods inserted inside pockets along the top of the top hemline and along the top of the bottom hemline) x 49 inches in height (down the sides from top to bottom) with 3" hemlines in top and bottom pockets.



- This is a special size and must be custom-made. Nancy Wood, Main Street Manager, at (512) 332-8996 can assist with current vendor catalogs/information.
- Banners made of vinyl, canvas, Sunbrella, or other materials must be durable and able to withstand wind buffs. Vinyl banners must have air-flow slits to prevent wind tears.
- Banners must be delivered to Public Works with a storage container (pvc pipe with cap on each end, plastic bin, plastic storage bag, etc) labeled with event name and a contact name and number.
- Please contact Public Works at (512) 332-8920 **within 1 week** after completion of the event to arrange to pickup banner(s). Unclaimed banners will be disposed of due to lack of storage space.

Event: Bastrop Juneteenth
CelebrationDate(s): June 13-15, 2013Date Submitted: April 16, 2013**Special Event Review Committee Signatures**

*The City's Special Event Coordinator will obtain the following applicable signatures.
In order to expedite the process, a designee may sign for any of the following in his or her absence*

☒ <u>M. Talbot</u> City Manager	<u>5-20-13</u> Date
☒ <u>[Signature]</u> Police Department	<u>5-2-13</u> Date
☒ <u>[Signature]</u> Public Works, Parks, & Recreation Department	<u>5-2-13</u> Date
☐ _____ Bastrop Power & Light Department	_____ Date
☐ _____ Water/Wastewater Department	_____ Date
☒ _____ Main Street Manager	_____ Date
☐ _____ Other	_____ Date

City of Bastrop
Public Works, Parks, & Recreation
1209 Linden Street *physical address*
P. O. Box 427 *mailing address*
Bastrop, TX 78602
(512) 332-8920 *main - Marty DuVall*
(512) 321-1313 *fax*



Trey Job, Director, Public Works, Parks, & Rec
Kevin Wilson, Public Works Foreman
Jason Alfaro, Parks Superintendent
Curtis Ervin, Director, Power & Light
Matt Wagner, Assistant Police Chief
Ted Bowers, City Inspector
Nancy Wood, Main Street Manager

512/848-5716
512/848-6916
512/718-3766
512/848-6934
512/848-6930
512/629-5033
512/297-5382

This application must be submitted in person and by appointment only: (512) 332-8920. The City's special event coordinator will go over the submitted app with you to confirm that all questions are answered and all required fees, permits, etc are submitted, as well.

CITY OF BASTROP

AGENDA ITEM:

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Public Hearing to receive public input/comments on the Proposed Park Fee Schedule Ordinance which was unanimously approved by the Parks Board on May 2, 2013.

2. Party Making Request: Trey Job, Director of Public Works and Park

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

CITY OF BASTROP

AGENDA ITEM: B.2

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013
MEETING DATE: MAY 28, 2013

1. Agenda Item: Consideration, discussion and possible action on the First Reading of an Ordinance amending Section A1.10.002, fee schedule in Appendix "A" of the Bastrop Code of Ordinances which provides deposits/reservations fees for Bastrop Parks and establishing an effective date

2. Party Making Request:

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION A1.10.002 OF THE FEE SCHEDULE IN APPENDIX "A" OF THE BASTROP CODE OF ORDINANCE WHICH PROVIDES FOR THE AREAS OF BASTROP PARKS THAT MAY BE RESERVED FOR USE AND THE APPLICABLE DEPOSIT AND RESERVATION FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop ("City"), through the recommendation of the Park's Board, seeks to clarify and amend the reservation policies and fees for use of the City parks by commercial and non-commercial organizations; and

WHEREAS, in recognition of the number of individuals that are using the City's parks and facilities, and to ensure that City parks, playgrounds, and recreational facilities are adequately protected, the City Council of the City of Bastrop has decided to raise certain rental fees and deposits and to clarify the use of the parks for commercial and non-commercial organization and individuals.

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

Part 1: Section A1.10.002 of the Fee Schedule in Appendix "A" of the Bastrop Code of Ordinances is hereby amended to provide as follows:

Sec. A1.10.002 Park rules

A. Non-Commercial Fees and Deposits.

1) Pavilions [Including BBQ Pits when available] and Concession Stand

Schedule for non-commercial fees and deposits for the pavilions located in Fisherman's Park, Bob Bryant Park, Kerr Park, and Hunter's Crossing Park.

Number of Patrons	Fee	Deposit
Less than 101	\$35	\$50
101-300	\$90	\$200
Greater than 300	\$400	\$600
Concessions Stand ¹	\$0.00	\$50.00

¹ The concession stand may only be reserved by youth (17 and under). Parent or guardian adult supervision is required. Other fees, including vendor and/or permit fees may apply. (See Chapter 4 of the Bastrop Code of Ordinances.)

2) Multipurpose Fields

Schedule for non-commercial fees and deposits for Multipurpose Fields in Fisherman's Park, Bob Bryant Park and Hunter's Crossing Park.

Number of Patrons	Fee	Deposit
0-45	\$0	\$0
46-100	\$50	\$100
101+	\$100	\$300

B. Commercial Fees and Deposits

1) Pavilions [Including BBQ Pits when available]

Schedule for Commercial Use fees and deposits for the pavilions located in Fisherman's Park, Bob Bryant Park, Kerr Park, and Hunter's Crossing Park

Number of Patrons	Fee	Deposit
Less than 101	\$70	\$100
101-300	\$150	\$300
Greater than 300	\$400	\$600

2) Multipurpose Fields

Schedule for Commercial Use fees and deposits for the Multipurpose Fields in Fisherman's Park, Bob Bryant Park and Hunter's Crossing Park

Number of Patrons	Fee	Deposit
0-45	\$100	\$200
46-100	\$250	\$400
101+	\$500	\$600

The Fees and Deposits provided for in this section are for one ten (10) week period of the Commercial Use. Each ten (10) week period shall require a new fee and deposit.

C. Youth Sports League

No fees or deposits required. All organized youth sports leagues shall submit their schedules to the Parks Department as soon as possible, but in no event later than thirty (30) days before the first scheduled practice to ensure that a field is available

for use at the desired times and locations. Unless otherwise controlled by a lease agreement, no area of a park is specifically designated or reserved for one organization or youth team and areas will be provided on a first come first serve basis.

D. Dog Training

Dog Training Classes in Bark Park Only	Fee	Deposit
Per/Week	\$20	\$50

E. Refunds of Deposits and Fees.

In accord with Sec. 1.10.002(b)(8), deposits and fees may be refunded as follows:

Reservations must be made a minimum three (3) business days in advance (excluding holidays) of the use. A reservation is not valid, and a permit will not be issued, until all fees, deposits, and proof of insurance, if necessary, are paid in full to the Parks Department. Deposits and fees paid in accord with this section may be refunded under the following conditions:

- a. Full refund of the reservation deposit and fee if the Parks Department is notified, in writing, of the cancellation not less than seven (7) days prior to the date of use of the reserved area.
- b. Refund of one-half of the reservation deposit and fee if notice of cancellation is received by the Parks Department, in writing, between seven (7) days and 24 hours prior to the date of use of the reserved area.
- c. The reservation deposit and fee will not be refunded if the event is cancelled less than 24 hours before the day of the event.
- d. The reservation deposit will be returned to the individual or group reserving the area after the event so long as the area being reserved is clean and free of trash and debris at the conclusion of the event. Any damage or maintenance required, in the sole discretion of the City and/or the Parks Department, will be charged against the deposit.
- e. In the event a field is closed by the Parks Department (or other applicable City personnel) due to inclement weather, construction and/or maintenance which cause an event to be cancelled, the reservation deposit and fee will be returned or applied to the "rain date".

- f. Exceptions to the above are allowed only on written approval of the City Manager.

F. Application to Parks Department (Commercial and Non-Commercial Use)

An application for a reservation and permit may be obtained from the Parks Department. All fees and deposits shall be paid in person by separate checks or cash from 7:00 a.m. until 3:30 p.m. (except City holidays). There will be a \$25.00 service charge for all returned checks. The person or organization reserving an area of a City park, including a pavilion, is responsible for the enforcement of City policies during the event and for the activities and behavior of the individuals at the event.

G. General Rules (Commercial and Non-Commercial Use)

Fees and deposits must be paid at the time the reservation is made or a permit will not be issued by the Parks Department for the use. This includes the use of a BBQ pit. There is no additional fee for use of the BBQ pit, but the renter will be required to pick up and return the required key from the Parks Department. Failure to return the key within seven (7) days after the event will cause the deposit to be forfeited. In the event of improper use of a City park or facility, or if the user fails to clean and restore City parks and facilities to the same condition in which they found them, the Park's Department, in its sole discretion, reserves the right to prohibit future use by that person or entity.

H. Special Events A request to use a park, or a portion of a park, or an application for a significant use that is likely to result in a substantial impact on the park, facilities, or public safety services must seek a special event permit in accord with Article 4.06.

I. Exceptions

The fees and deposit described herein do not apply to the following local governmental entities which provide reciprocal privileges to the city: Bastrop Independent School District, the County, and the Lower Colorado River Authority. However, if such entities wish to close a city park, or if such use will result in a substantial impact on the park, facilities, or public safety, or the entity will charge admission fees to an event, such entities will be required to obtain a special event permit. In addition, the entities will be required to clean and restore City parks and facilities to the same condition in which they found them. Failure to do so will result in a claim by the city against the entity for the actual costs, including administrative costs, of restoring or repairing city property. In accord with general City policy, non-profit organizations that can demonstrate proof of non-profit status will receive a 15% discount.

Part 2: All other provisions of section A1.10.002 of the Fee Schedule in Appendix "A" that are not amended hereby shall remain in full force and effect.

Part 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable hearing and publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

READ and Approved on First Reading on the ____ day of _____, 2013.

READ and Adopted on Second Reading on the ____ day of _____, 2013.

APPROVED:

ATTEST:

Terry Orr, Mayor

City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown.
City Attorney, City of Bastrop

CITY OF BASTROP

AGENDA ITEM: B.3

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013
MEETING DATE: MAY 28, 2013

1. Agenda Item: Public Hearing to receive public input/comments on the Proposed Park Rules Ordinance which was unanimously approved by the Parks Board.

2. Party Making Request: Trey Job, Director of Public Works and Park

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

CITY OF BASTROP

AGENDA ITEM: B.4

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Consideration, discussion and possible action on the First Reading of an Ordinance amending Section 1.10.002 "Park Rules" and adding Section 1.10.003 "Commercial Use of Parks" to Article 1.10 Parks of Chapter one "General Provisions" and establishing an effective date

2. Party Making Request:

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 1.10.002 "PARK RULES" AND
ADDING SECTION 1.10.003 "COMMERCIAL USE OF PARKS" TO
ARTICLE 1.10 "PARKS" OF CHAPTER 1 "GENERAL PROVISIONS";
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Bastrop ("City") has observed a growing demand for use of City parklands by a variety of private commercial entities as well as citizens of the City and surrounding areas; and

WHEREAS, to optimize public access, use and enjoyment of the City's park system by all users, and to reasonably accommodate the growing demand for organized privately run outdoor vendors, the City has determined that it is in the best interest of the City and its citizens to expand the rules related to fees and reservations for patrons seeking to use the City parks, to specify certain areas of the parks for commercial uses, and to develop an applicable fee schedule for commercial and non-commercial uses.

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

PART 1: Chapter 1: General Provisions, Article 1.10 "Parks," Section 1.10.002 "Parks Rules" are hereby amended to provide as follows:

Sec. 1.10.002 Park rules

- (a) Overnight camping; hours when closed.

....

- (4) There shall be no person, vehicle, equipment or activity within any publicly owned park or playground within the city limits from 10:00 p.m. to 6:00 a.m. each day, unless an exception to this rule is provided, in writing.

- (b) Reserved areas.

- (1) Unless controlled by a separate lease agreement, the following areas of Bastrop Public Parks may be reserved and a permit obtained either for commercial or non-commercial purposes a minimum of three (3) business days in advance (excluding holidays) of the use on application to the Parks Department.

- a. Multipurpose fields in Fisherman's Park and Bob Bryant Park.
- b. Pavilions in Fisherman's Park and Bob Bryant Park (with associated BBQ's.)
- c. Pavilion in Kerr Park
- d. Mayfest Park
- d. Pavilion in Hunter's Crossing Park
- f. Hunter's Crossing Park
- g. Concessions stand at splash pad
- h. Jewel's Park and Rusty Reynolds Field

In the event of a conflict between the City Ordinance and a Lease Agreement, the terms of the Lease Agreement shall control.

- (2) Multipurpose fields [non-commercial use]. The non-commercial reservation policies of the multipurpose fields in Fisherman's Park, Hunter's Crossing Park and Bob Bryant Park are as stated below. For purposes of this section and determining whether a fee and reservation is required, a Patron shall include all individuals attending the event including, as applicable to the event, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents. An area may not be reserved more than three (3) times in one month for a non-commercial use. See Section 1.10.003 below for information related to Commercial Uses of the multipurpose fields and A1-10.002 of the fee schedule in Appendix A for additional information related to fees.

Patrons	Fee	Deposit	Reservation
0-14	None	None	None
15-45	None	Required	Required
46+	Required	Required	Required

- (3) Pavilions (non-commercial use and commercial use). For reservation of City pavilions a fee and a deposit is required. See A1-10.002 of the fee schedule in Appendix A for additional information related to the applicable commercial and non-commercial uses and fees.
- (4) Concessions stand. The concession stand shall be available for use by individuals under the age of 17 and for a period of no longer than 14 consecutive days. Parent or guardian adult supervision is required for use of the concession stand. For reservation of the City concession stand a deposit is required. All individuals who reserve the concession stand shall comply with Chapter 4 of the Code of Ordinances and shall be responsible for payment of all applicable vendor and permitting fees. Use of the concession stand will be on a first come first serve basis. See A1-10.002 of the fee schedule in Appendix A for additional information related to commercial and non-commercial uses and fees.
- (5) Youth Sports Leagues. Commercially sponsored and/or organized youth league sports play (ages 17 and under) shall contact the Parks Department for reservations, times, and field designations. All organized youth sports leagues shall submit their schedules to the Parks Department as soon as possible, but in no event later than 30 days before the first scheduled practice to ensure that a field is available for use at the desired times and locations. Unless otherwise controlled by the terms of a lease agreement, no area of a park is specifically designated or reserved for one organization or youth team and areas will be provided on a first come first serve basis.

No deposit or fee is required for a youth league to reserve an area. However, after the conclusion of an event, the area that was reserved shall be clean and free of trash and debris. In the event an area is not properly cleaned, the entity reserving the area may be prohibited from future use of City parks.

- (6) Tennis courts and basketball courts located in City parks shall be used for their intended purposes only, may not be reserved, and are on a first come first serve basis.
 - (7) On receipt of an application to reserve an area in a City park, the Parks Department, or its designee, will review the application to determine the applicable fee, deposit, and necessary insurance, if any. On approval and payment of same, the City will provide the applicant with a permit stating that the applicant has successfully reserved the area on the requested date.
 - (8) Refunds of Deposits and Fees. Reservations must be made a minimum of three (3) business days in advance (excluding holidays) of the use. A reservation is not valid, and a permit will not be issued, until all fees, deposits, and proof of insurance, if necessary, are paid in full to the Parks Department. Deposits and fees paid in accord with this section may be refunded under the following conditions:
 - a. Full refund of the reservation deposit and fee if the Parks Department is notified, in writing, of the cancellation not less than seven (7) days prior to the date of use of the reserved area.
 - b. Refund of one-half of the reservation deposit and fee if notice of cancellation is received by the Parks Department, in writing, between seven (7) days and 24 hours prior to the date of use of the reserved area.
 - c. The reservation deposit and fee will not be refunded if the event is cancelled less than 24 hours before the day of the event.
 - d. The reservation deposit will be returned to the individual or group reserving the area after the event so long as the area being reserved is clean and free of trash and debris at the conclusion of the event. Any damage, cleaning or maintenance required, in the sole discretion of the City and/or the Parks Department, will be charged against the deposit.
 - e. In the event a field is closed by the Parks Department (or other applicable City personnel) due to inclement weather or necessary construction or maintenance which causes an event to be cancelled, the reservation deposit and fee will be returned or applied to the "rain date", if an alternative date is sought.
 - f. Exceptions to the deposits and refunds are allowed only on written approval of the City Manager.
 - (9) Tables in City owned parks may not be reserved and are available on a first come, first serve basis.
 - (10) The Parks Department will be responsible for posting reserved signs at the reserved areas by 8:00 a.m. the day of the event. Reserved signs must include the name of the party and the time and date of the reservation.
- (c) Control of park and recreation areas.

- (1) The City shall have and shall exercise the power to control all activities, hours of visitation, and days and times in City parks in order to properly protect the citizens of this community. City parks and recreation areas shall be under the direct operation and control of the City Manager or his/her designee. In accord herewith, the City Manager, or his/her designee, shall be permitted to close the park or field in the event of inclement weather, field conditions, or necessary maintenance or construction which, in his/her sole discretion, renders the field's non-playable or is a risk to person or property.
- (2) City park and recreation areas shall be open to the public during the hours from 6:00 a.m. to 10:00 p.m. each day, with the exception of the splash pad which shall be open between 10:00 a.m. and 8:00 p.m. Monday- Sunday beginning the second week of April and ending on Labor Day. Any area of a City park, including the splash pad may closed by orders of the City Manager, or his/her designee, or the Park's Department, for the purposes of rehabilitation, cleaning, maintenance or general supervision, or upon reservation or general danger to the public. The City Manager shall have the authority to vary the splash pad hours and days of operation on request by the Parks Department.
- (3) Permission to use City parks from 10:00 p.m. to 6:00 a.m. may be granted by the City Council or the City Manager, as directed by City Ordinance, at the discretion of the City Manager, and in consideration of the requested use of the park. To request that a park be opened after hours (i.e. 10:00 p.m. to 6:00 a.m.), the Parks Department must be contacted with sufficient time in advance of the event to determine if a Special Event application is required or if City Council approval is necessary.
- (4) The Bastrop Police Department is charged with the responsibility of supervising and maintaining law and order in City parks. In order to carry out this provision, Officers of the Bastrop Police Department shall have the authority to make any arrests for violation of any State Law or City Ordinance. In addition thereto, it is declared that a person commits an offense if he/she enters or remains in a City park, recreation area, or other designated park area, during hours other than those set out hereinabove, without written approval of the City Manager or the City Council, and the person:
 - a. Had notice that the entry was forbidden; or
 - b. Received notice to depart but failed to do so.
- (5) For purposes of this subsection, "entry" means the intrusion of the entire body and "notice" means an oral, written, or demonstrative communication by: 1) the City Manager or his/her authorized designee(s) or a Bastrop Police Officer; 2) fencing, gate or other enclosure obviously designed to exclude intruders during the closed hours; 3) signs posted to be reasonably likely to come to the attention of intruders. The Director of Public Works and the Park's Superintendent are specifically authorized to control and regulate the use of the Parks as the City Manager's designee.

- (6) For purposes of this Article, streets and parking in City parks shall be treated the same as any other City streets, and shall be supervised and regulated by the Bastrop Police Department in the same manner as all City streets. An individual sitting inside his/her vehicle shall be treated the same as any other individual in the park regardless of whether the vehicle is parked or is being driven.
- (7) Special Items in City Parks. Due to the special risks associated with the use of the items listed below an application requesting a special permit to allow the use, and proof of insurance in the amount of \$1,000,000.00 which names the City of Bastrop, and its officers, employees, volunteers, and officials as additionally insured, must be submitted to the Parks Department a minimum of three (3) business days (excluding holidays) prior to an event:
- a. Moonwalks, bouncy castles, or other inflatable play areas;
 - b. Climbing Walls; and
 - c. Any other item which, at the discretion of the Parks Department and/or the City Manager, poses a unique safety concern.

To avoid the potential removal of an item from the park during an event, it is advisable to notify the Parks Department of any specialty item a patron wishes to have at an event to confirm if insurance will be necessary.

- (8) Sale of Food and Drink in City Parks. The sale of food and drink concessions in the City of Bastrop, including at the concession stand, is strictly prohibited without compliance with Section 4.04 of the Code, including obtaining a vendor permit and certificate of health inspection, as well as any other applicable State and local permits and licensing.
- (9) The refusal of any person to carry out the orders and provisions of this subsection shall be deemed a misdemeanor, punishable by a fine as provided for in Section 1.01.009 of this Code.

(d) Prohibited activities.

- (1) Horses and Farm Animals are strictly prohibited in City Parks, unless permitted pursuant to a Special Events Permit and approved by the Parks Department and the City Council, as applicable, in advance of the use.
- (2) Jumping, diving, wading into waterways. It is an offense and a violation of this subsection for any person to enter a river, stream or waterway by jumping, diving or doing any other dangerous act on or off any bank, bridge, street, highway, or appurtenance of publicly owned land, City park or public right-of-way. It shall likewise be illegal for any person to jump, dive or do any other dangerous act from trees, platforms, high banks, dams or other walkways to enter streams, rivers, or waterways along, over or a part of public property or public right-of-way, including in a City park.
- (3) Inflatable, plastic or other types of portable pools.

- (4) Slip-N-Slides (exceptions may be made for individual “family” size slides, on approval by the Bastrop Parks Department).
- (5) Sprinklers (hoses may be used for cleaning purposes only).
- (e) Swimming or wading in Colorado River:
 - (1) It is an offense and a violation of this subsection for any person, child or adult to enter, wade, swim, or engage in any aquatic activity in any portion of the Colorado River in the City parks.
 - (2) Exception: The public shall be allowed to enter the water while in the process of embarking or disembarking any boat, canoe or any other flotation device upon waters of the Colorado River.

(f) – (k) No changes

PART 2: Chapter 1: General Provisions, Article 1.10 “Parks,” Section 1.10.003 “Commercial Use of Parks” is hereby added to provide as follows:

Sec. 1.10.003 “Commercial Use of Park”

(a) Definitions:

- (1) Commercial Use – a use which is undertaken for a business purpose and for which a fee is collected. This definition specifically includes organized adult sports leagues, teams, or groups where “fees” or “dues” are collected in order to participate in an activity and non-members are prohibited from joining the activity. In accord with Section 1.10.002(b)(5), for purposes of this Ordinance and the corresponding fee schedule, unless otherwise controlled by a lease agreement, Youth Sports Leagues are not considered a “Commercial Use” and are excluded from payment of a fee or deposit.
- (2) General Course/Class – a class that meets regularly for a certain specific period of time which is organized for the purpose of teaching individuals and/or their pets a hobby, skill, or for other enjoyment or exercise and for which the owner or operator is paid a fee or for which “dues” are collected, including dog (or other pet) training classes.

- (b) Permit Required. Persons or entities shall not conduct the Commercial sale or offer to sell any item nor render or offer to render any Commercial service for hire, including coaching or organizing a Commercial sports event, at any park or other location in the City without obtaining a reservation and a commercial use permit properly issued by the City of Bastrop Parks Department. Examples of activities or services in City parks which may qualify as Commercial Uses include boot camps, yoga, dog training, organized adult sports leagues, fitness professionals, meditation groups, and running clubs.

(c) Fees and Deposits.

- (1) The Parks Department reserves the right to increase any fees, deposits or insurance, or to require additional assurances in the event an activity poses a

unique safety concern or would be detrimental to the park or the citizens of the City. See Section A1.1-.002 of the Fee Schedule in Appendix "A" of the Bastrop Code for information regarding City fees and deposits for Commercial Uses.

- (2) All fees and reservations for Commercial Uses shall be made through the Parks Department. Fees and security deposits shall be made only by cash or check. Once the applicable fee and deposit is paid, a permit to conduct the requested activity, class or course will be issued. A failure to comply with any of the terms set forth herein will subject the applicant to loss of the deposit.
- (3) Additional information regarding refunds of fees and deposits for Commercial Uses shall be as stated in Section 1.10.002(b)(8).

(d) Waitlist for Commercial Use and other Restrictions.

- (1) The Parks Department shall maintain a "waitlist" of individuals or entities who wish to use the Bastrop City Parks for a Commercial Use. The maximum amount of time an applicant may continuously reserve space in a Bastrop Park for a Commercial Use, as shown on the Permit received by the Parks Department, is ten (10) weeks per six (6) months. Once the ten (10) weeks has been utilized, and six (6) months have passed, the applicant may notify the Bastrop Parks Department that he/she would like to be placed back on the waitlist to apply for an additional ten (10) week period. At the discretion of the Parks Department, if there is no other individuals on the wait list, an Applicant may immediately renew their ten (10) weeks of Commercial Use.
- (2) The maximum number of Patrons who may utilize Fisherman's Park at one time for a Commercial Use is 500. The maximum number of individuals who may utilize Bob Bryant Park for a Commercial Use at any one time is 250. The maximum number of individuals who may utilize Hunter's Crossing Park for a Commercial Use at any time is 100. For purposes of calculating the restrictions set forth herein, a Patron shall include all individuals attending the event including, as applicable, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents.
- (3) The City Council shall have the right to vary the above restrictions in its discretion when in the best interest of the City and its citizens.

(e) Location and time of certain activities restricted.

- (1) Dog trainers who use the park for Commercial purposes are prohibited from using any area other than the Bark Park located on Grady Tuck Avenue to conduct training classes.
- (2) Unless otherwise stated herein, Commercial Use of a City park is restricted to the hours from 6:00 a.m. to 10:00 p.m. Specific written permission must be secured from the Parks Board, for additional hours.

- (f) Insurance. The individual or entity involved in a Commercial Use of the park shall provide proof of insurance to the City in the amount of \$250,000.00 which names the City of Bastrop,

and its officers, employees, volunteers and officials as additionally insured. Proof of insurance must be received by the Parks Department prior to the issuance of a Commercial Use permit.

Part 3: All other provisions of Section 1.10.002 "Park Rules" that are not amended hereby shall remain in full force and effect.

Part 4: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable hearing and publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

READ and Approved on First Reading on the ____ day of _____, 2013.

READ and Adopted on Second Reading on the ____ day of _____, 2013.

APPROVED:

ATTEST:

Terry Orr, Mayor

City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown.
City Attorney, City of Bastrop

CITY OF BASTROP

AGENDA ITEM:

B.5

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: PUBLIC HEARING TO receive public input/comments On Ordinance amending Chapter 14 "Bastrop Regulations"; Article 4.10 "Vehicle Towing" of the Bastrop Code of Ordinances Clarify criteria for towing companies inclusion on the tow rotation List; providing for a tow study if requested by towing companies.

2. Party Making Request: Assistant Police Chief, Matt Wagner

3. Nature of Request: (Brief Overview) Attachments: Yes ☒ No ☐

SEE MEMO

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

5/24/2013

75



Bastrop Police Department

Memorandum

Date: May 21, 2013

To: Honorable Mayor Terry Orr and Council Members

From: Matt Wagner, Asst. Chief of Police

CC: Mike Talbot, City Manager

Re: Fee revisions for vehicle towing ordinance

Mayor and city council Members -

After receiving a request from a registered tow company to review the fee structure currently allowed under ordinance. Sergeant Clint Nagy conducted a fee study of the surrounding area and determined that a fee increase was appropriate. Some of the communities that were compared in the survey were Bastrop County, Lockhart, San Marcos, Kyle and Bryan TX. The lowest fee was \$ 57.50 and the highest fee was \$ 175.00 with the average fee being \$ 113.00. Bastrop County currently has their rate at \$150.00. We are proposing to set our rate at \$150.00 which is slightly higher than the fee study average however it is consistent with the County rate and consistent with the states average.

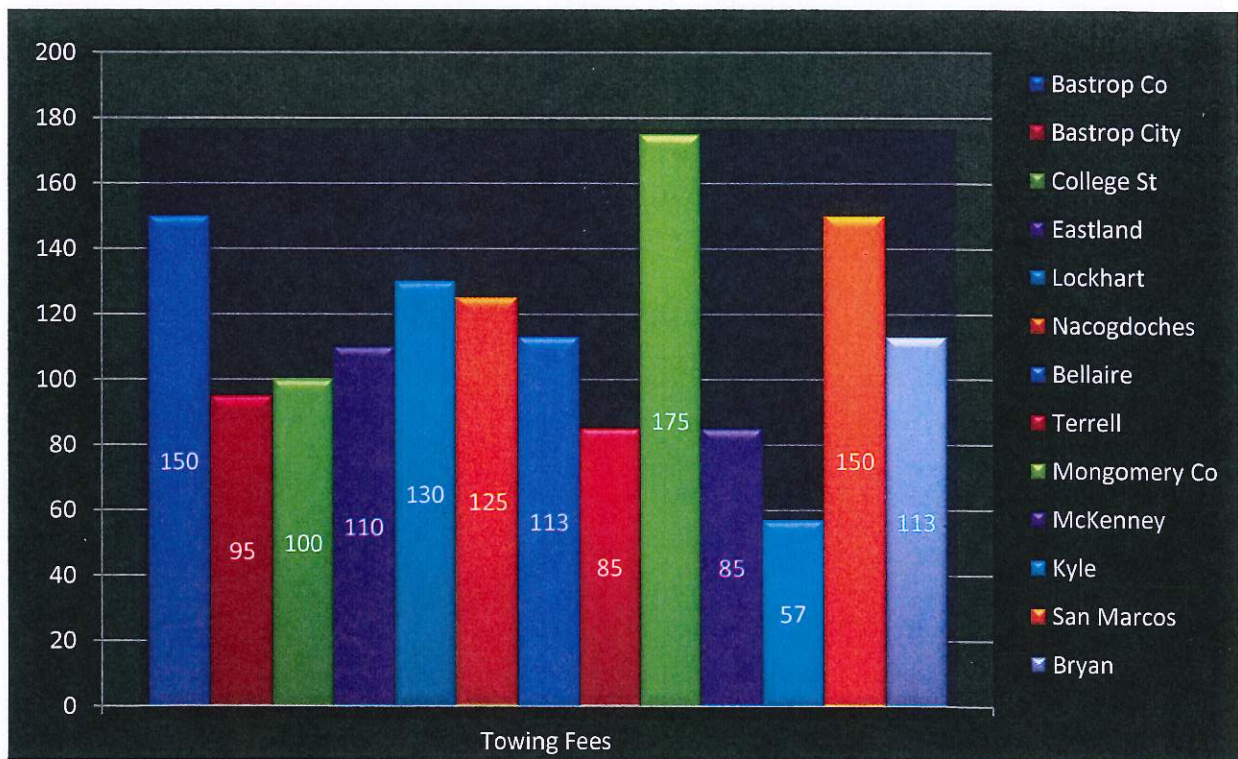
We are also asking to increase the fee for heavy duty tow trucks from \$125.00 to \$300.00. The trend for Heavy duty tow truck fees is double the standard fee. Also included in the fee schedule is a fee of \$ 35an hour for additional tow truck operators if necessary.

We also added a fee of \$ 500.00 for requesting a fee study. The basis for this is because a fee study requires a large amount of staff time to accomplish.

As modified the fee schedule should support the ordinance for several years to come.

Staff recommends Approval

Wrecker Fees



Jurisdiction	Non consent Tow	Waiting time at scene	Police Impound Non accident	Misd.
Bastrop County SO	\$150	\$100	\$150	\$75 addl man fee
Bastrop TX	\$95	\$25		\$25 addl labor fee
College Station TX	\$100	\$75	\$100	
Eastland TX	\$110	\$60	\$110	
Lockhart TX	\$130	Not specified	\$100.00	
Nacogdoches TX	\$125	\$100	\$125	
Bellaire TX	Fair Market Value	Fair Market Value	Fair Market Value	
Terrall TX	\$85	Not specified	\$85	
Mongomery Co	\$175	Not specified	\$175	\$175 app fee
McKinney TX	\$85	Not specified	\$85	\$75 hazard fee an hour
Buda TX	Non specified	Not specified	Not Specified	\$100 app fee
Kyle TX	\$57.50 plus mileage	Not specified	57.50 plus mileage	\$1.15 a mile
San Marcos	\$150	\$50	\$150	\$50 winching
Bryan TX	Fair Market Value	Fair Market Value	Fair Market Value	\$200 Rotation fee paid to city

Wrecker Fees

The Numbers

Highest Price	Lowest Price	Average Price
\$175	\$57.50 plus \$1.15 a mile	\$113

-All cities poled paid approximately double the standard tow fee for heavy duty towing (tractor trailers)
Our ordinance is below market value.

-Some cities require an application processing fee of about \$100 to \$200. A yearly fee may be added for annual inspections.

-It is important to note that many cities our size do not have specific ordinances reference fees. Or they use the "fair market value" clause.

CITY OF BASTROP

AGENDA ITEM: B.6

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Consideration, discussion and possible action on the First Reading for Ordinance amending Chapter 14 "Bastrop Regulations" Article 4.10 "Vehicle Towing" of the Bastrop Code of Ordinances clarify criteria for towing companies, inclusion on the tow rotation list; providing for a tow study if requested by towing companies, providing for penalties and establishing an effective date.

2. Party Making Request:

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
 a) _____
 b) _____
 c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4 “BASTROP REGULATIONS”; ARTICLE 4.10 “VEHICLE TOWING” OF THE BASTROP CODE OF ORDINANCES TO CLARIFY CRITERIA FOR TOWING COMPANIES INCLUSION ON THE TOW ROTATION LIST; PROVIDING FOR A TOW STUDY IF REQUESTED BY TOWING COMPANIES; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, State and local laws and the City’s Home Rule Charter authorize the City to adopt and enforce laws related to towing to enhance and protect the health, safety and welfare of the citizens of, and visitors to, the Bastrop community; and

WHEREAS, the City Council finds that the regulation of vehicle towing including nonconsensual tows, as well as regulation of towing companies requesting to be included on the City’s tow rotation list, are necessary for the purpose of promoting the safety of individuals subjected to nonconsent tows and fairness to towing companies in the Bastrop area; and

WHEREAS, the City of Bastrop finds that the amendments to Article 4.10 related to nonconsent tows, as noted below, are necessary and proper and will enhance and protect the health, safety, and welfare of the citizens of the City.

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

PART 1. That Article 4.10 “Vehicle Towing” of the Bastrop Code of Ordinances is amended, as follows:

ARTICLE 4.10 VEHICLE TOWING

Sec. 4.10.001 Policy

The proper and safe functioning of the towing business has critical impact on the safety and welfare of the public since it involves use of the public streets of the city, often in circumstances necessitating prompt removal of dangerous obstructions to traffic. (1995 Code, sec. 4.1201(a))

Sec. 4.10.002 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Chief. The chief of the city police department or the chief's designee.

City. All area that has been fully annexed by the city.

City manager. The city manager or the manager's designee.

Consent tow. Any tow of a motor vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include an incident management tow.

Department. The city police department.

Fully prepared for transport. A vehicle is fully prepared for transporting when the vehicle is attached to the wheel lift/under-reach unit or attached to the sling unit with J-hook chains and the vehicle is lifted up; tow lights and safety chains are placed on the towed vehicle prior to driving onto the public roadway; and, when dollies are required, the vehicle is placed on the dolly unit and in a raised position. For purposes of a "roll back", a vehicle is fully prepared for transporting when the vehicle is fully attached to the roll back and the roll back is in its traveling position.

Immediately. To take action or remove a vehicle within 20 minutes.

Incident management tow. Any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

Manufacturer's certificate. A plate permanently affixed to either a truck or towing equipment by the manufacturer which states the truck's or equipment's gross poundage capacity.

Nonconsent tow. Any tow of a motor vehicle that is not a consent tow, including an incident management tow.

Nonconsent tow rotation list. A rotation list of towing businesses that the city may use for nonconsent tows, which appear on a rotation list prepared in accordance with the provisions of this article.

On-site. A tow truck arrived at the scene and the tow truck is backed up to the vehicle to be removed or the vehicle is in the process of being fully prepared for transport but the process has not been completed.

Owner. Any person who holds the legal title to a motor vehicle or is the registered owner of a motor vehicle, any person who has the legal right of possession thereof, or any person who is the authorized representative of such person.

Police officer or peace officer. A law enforcement officer as defined in article 2.12, Texas Code of Criminal Procedure. The term includes a peace officer employed by the city.

Public roadway. Any public street, alley, road, right-of-way, park, or other public way, including paved and unpaved portions of the right-of-way, unless otherwise stated.

Scene. The location and surrounding area of an accident, collision, or mechanical failure of one or more vehicles.

State law. Refers to all laws governing vehicle towing in the State of Texas including but not limited to Administrative Rules of the Texas Department of Licensing and Regulation 16 Texas Administrative Code, Chapter 86, as amended, and the Texas Transportation Code, as amended.

Towing business. A person or legal entity operating a tow truck registered under chapter 643 of the Texas Transportation Code, Vernon's Texas Civil Statutes. The term "towing business" includes the owner, operator, employee, or agent of a towing business, but does not include cities, counties, other political subdivisions of the state, or the federal government.

Tow truck. A motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle.

Vehicle. Every kind of device in, upon, or by which any person or property is or may be transported or drawn on a public roadway, except devices moved by human power or used exclusively on stationary rails or tracks. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer.

Vehicle storage facility. The site to which a towing business tows and/or stores vehicles, and includes a facility which the towing business owns or for which the towing business has a contract to store vehicles. The site must be licensed by the state. The site must be wholly or partially located within 5 miles of some part of the full purpose annexation areas of the city.

(1995 Code, sec. 4.1201(b))

Sec. 4.10.003 Violations

(a) It shall be unlawful for any person to violate any provision of this article. Violation of any part of this article is a class C misdemeanor. (1995 Code, sec. 4.1210)

(b) Owners and operators of tow trucks shall comply with all applicable state and local laws. A failure to comply with applicable state and local laws shall be a violation of this article.

Sec. 4.10.004 Authority of peace officer at scene

- (a) The peace officer in charge at a scene, may, if the safety of the public requires it, take any steps needed to insure public safety in accordance with applicable local, state and federal laws.
- (b) A peace officer may, for any lawful purpose, direct that any vehicle shall be taken to impound lots owned or used by the city or to any other designated impound facility.
- (c) This article does not limit in any manner the authority of the city to remove vehicles from public roadways in any manner the city deems appropriate and in accordance with any applicable state and federal laws.
- (d) The peace officer may not allow any person, including a tow truck business and its employees or operators, in the scene area until the peace officer determines that the investigation is complete or the person's presence is necessary.
- (e) No towing business or its employees or tow trucks may enter a scene or other site under a peace officer's control without the permission of the officer.

(1995 Code, sec. 4.1202)

Sec. 4.10.005 Towing business response to scene

- (a) It is unlawful for any towing business to solicit in any manner, directly or indirectly, on the streets of the city, towing business involving any vehicle that is disabled because of an accident or collision or mechanical failure on a public street. This prohibition applies whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, or selling or purchasing the vehicle. Proof of the presence of any person engaged in the towing business or of the presence of any tow truck, except a tow truck called pursuant to the provisions of this article, at or near a scene on any public street in the city prior to removal of all disabled or damaged vehicles shall be prima facie evidence of solicitation in violation of this section.
- (b) No person may drive, or cause to be driven, a tow truck to a scene on any street in the city, unless the person has been called to the scene by a peace officer or by a vehicle owner or operator.
- (c) A towing business stopping to protect the scene may not tow from the scene unless it has been called by the city for a nonconsent or incident management tow, or it has been called by the vehicle owner or operator for a consent tow.

(d) Except in accord with the nonconsent tow rotation list, it shall be unlawful for a police officer to directly or indirectly recommend to any person the name of any towing business, auto repair shop, automobile dealer, or automobile club engaged in the towing business; nor shall any police officer influence or attempt to influence in any manner the decision of any person choosing or selecting a towing business, auto repair shop, automobile dealer, or automobile club.

(e) All tow truck drivers arriving at a scene shall obey all lawful orders given them by any police officer of the city investigating such scene and shall not in any manner interfere with such officer in the performance of his or her duty.

(f) It shall be the duty of the driver of each tow truck that removes a wrecked, damaged, or disabled vehicle from a scene to clear and remove any and all debris, parts, or glass accumulated as a result of the accident or collision from the street. In the event two (2) or more tow trucks pick up vehicles for towing, it shall be the duty of each driver to clear and remove debris, parts, or glass from the street.

(g) A towing business that removes a vehicle from private property shall notify the department within 30 minutes of such removal. The information to be provided in such notification shall include:

- (1) The date, time and location of the removal;
- (2) The physical description and license or registration number of the vehicle;
- (3) The name of the towing business which performed the removal; and
- (4) The storage location of the vehicle.

(h) The driver of a tow truck who removes a vehicle for the purpose of repossessing the vehicle shall be required to notify the Bastrop Police Department prior to removing the vehicle, and provide written notice from the lien holder requesting such repossession which shall include the following information:

- (1) Name of owner of said vehicle;
- (2) The date, time, and location of the removal;
- (3) The physical description and license or registration number of the vehicle;
- (4) The name of the certificate holder which is to perform the removal; and
- (5) The storage location of the vehicle.

(1995 Code, sec. 4.1203)

Sec. 4.10.006 Consent tows

- (a) All vehicle owners or operators at a scene must remove the vehicle from the right-of-way as required by state or federal law.
- (b) The city shall not require a vehicle owner or operator who is able to give permission for a consent tow to use any particular towing business.

(1995 Code, sec. 4.1204)

Sec. 4.10.007 Nonconsent tows

- (a) All nonconsent tows shall be provided by the city in accordance with the terms of this section.
- (b) If the driver of a vehicle needing towing is physically unable to choose a towing business, or fails to do so, the towing shall be treated as a nonconsent tow.
- (c) The department shall maintain a rotation list for the purpose of providing the city with nonconsent towing services. This rotation list must be used by the department in assigning towing business to perform nonconsent tows from a scene.
- (d) The rotation list shall be used as follows:
 - (1) The department's designated personnel shall call the towing business next on the rotation list.
 - (2) If the towing business called is unable to send a tow truck immediately, the succeeding towing business shall be called in order of their appearance on the rotation list until a towing business on the rotation list responds immediately.
- (e) The towing business must take the vehicle to its vehicle storage facility for storage.
- (f) If the vehicle is evidence in a criminal offense, at the direction of a peace officer the vehicle may be removed to an approved impound lot or police facility.
- (g) Before departing a scene, the police officer in charge shall prepare an inventory of property located in the vehicle, on a form provided by the chief. This inventory must be verified by the tow truck operator.

(1995 Code, sec. 4.1205)

Sec. 4.10.008 Qualifications for inclusion on nonconsent tow rotation list

In order to be placed, or to remain, on the nonconsent tow rotation list, the towing business shall submit an annual application, on the form provided by the department, demonstrating, to the satisfaction of the department, that it meets the following qualifications:

- (1) The company has a 24-hour towing service.
- (2) The company has two telephones listed with the department, one of which is answered 24 hours a day, seven days a week.
- (3) The company has the ability to immediately advise the department of the availability of a tow truck.
- (4) The company has two-way voice communications between the tow trucks and the company's base station.
- (5) The company demonstrates to the department that it has complied with all state requirements, rules, regulations, licenses, permitting, registration, etc.
- (6) The company owns a vehicle storage facility or has a vehicle storage facility under a contract for use.
- (7) The company and/or its owner, partners, officers, or directors does not have an interest in a towing permit or towing business for which a permit has been revoked within the preceding 24 months.
- (8) The company and/or its owner, partners, officers, or directors has not been directly responsible for any action resulting in the revocation of a permit.
- (9) The company and/or its owner, partners, officers, or directors does not have an interest in a towing business which, within the preceding 12 months, has been convicted of operating a towing business or towing a vehicle without a permit, certification or tow truck operator's license.
- (10) The company submits a completed application in accordance with this article and applicable state law.
- (11) The company demonstrates that all of its tow trucks are equipped pursuant to the state requirements and in accord with section (14) below.
- (12) The owner of multiple towing businesses is prohibited from registering more than one business (i.e., holding more than one spot) on the nonconsent tow rotation list.

(13) The company has provided to the city a certificate of public liability and property damage insurance for each tow truck to be on the nonconsent tow rotation list, as well as any other insurance required by the city and state law.

(13) The company demonstrates that all of its tow trucks have the following equipment:

(A) Slings and/or tow bars along with "J" hooks and chains.

(B) Safety chain.

(C) One ten pound or two five pound fire extinguishers that are properly filled and located so that they are readily accessible for use. The fire extinguishers must meet the requirements of the National Fire Protection Association, NFPA 10, for a 10BC fire extinguisher and shall be so labeled by a national testing laboratory. The fire extinguishers shall be inspected annually by a licensed inspector and must bear a current and valid inspection certificate.

(D) Shovel.

(E) Wrecker bar.

(F) Broom.

(G) Ax.

(H) Dolly.

(I) Two reflective traffic triangles.

(J) Ropes for securing steering wheel.

(K) Overhead amber visibar or beacon type light visible from front and rear.

(L) Tow lights.

(M) No less than five gallons of dry sand or other absorbent which is at least as effective as sand in absorbing liquid.

(N) A box or bucket to carry glass and debris

(O) One ANSI traffic vest per operator assisting on scene

(1995 Code, sec. 4.1206)

Sec. 4.10.009 Application for inclusion on nonconsent tow rotation list

(a) A person or entity desiring to be included, or to remain, on the nonconsent tow rotation list shall annually submit to the department a written application on the form provided by the department. The applicant shall sign the application. In addition to the information required in section 4.10.008, the following information shall be submitted annually:

- (1) The owner's name, the trade name, and the address and telephone numbers of the towing business.
- (2) The number and manufacturer's certificate rating of tow trucks proposed to be operated.
- (3) The registrations of all tow trucks.
- (4) If the towing business is owned by a corporation, the names of the registered agents, directors, and officers of the corporation.
- (5) If one or more of the owners of the tow trucks proposed to be used are one or more corporations, a list of the names of the registered agents, directors and officers of all the corporations.
- (6) A certificate of insurance of all insurance policies filed with the state.
- (7) Any insurance policy presented under this section shall contain an endorsement providing for ten days' notice to the chief in the event of any material change or cancellation of the policy.
- (8) An applicant for a permit will provide a copy of the license issued by the state allowing the applicant to operate a vehicle storage facility or will provide a copy of a contract for use of a licensed storage facility.
- (9) Applicants shall provide a copy of each tow truck operator's driver's license and State issued Towing Operator's license for any operator of a tow truck on the nonconsent tow rotation list .
- (10) Each driver who will be operating a tow truck on the nonconsent tow rotation list is responsible for providing a criminal history check to the Chief of Police at the time of the application. Criminal history reports must be current (less than 2 weeks old). Persons that hold a criminal conviction, or have pleaded guilty or nolo contendere to an offense, before the date of the application, or a felony or misdemeanor punishable by confinement in jail or by a fine in the amount that exceeds \$500.00 will not be approved by the Chief of Police, or is convicted of fraud or theft, as defined in the Texas Penal Code, while engaged in the conduct or operation of a towing business.
- (11) The department may at any time require additional information of an applicant, tow truck, and/or permit holder to clarify items on the application.

(12) Notwithstanding the annual application requirements described herein, tow truck companies placed on the nonconsent tow rotation list shall be responsible for immediately providing updated or revised information to the department on receipt of same.

(b). On acceptance by the department of a completed application, which satisfies the requirements of this ordinance and state law, the department will issue:

- 1) a permit to the applicant; and
- 2) authorization to tow stickers, which will be affixed to each tow truck that is listed on the application and on the nonconsent tow rotation list; and
- 3) ,Tow Truck Operator's Permits issued for each driver listed on the application.

(1995 Code, sec. 4.1207)

Sec. 4.10.010 Removal from nonconsent tow rotation list

(a) The department may remove a towing business from the nonconsent tow rotation list if the towing company:

- (1) Causes or permits the operation of a certified tow truck, either owned or contracted for, by an unlicensed driver on the public roadways.
- (2) Causes or permits the operation of an uncertified tow truck, either owned or contracted for, on the public roadways.
- (3) Fails to maintain in force the insurance required for the operation of a towing business or its equipment by the laws of the state.
- (4) Operates the towing business in any way which endangers the life or safety of any person in any of the following ways:
 - (A) The grossly negligent operation of a vehicle used by the towing business.
 - (B) Criminal assault committed by the towing business, its agents or employees during the normal course of business. The chief shall not revoke a permit if the towing business permanently terminates the employment of such employee immediately upon it becoming known to him that such conduct did take place.
- (5) Submits false information on an application.
- (6) Is convicted of a violation under this article.

(7) Is convicted of fraud or theft, as defined in the Texas Penal Code, in the conduct or operation of the towing business's towing business.

(8) A towing business ceases to own a licensed vehicle storage facility or fails to maintain a contract to use one.

(9) A towing business ceases to own or fails to maintain, by contract or otherwise, a licensed vehicle storage facility wholly or partially located within 5 miles of the full purpose annexation areas of the city.

(10) The towing business employs an operator who has a criminal conviction, or has pleaded guilty or nolo contendere, for a felony or misdemeanor punishable by confinement in jail or by a fine in the amount that exceeds \$500.00, or was convicted of fraud or theft, as defined in the Texas Penal Code.

(1995 Code, sec. 4.1208)

Sec. 4.10.011 Fees for nonconsent tows

The fees charged to the city by vehicle towing service providers for nonconsent towing services shall not exceed those maximum fees set out in section A4.10.011 of the fee schedule in appendix A to this code. It shall be unlawful for any person to charge or attempt to charge the city for nonconsent towing services a fee in excess of that established by this article, or to charge or attempt to charge for a service not performed or equipment not used. (1995 Code, sec. 4.1209)

Sec. 4.10.012 Towing Fee Study

A "towing fee study" is a study used by the city to determine the fair market value of nonconsent tows and incident management tows originating in the city. The study is based on financial information provided to the city by the towing company that requests the study, as well as any other information deemed relevant to the city's analysis.

(1) A towing company may request that the city conduct a towing fee study by filing a written request with the city manager by certified mail, return receipt requested, or by hand delivery.

(2) Within 90 days after the filing of an initial request, additional towing companies may join the request by filing written requests in accordance with subsection (1).

(3) The city shall conduct a towing fee study if the initial requestor and the additional requestors, if any:

(A) Accounted for not less than 50 percent of the nonconsent tows or incident management tows performed in the city during the preceding twelve-month period, as determined by the city manager; and

(B) Deposit with the city manager a fee as provided for in the [fee schedule](#) in the appendix "A" of this code.

(4) If the towing fee study is not conducted the city shall refund the fee, less an administrative fee as provided for in the [fee schedule](#) in the appendix of this code.

(5) Each towing company requesting the towing fee study shall cooperate with the city to conduct the study. Each such towing company shall provide to the city information determined by the city to be reasonably necessary to determine the fair market value of towing services regulated under this article.

(6) The city shall complete a towing fee study not later than the 120th day after receiving all information from the towing company(ies) required under subsection (5).

(7) The city shall present to the city council the results of the towing fee study. The city manager shall give to each towing company that owns or leases tow trucks registered with the city written notice of the time, date, and location of the city council meeting at which the study is to be considered. The notice must be sent by United States regular mail to the towing companies' addresses listed in the latest registration applications on file with the chief of police.

(8) Based on the results of the towing fee study, the city council may change the nonconsent towing and incident management fees. The maximum fees must represent the fair market value of the services of a towing company performing nonconsent and incident management tows originating in the city.

(9) The city is not required to conduct more than one towing fee study within a two-year time period, measured from the date the city council most recently considered a towing fee study.

PART 2. The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

PART 3. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

PART 4. This Ordinance shall be effective upon final approval by the City Council upon the date noted herein below.

READ and ACKNOWLEDGED on First Reading on the ____ day of _____ 2013.

READ and ADOPTED on Second Reading on the ____ day of _____ 2013

APPROVED:

ATTEST:

Terry Orr

Mayor

Teresa Valdez

City Secretary

Approved as to Form:

Jo-Christy Brown, Esq.

City Attorney

CITY OF BASTROP

AGENDA ITEM: B.7

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. **Agenda Item: PUBLIC HEARING:** To receive public input/comments on an Ordinance amending City Code Appendix A: Fee Schedule; Article A4.10 Vehicle Towing.

2. Party Making Request: Assistant Police Chief Matt Wagner

3. Nature of Request: (Brief Overview) Attachments: Yes X No

SEE MEMO

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate Option/Costs: _____

- | 7. Routing: | <u>NAME/TITLE</u> | <u>INITIAL</u> | <u>DATE</u> | <u>CONCURRENCE</u> |
|-------------|-------------------|----------------|-------------|--------------------|
| a) | | | | |
| b) | | | | |
| c) | | | | |

8. Staff Recommendation: _____

9. Advisory Board: ☐ Approved ☐ Disapproved ☐ None

10. Manager's Recommendation: Approved Disapproved None

11. Action Taken: _____

5/24/2013

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Bastrop Police Department

Memorandum

Date: May 21, 2013

To: Honorable Mayor Terry Orr and Council Members

From: Matt Wagner, Asst. Chief of Police

CC: Mike Talbot, City Manager

Re: Fee revisions for vehicle towing ordinance

Mayor and city council Members -

After receiving a request from a registered tow company to review the fee structure currently allowed under ordinance. Sergeant Clint Nagy conducted a fee study of the surrounding area and determined that a fee increase was appropriate. Some of the communities that were compared in the survey were Bastrop County, Lockhart, San Marcos, Kyle and Bryan TX. The lowest fee was \$ 57.50 and the highest fee was \$ 175.00 with the average fee being \$ 113.00. Bastrop County currently has their rate at \$150.00. We are proposing to set our rate at \$150.00 which is slightly higher than the fee study average however it is consistent with the County rate and consistent with the states average.

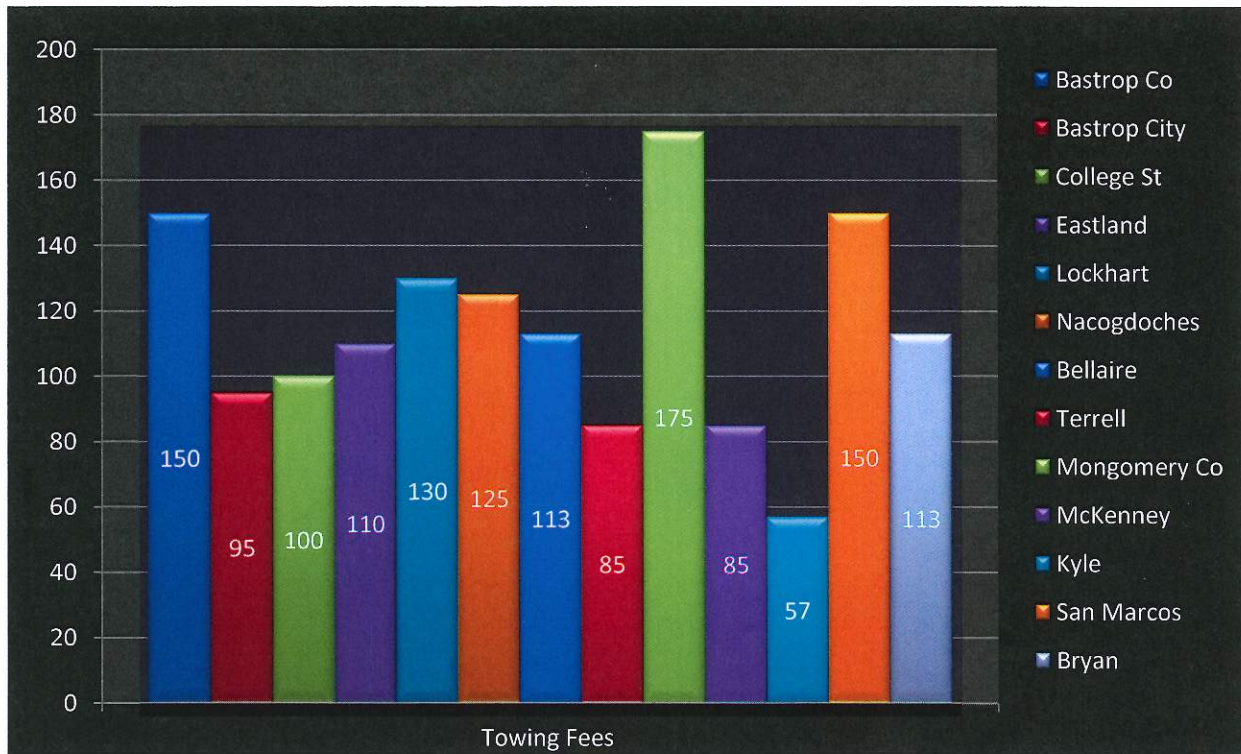
We are also asking to increase the fee for heavy duty tow trucks from \$125.00 to \$300.00. The trend for Heavy duty tow truck fees is double the standard fee. Also included in the fee schedule is a fee of \$ 35an hour for additional tow truck operators if necessary.

We also added a fee of \$ 500.00 for requesting a fee study. The basis for this is because a fee study requires a large amount of staff time to accomplish.

As modified the fee schedule should support the ordinance for several years to come.

Staff recommends Approval

Wrecker Fees



Jurisdiction	Non consent Tow	Waiting time at scene	Police Impound Non accident	Misd.
Bastrop County SO	\$150	\$100	\$150	\$75 addl man fee
Bastrop TX	\$95	\$25		\$25 addl labor fee
College Station TX	\$100	\$75	\$100	
Eastland TX	\$110	\$60	\$110	
Lockhart TX	\$130	Not specified	\$100.00	
Nacogdoches TX	\$125	\$100	\$125	
Bellaire TX	Fair Market Value	Fair Market Value	Fair Market Value	
Terrall TX	\$85	Not specified	\$85	
Mongomery Co	\$175	Not specified	\$175	\$175 app fee
McKinney TX	\$85	Not specified	\$85	\$75 hazard fee an hour
Buda TX	Non specified	Not specified	Not Specified	\$100 app fee
Kyle TX	\$57.50 plus mileage	Not specified	57.50 plus mileage	\$1.15 a mile
San Marcos	\$150	\$50	\$150	\$50 winching
Bryan TX	Fair Market Value	Fair Market Value	Fair Market Value	\$200 Rotation fee paid to city

Wrecker Fees

The Numbers

Highest Price	Lowest Price	Average Price
\$175	\$57.50 plus \$1.15 a mile	\$113

-All cities poled paid approximately double the standard tow fee for heavy duty towing (tractor trailers)
Our ordinance is below market value.

-Some cities require an application processing fee of about \$100 to \$200. A yearly fee may be added for annual inspections.

-It is important to note that many cities our size do not have specific ordinances reference fees. Or they use the "fair market value" clause.

CITY OF BASTROP

AGENDA ITEM: B.8

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 15, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Consideration, discussion and possible action on the First Reading for Ordinance amending City Code Appendix A Fee Schedule; Article A4.10 Vehicle Towing, and providing an effective date.
2. Party Making Request: Assistant Police Chief, Matt Wagner
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

ORDINANCE NO. _____**AN ORDINANCE AMENDING CITY CODE APPENDIX A: FEE SCHEDULE;
ARTICLE A4.10 VEHICLE TOWING, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Bastrop ("City"), in conjunction with the City of Bastrop Police Department, has determined that the maximum fees for nonconsent tows should be adjusted in accord with industry standards, and that such fees, as adjusted, are necessary and appropriate at this time.

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

PART 1: That Article A4.10 "Vehicle Towing" in Appendix A: Fees of the City Code shall be, and it is hereby, amended as follows:

Sec. A4.10.011 Fees for nonconsent tows

(a) Maximum towing fees:

(1) Regular towing charge (for vehicles not requiring the use of heavy-duty wrecker) for vehicles 10,000 pounds or less: \$150.00 . .

(2) If medium duty or heavy-duty wrecker is used to tow vehicles in excess of 10,000 pounds: \$300.00.

(b) The following additional fees may be charged if verified by the peace officer in charge of the accident scene:

(2) Exceptional labor such as clearing debris: \$75.00 per hour. Exceptional labor does not include normal hook-up procedure or routine cleanup not to exceed 30 minutes, and does not include the disposal of classified hazardous waste or vehicle cargo.

(3) Winching, one-hour minimum, only if normal hook-up is not possible because of conditions or location of vehicle: \$75.00 0 per hour.

(4) Wait time: \$ 35.00 per hour, if it exceeds 30 minutes from time of arrival at the accident scene.

(8) Flat fee of \$100.00 per hour for use of medium duty or heavy-duty wrecker, if it exceeds 30 minutes from time of arrival.

(9) If an additional operator is required to complete a tow, the second operator may

charge a fee of \$35 an hour. When possible, a single tow operator shall be utilized by towing companies.

(c) These fees shall be all-inclusive, and there will be no additional charge to a vehicle owner. If there is a dispute regarding the appropriate fees, the chief of police shall make a determination of the correct charges for the services provided. These maximum fees apply only to nonconsent towing services. Consensual towing service fees are not regulated by the city.

(d) Towing fee Study: towing company(ies) requesting a towing fee study from the City shall deposit with the City Manager \$500.00 prior to the City beginning the study.

PART 2: This amendment to Appendix A: Fee Schedule supersedes any contrary provisions previously adopted by the Council. Any provisions of Appendix A of the Code of the City of Bastrop that are not amended hereby shall remain in full force and effect.

PART 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable hearing and publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

READ AND ACKNOWLEDGED on first reading the ____ day of _____, 2013.

PASSED AND ADOPTED on second reading this ____ day of _____, 2013.

Terry Orr, Mayor

ATTEST:

Theresa Valdez, City Secretary

APPROVED AS TO FORM

Jo-Christy T. Brown, City Attorney

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 23 2013

MEETING DATE: May 28, 2013

1. Agenda Item: **Public Hearing: On a request for Variances to Subdivision Regulations Section 5.70 A. to reduce a 50' setback from state highways to allow a 25' setback and Section 5.70 J. to reduce a 100' setback (as measured from the nearest point of the easement) from gas or petroleum pipelines to allow a 25' setback for Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.**

2. Party Making Request: **Barbara Humble**

3. Nature of Request: (Brief Overview) Attachments: Yes XXXX No _____

Variances to the City's Subdivision Ordinance take City Council approval or denial.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation: **Staff recommends the approval of the reduction in setbacks for both the front 25' (feet) setback from Highway 71 and reduced setback of 50' (feet) surrounding the gas/petroleum pipeline. These easements will be clearly defined on the plat stating which types of easements are located within the property.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

City of Bastrop**Agenda Information Sheet:****City Council Meeting Date:****May 28, 2013****Project Description:**

Discussion, consideration and possible action on Variance to Subdivision Regulations Section 5.70 A. to reduce a 50' setback from state highways to allow a 25' setback and Section 5.70 J. to reduce a 100' setback (as measured from the nearest point of the easement) from gas or petroleum pipelines to allow a 25' setback for Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.

Item Summary:

Owner: Barbara Humble and Gary Whited
Agent: James E. Garon and Associates Inc. – James Garon, RPLS
Location: Located in the City Limits
Utilities: City water, sewer, and electric
Zoning: C2, Commercial-2 (heavy)
Land Use Plan: Office/Industrial Park

Background:

The Mayfair Park Subdivision was approved May 24, 2008 and recorded at the Bastrop County on November 13, 2008. The owner is now requesting to combine lots 2 and 3 to create one lot to be known as Lot 2A. They are also asking for additional variances with this re-plat submittal.

Issues/Variance:

In accordance with Section 9, Variance, Subdivision Ordinance, the applicant is asking for variances to the building/setback lines requirements Section 5.70A and 5.70J. City Council can vary/authorize departures from the code "without destroying the intent of such provisions."

Building lines or setbacks are required in the subdivision process in accordance with Section 5.70. Setbacks abutting State Highways should be 50' (feet) and setbacks from gas pipelines shall be 100' (feet).

5.70 BUILDING LINES

The minimum building setback shall be observed for all structures as indicated in the City of Bastrop Zoning Ordinance if applicable. If not otherwise specified, the indicated minimum setbacks shall be observed for the following features:

- A. State Highways - 50 feet
- J. Gas or petroleum pipelines - 100 feet (as measured from the nearest point of the easement)

In June, 2008 the previous recorded plat received variances from City Council for some similar setback issues. These variances from June 2008, included to remove the setback for 50' (feet) for the LCRA/high voltage line and also to reduce the gas or petroleum pipeline from 100' (feet) to 50' (feet)

- K. High voltage transmission lines or transmission towers - 50 feet (as measured from the nearest point of the easement).
- J. Gas or petroleum pipelines - 100 feet (as measured from the nearest point of the easement)

Setbacks and building lines are an important for the separation of structures from property lines and right-of-way (ROW). However, staff has met with TxDOT and additional ROW will NOT be required in this area, staff recommends the reduction of setback from 50' (feet) building line from Highway 71 to be the standard 25' (feet).

A previous variance was granted for the reduction of the setback from the petroleum/gas pipeline from 100' (feet) to 50' (feet). The owner is now asking for a reduction of an additional 25' (feet). This reduction proposes to be a total of 50' (feet) that will surround a 40' (feet) easement. It would be a 25' foot setback from each side of the centerline of the pipeline.

The owner has worked with the owner of the gas/petroleum pipeline, Enterprise Products to further define the need to their existing LO-VACA Gathering Co, pipeline easement. The letter received from Enterprise Products states that since one pipeline is in the area and that the existing pipeline being in the centerline of the easement, they would support a minimum setback of 25' (feet) from the pipeline.

Staff is working with the owner on this unique property that has three different easements, which include an LCRA/electric easement, gas/petroleum pipeline easement and a drainage easement.

Staff has looked into other surrounding cities (Round Rock, Leander, Pflugerville, Kyle, and Cedar Park) requirements for setbacks from existing/established easements, such as pipelines, drainage channels, railroad etc. and has not found these cities to have any additional "setback" requirements. However, the cities of Round Rock and Kyle did have some additional setbacks from transmission facilities.

Comments: Four (4) adjacent property owner notifications were mailed 5/10/2013. No public comments have been received.

Staff Recommendation:

Staff recommends the approval of the reduction in setbacks for both the front 25' (feet) setback from Highway 71 and reduced setback of 50' (feet) surrounding the gas/petroleum pipeline. These easements will be clearly defined on the plat stating which types of easements are located within the property.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments:

Variance letter of support, letter from Enterprise Products and proposed plat

CITY OF BASTROP
PLANNING & DEVELOPMENT DEPT.
1311 CHESTNUT STREET
BASTROP, TEXAS 78602

RE: **VARIANCE REQUEST FROM SUBDIVISION ORDINANCE 2004-28
5.70.A & J; MAYFAIR PARK, AMENDED PLAT OF LOTS 2 & 3, BLOCK "A"**

We are hereby requesting the following variances from the subdivision ordinance:

- Ordinance 2004-28 Section 5.70.A; Requirement of 50' setback from Highway right-of-ways
- Ordinance 2004-28 Section 5.70.J; Requirement of 100' setback from the center of pipelines

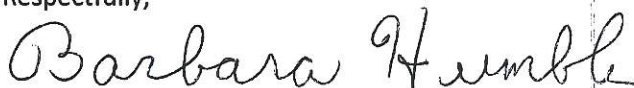
We have been in contact with TxDOT and there are no plans/requirements for additional right-of-way along this portion of State Highway 71. We therefore request a variance from this requirement and allow the setback to be established by the zoning ordinance.

We are providing a letter from Enterprise Products stating that a 25' setback from the center of the pipeline is sufficient clearance. Currently they only have a 40' easement, 20' either side of the pipeline, centered on the pipeline. This project had previously been granted a variance from a 100' setback to a 50' setback.

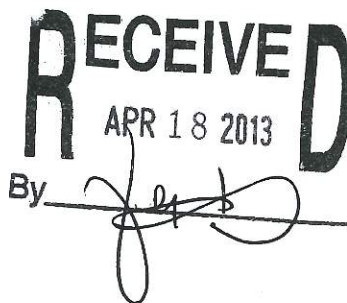
Development of this tract has been difficult given the electrical easement, pipeline easement, drainage channel easement and various utility easements crossing the tract. Provided is a proposed site plan for a health care facility to be constructed at this site. Granting of these variances allows for an economically feasible project to be constructed at this location.

We would appreciate your favorable consideration of this request.

Respectfully,



Barbara Humble



5/24/2013

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Enterprise
Products

ENTERPRISE PRODUCTS PARTNERS L.P.
ENTERPRISE PRODUCTS HOLDINGS LLC
(General Partner)

ENTERPRISE PRODUCTS OPERATING LLC

February 27, 2013

Jerry Whited
19809 Lake Hurst Loop
Spicewood, Texas 78669

Barbara Humble
6622 East Hill Drive
Austin, Texas 78731

RE: Proposed Buildings, Driveway and Parking Lot north of Hwy 71, Bastrop Co., TX – DB#5886

To Whom It May Concern:

This letter is in response to your request regarding proposed construction plans involving buildings, driveways & parking lot in Bastrop County, Texas. This reply is based on the submitted drawings from Jerry Whited electronically received on 2-25-2013.

Please be advised that, based on currently-available data, Enterprise has one pipeline in the subject location. Based on our easement documents, our right of way width varies from 40' to 50' wide with the pipeline being the centerline of said easements. Based on this information, Enterprise recommends a minimum building set back of 25' from our pipeline.

When a complete set of plans for the proposed driveway and parking lot are available, please submit the plans to Land_Encroachments@eprod.com for our review and approval.

If you have any questions, please do not hesitate to call.

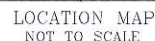
Sincerely,

Rebecca E. Curry
Supervisor, Land-Encroachments
281-877-3312

RECEIVED
APR 18 2013
By

P.O. BOX 145
HOUSTON, TEXAS 77001-0145
713.381.6509

3620 WEST SAM HOUSTON PARKWAY NORTH
HOUSTON, TEXAS 77061-6317
www.enterpriseproducts.com



SURVEYOR:
JAMES E. GARON & ASSOCIATES, INC.
924 MAIN STREET
BASTROP, TEXAS 78602
PH. 512-303-4185
FAX. 512-321-2107

LOT SUMMARY
1 LOT 3.358 ACRES
UTILITIES:
WATER- CITY OF BASTROP
ELECTRIC- BASTROP POWER & LIGHT
SEWAGE- CITY OF BASTROP
GAS - RELIANT ENERGY/ENTEX
CABLE - TIME WARNER

STATE OF TEXAS }
COUNTY OF BASTROP }
KNOW ALL MEN BY THESE PRESENTS:-
THAT I, SARAPPA HUMBEL, BEING THE OWNER OF THAT CERTAIN
4.72 & 0.58 ACRE TRACT OF LAND OUT OF THE BASTROP TOWN
TRUST SURVEY, ABSTRACT 11, AS CONVEYED BY DEED RECORDED IN
VOLUME 716, PAGE 604 OF THE OFFICIAL RECORDS OF BASTROP
COUNTY, TEXAS, BEING PLATTED AS MANLY PARK, CASHIER
5, PAGE 38A, LOT 2 RECORDS OF BASTROP COUNTY, TEXAS DO
HEREBY REPEAT LOTS 2 & 3, B.O.M. "A" OF SAID SUBDIVISION
IN ACCORDANCE WITH SECTION 212.014 OF THE TEXAS LOCAL
GOVERNMENT CODE AND THE PLAT SHOWS THEREIN TO BE KNOWN

AND DO HEREBY DEDICATE TO THE PUBLIC ANY STREETS
AND/OR EASEMENTS SHOWN HEREON, SUBJECT TO ANY
EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED
AND NOT RELEASED.

WITNESS MY HAND THIS THE DAY OF 2013, A.D.

BARBARA HUMBLE
P.O. BOX 685229
AUSTIN, TEXAS 78768-5229

STATE OF TEXAS ||

COUNTY OF BASTROP}}

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY
APPEARED BARBARA HUMBLE, KNOWN TO ME TO BE THE PERSON WHOSE
NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO
ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS
HEREIN CONTAINED.

GREEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____
DAY OF _____ 2013 A.D.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MY COMMISSION EXPIRES: _____

APPROVED AND ACCEPTED BY CITY COUNCIL OF THE CITY OF BASTROP ON THIS
 DAY OF MAY OF 2013.

Terry Orr	Date	
Mayor, City of Boston		Secretary, City of Boston

STATE OF TEXAS ::

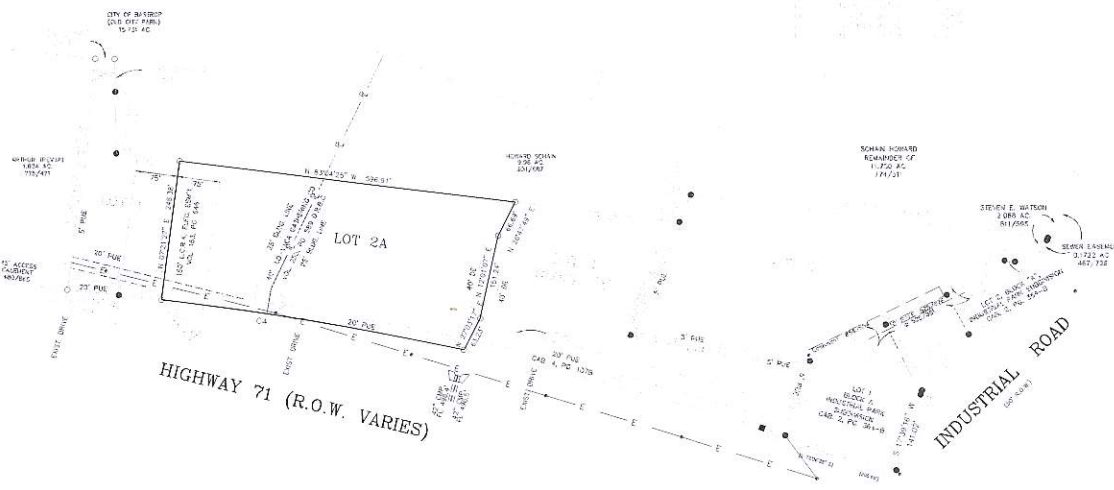
COUNTY OF BASTROP ☒
 I, ROSE PIETSCH, CLERK OF BASTROP COUNTY, TEXAS, DO
 HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF
 WRITING WITH ITS CERTIFICATE OF AUTHENTICATION, WAS
 FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF
 _____, 2013, A.D. AT _____ O'CLOCK _____ M.
 IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT
 CABINET _____, PAGE(S) _____.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY
CLERK, THE 16 DAY OF 2013 A.D.

ROSE MEISCH, COUNTY CLERK,
BASTROP COUNTY, TEXAS

DEPUTY

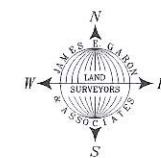
CURVE TABLE



City of Boston Standard Plan Notes

- [illegible]

A variance from Subdivision Ordinance 5.704 for reduction in width for the building line setback from 54' 71" to building line setback required by zoning ordinance and a variance from Subdivision Ordinance 5.701 for reduction in width of 100' for the building line setback from six sidewalks to 20' has been granted by the City Council of the City of Boston on May 28, 2013. A variance from Subdivision Ordinance 5.704 not requiring the building line setback from electric line easements has been previously granted by the City Council of the City of Boston.



LEGEND

- | | |
|---|-------------------------|
|  | CALCULATED POINT |
|  | 1/2" REBAR FOUND |
|  | 1/2" REBAR SET W/CAP |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| D.E. | DRAINAGE EASEMENT |
| M.L. | BUILDING LINE |
|  | POWER POLE |
|  | OVERHEAD ELECTRIC LINE |
|  | DOWN GUT |
|  | SECOND CALL |

LEGAL DESCRIPTION: BEING A 3.358 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF THE BASTROP TOWN TRACT, A-11, IN BASTROP COUNTY, TEXAS AND BEING ALL OF LOT 2, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829,

THENCE N 07°21'27" E a distance of 248.38 feet to an iron rod set for the common northerly corner of Lots 1 & 2, Block "A".

THENCE N 07°21'27" E a distance of 248.38 feet to an iron rod set for the common northerly corner of Lots 1 & 2, Block "A";

THENCE S 83°04'25" E a distance of 596.91 feet to an iron rod set for the common northerly corner of lots 3 and 4, Block "A" of said subdivision;

THENCE with the common line of said Lots 3 & 4, Block "A" and center of drainage channel the following three (3) calls:

- 1) S 28°47'49" W a distance of 50.69 feet to an iron rod set for angle point;
- 2) S 12°01'07" W a distance of 151.24 feet to an iron rod set for angle point;
- 3) S 27°03'17" W a distance of 63.23 feet to an iron rod set on the curving northerly r-o-w (varies) line of U.S. Highway 71 for the common southerly corner of Lots 3 & 4, Block "A";

THENCE a length of 541.67 feet along the arc of said curving line to the left having a radius of 5784.90 feet, and a chord bearing N 30°29'47" W a distance of 541.47 feet to the POINT OF BEGINNING and containing 3.358 acres of land more or less.

FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT LIES WITHIN THE DESIGNATED
FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL FLOOD INSURANCE
RATE MAP 48021C 0350 E EFFECTIVE DATE JANUARY 19, 2006.

STATE OF TEXAS }}

COUNTY OF BASTROP ;;

I, JAMES E. MORRIS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF DALLAS, TEXAS.

FOR REVIEW ONLY
THIS DOCUMENT IS NOT INTENDED FOR RECORDING

JAMES E. GARDEN, R.P.L.S. NO. 4303 DATE

SHEET 1 OF 1

April 26, 2013



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS

924 Main Street
Bostrop, Texas 78602
(512) 303-4185

FILE: SERVER\CO\BAS\SUB\MAYFAIR PARK\MAYFAIR PARK.DWG

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 23, 2013

MEETING DATE: May 28, 2013

1. Agenda Item: **Discussion, consideration and possible action on Variance to Subdivision Regulations Section 5.70 A. to reduce a 50' setback from state highways to allow a 25' setback and Section 5.70 J. to reduce a 100' setback (as measured from the nearest point of the easement) from gas or petroleum pipelines to allow a 25' setback for Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.**

2. Party Making Request: **Barbara Humble**

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No XXXX

Variances to the City's Subdivision Ordinance take City Council approval or denial.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation: **Staff recommends the approval of the reduction in setbacks for both the front 25' (feet) setback from Highway 71 and reduced setback of 50' (feet) surrounding the gas/petroleum pipeline. These easements will be clearly defined on the plat stating which types of easements are located within the property.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 23, 2013

MEETING DATE: May 28, 2013

1. Agenda Item: **Discussion, consideration and possible action on a Final Plat for Lots 2 and 3, Block "A" Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.**

2. Party Making Request: **Barbara Humble**

3. Nature of Request: (Brief Overview) Attachments: Yes XXXX No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation: **Staff supports the Final Plat for Lots 2 and 3, Block "A" Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas provided the previous requested variances are approved. The plat meets all other subdivision requirements.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

City of Bastrop Agenda Information Sheet:



City Council Meeting Date:

May 28, 2013

Project Description:

Discussion, consideration and possible action on a Final Plat for Lots 2 and 3, Block "A" Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.

Item Summary:

Owner: Barbara Humble and Gary Whited
Agent: James E. Garon and Associates Inc. – James Garon, RPLS
Location: Located in the City Limits
Utilities: City water, sewer, and electric
Zoning: C2, Commercial-2 (heavy)
Land Use Plan: Office/Industrial Park

Background:

This plat is a Final Plat with variances to the original Mayfair Park Subdivision approved May 24, 2008. The owner is now requesting to combine lots 2 and 3 to create one lot to be known as Lot 2A. They are also asking for additional variances with this final submittal.

Basis of Support:

Staff supports the Final Plat of Lots 2 and 3, Block "A" Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas provided the previous requested variances are approved. The plat meets all other subdivision requirements.

Special Considerations: None.

Comments: Four (4) adjacent property owner notifications were mailed 5/10/2013. No public comments have been received.

Staff Recommendation:

Staff supports the Final Plat for Lots 2 and 3, Block "A" Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road within the city limits of Bastrop, Texas.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments:

Plat

CITY OF BASTROP

AGENDA ITEM: D.2

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAY 23, 2013

MEETING DATE: MAY 28, 2013

1. Agenda Item: Consideration, discussion and possible action on proposed Three-Tiered Approach to HOT funding.
2. Party Making Request: Council Member Ken Kesselus
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

THREE-TIERED APPROACH TO HOT FUNDING.

At our meeting last night, Dock asked me a question that made me realize that I have done a poor job of communicating a concept I have been trying to bring to reality – or, perhaps more accurately, to systematize.

What I brought up at the Hyatt retreat, addressing four items of potential and planned expenditures – Arts Guild, Arts in Public Places, State Park, CARTS hotel route for special events) – that I termed a combination of “Inter-governmental/special capital grant/internal city operation,” was a way of dealing with some planned and proposed items in a way that essentially would provide for (or systematize) a third tier of HOT funding.

So, please consider the following effort to explain better.

The three tiers are the following:

Tier 1 – Most important one. – The money Mike has laid out in his rolling 5-year projections that cover the costs mainly for the Convention Center, but also the Main Street Program and city work force support for events. (Maybe something else I am not aware of.)

Tier 2 – The \$283,000 Grants program that we fund via our process of applications and cumulative voting.

Tier 3 – The third item is what I am trying to identify and systematize.

a. Relevant factors

- i. From time to time we have found it possible to identify available HOT funds beyond what we rely on for Tiers 1 and 2. One example is the commitment of \$100,000 for the Arts Guilds building project. But we have done this in a kind of haphazard way. I propose that we organize and focus this effort around a specific process.
- ii. At the Hyatt retreat, I identified two other items that I wanted to promote for funding by tapping excess HOT funds – support for the state park and funding for a hotel/downtown CARTS route during special events. In addition, since we accepted the mayor's challenge to fund our Arts in Public Places committee, I mentioned it for inclusion in my 2013 plan because I thought it might also be a permissible use for HOT funds.
- iii. Because of the Bastrop Complex Fire and recovery, we reaped greater than usual benefits over one particular year. This, I have termed "a windfall" and tried to refer to the extra income as something we could use to help the state park, because it was the public entity that was hit the hardest by the fire.
- iv. Terry reported last night that he had talked to Steve Dewire about how well the Hyatt is doing and is expected to continue doing – leading to the conclusion that we might have some excess HOT funds available next year, as well. And, we can all hope, one factor or another might allow us to have money available each year for use in what I am terming Tier 3.

b. Proposal for Tier 3 process

- What I am promoting is a system for us to use each year, preferably between March and June, by which we would consider funding items with HOT funds – outside the absolute essentials (Tier 1) and our summer granting process (Tier 2) – when funds are available.
- We would consider where we stand with excess HOT funds for the particular year and set an amount we could spend for that year. Then we would plug in anything that is part of a previous commitment and that is an

appropriate use for HOT funds. Finally, we would consider other special items for funding.

- This would provide an organized way for funding items that are different in nature from the work of entities that we normally have funded in our Tier 2 process.
- When a need that might fit the categories of Tier 3 comes up during the year, we could discuss it and then refer it to the Tier 3 funding process, allowing us to defer a decision to a time when council will look at all contenders and set priorities.
- Possible examples of appropriations under the Tier 3 process might include (1) one time only items, (2) capital expenses (like the Museum and the Arts Guild buildings), (3) internal matters, like our Arts in Public Places committee, etc.

Thanks for your consider of this attempt to explain more clearly. Obviously, I can only talk to two of the other council members about this outside a meeting, but if one or two of you want a further clarification or explanation of what I intend, please call me.

Ken