

**NOTICE OF REGULAR MEETING
BASTROP CITY COUNCIL
April 23, 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 **April 23, 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
 - A. Mayor to administer Oath of Office to Patrol Officers James Altgelt & Marshall Neal.
4. Proclamations
5. Announcements

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

- A. Meetings and Events Attended:
 1. Bastrop Economic Development Corporation Meeting on March 15, 2013.
 2. Lost Pines Groundwater Conservation District Meetings on April 17 & 18, 2013.
- B. Update on City Projects:
 1. Bob Bryant Park Water Facilities Improvements Project.
 2. Long-term Water Study.
 3. Developers Agreement between the City of Bastrop and the Bastrop Economic Development Corporation.
 4. Pecan Park Subdivision.
 5. CARTS Agreement.
 6. Short-term goals for water supply.
 7. Storm event on April 2, 2013 – Water/Wastewater Scada System.
 8. School Zone Improvements Project.
 9. Convention Center fee structure.
 10. Review of Blakey Lane Traffic Study.
 11. Agreement for funding the Bastrop Fine Arts Guild.
 12. 2013 Annexation Plan.
 13. City of West, Texas disaster.
- 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.

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 9, 2013.	A.1	7	Michael Talbot
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A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Replat of Lots 1 and 2 Reserve B of the Bastrop Business and Industrial Park, Phase 1 located within the City limits of Bastrop, Texas.	A.2	16	Melissa McCollum
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A.3 Approval of the Final Plat for Bear Hunter Drive, Phase 1, being approximately 1,069.05 feet of land situated in the Hunters Crossing Subdivision, located south of State Highway 71 West frontage road in the City limits of Bastrop, Texas.	A.3	18	Melissa McCollum
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B. PUBLIC HEARINGS

B.1 PUBLIC HEARING: Conduct a public hearing seeking input from the public on the Community Support funding process for the Fiscal Year 2014 budget.	B.1	21	Michael Talbot
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B.2 Consideration, discussion and possible action on approval of the Community Support funding process for the Fiscal Year 2014 budget and direct staff to modify process as determined.	B.2	27	Michael Talbot
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B.3 PUBLIC HEARING: Conduct a public hearing seeking input from the public on the Hotel Occupancy Tax (HOT) funding process for the Fiscal Year 2014 budget.	B.3	33	Michael Talbot
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B.4 Consideration, discussion and possible action on approval of the Hotel Occupancy Tax (HOT) funding process for the Fiscal Year 2014 budget and direct staff to modify process as determined.	B.4	39	Michael Talbot
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B.5 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

ORDINANCES FOR FIRST READING:

D.1 Consideration, discussion and possible action on the FIRST READING 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.	D.1	45	Matt Wagner
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D.2 Consideration, discussion and possible action on the FIRST READING of an Ordinance amending Chapter 4 "Bastrop Regulations"; Article 4.20 "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.	D.2	52	Matt Wagner
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D.3 Consideration, discussion and possible action on the FIRST
READING of an Ordinance amending City Code Appendix A: Fee
Schedule; Article A4.10 Vehicle Towing, and providing an effective date. D.3 82 Matt Wagner

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

D.4 Consideration, discussion and possible action on a request from
Carpitality Transportation Services for exemption from Bastrop Code
of Ordinances Article 4.03.001(a). D.4 88 Michael Talbot

D.5 Consideration, discussion and possible action regarding the
presentation of the proposed Main Street Promenade Initiative to the
City Council on February 26, 2013. D.5 93 Willie DeLaRosa

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government 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 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
3. Section 551.074 – Personnel Matters – Interim City Secretary.

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 19th day of April 2013 at 11:00 a.m. Copies of this agenda have been provided to those members of the media requesting such information.

Teresa Valdez

Teresa Valdez, 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: TC

CITY OF BASTROP

AGENDA ITEM: City Manager Report

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 19, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **City Manager informational update report: Items for update, discussion and possible action:**
 - A. Meetings and Events Attended:**
 - 1. Bastrop Economic Development Corporation Meeting on March 15, 2013.**
 - 2. Lost Pines Groundwater Conservation District Meetings on April 17 & 18, 2013.**
 - B. Update on City Projects:**
 - 1. Bob Bryant Park Water Facilities Improvements Project.**
 - 2. Long-term Water Supply.**
 - 3. Developers Agreement between the City of Bastrop and the Bastrop Economic Development Corporation.**
 - 4. Pecan Park Subdivision.**
 - 5. CARTS Agreement.**
 - 6. Short-term goals for water supply.**
 - 7. Storm event on April 2, 2013 – Water/Wastewater Scada System.**
 - 8. School Zone Improvements Project.**
 - 9. Convention Center fee structure.**
 - 10. Review of Blakey Lane Traffic Study.**
 - 11. Agreement for funding the Bastrop Fine Arts Guild.**
 - 12. 2013 Annexation Plan.**
 - 13. City of West, Texas disaster.**
 - 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. Departmental and Board Reports (Including storm damage)**
 - 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.**

- ## 2. Party Making Request: **Mike Talbot**

3. Nature of Request: (Brief Overview) Attachments: Yes X 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:

	<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: _____

BASTROP FIRE DEPARTMENT MONTHLY FIRE DEPARTMENT REPORT

March-13

Part 1

Number of Calls, by type

Structure *	3	Wildland **	6
Vehicles	0	EMS Assist	1
Mutual Aid	3	False Alarms	9
Control Burns	14	Haz-Mat	12
Rescue/Extrication	3	Other	22

Total Calls 73

* % of Structure Saved (Use back of page, if needed)

97%	96%	90%

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Other
Fires By District	4	17	4	15	3
CTY	27	3			

** Total Number of Acres Burned 1

Part 2

PERSONNEL HOURS*

Total Personnel Hours at Calls (Part 1)	364
Total Personnel Hours at Training	201
Total Personnel Hours at other Events	250

Total Personnel Hours This Month 815

1. Number of Accidents/Injuries this Month. 2

Part 3

Average Response Time 7.59 Minutes

Top 5 Responders	Amount of Calls
1 Carolyn Laird	58
2 Mike Norman	54
3 Bill Laird	53
4 George Martinez	38
5 Jeff Ewing	36

CITY OF BASTROP

AGENDA ITEM: **A.1****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: April 10, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Approval of meeting minutes of April 9, 2013.**
2. Party Making Request: **Teresa Valdez, 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: _____

April 9, 2013

The Bastrop City Council met in regular session on April 9, 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, Joe Beal, Willie DeLaRosa and Dock Jackson.

ANNOUNCEMENTS**1. CALL TO ORDER**

At 6:15 p.m. Mayor Terry Orr called the meeting to order with all members present.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Information Technology Director, Andres Rosales led the pledges of allegiance to the U.S. and Texas flags. Revered Phil Woods led the invocation.

3. PRESENTATIONS**A. CHARACTER EDUCATION – BASTROP STUDENT**

Russell Cole a Junior at Cedar Creek High School presented the Character Education character trait “Self Discipline” for the month of April.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

City Manager, Mike Talbot announced that tonight was the City Secretary, Teresa Valdez’s last Council Meeting. Mr. Talbot stated Ms. Valdez is relocating to the City Rockport, Texas and will be employed by the City of Rockport as City Secretary. Mr. Talbot stated Ms. Valdez has been City Secretary for the City of Bastrop for 14 years and she will be missed. Mr. Talbot announced a reception for Ms. Valdez will be held on April 16, 2013 from 5:00 p.m. to 6:00 p.m. Mr. Talbot thanked Ms. Valdez for her service to the City of Bastrop, offered personal comments and stated it was a pleasure to work with her.

Mayor Terry Orr, Council Member Joe Beal, and Council Member Dock Jackson thanked Ms. Valdez for her service to the City and offered personal comments.

Ms. Valdez thanked the City Manager and the City Council for their comments and the many learning opportunities she experienced while employed by the City.

**CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE,
DISCUSSION AND POSSIBLE ACTION:**

- A. MEETINGS AND EVENTS ATTENDED:
 - 1. COUNCIL MEETING MARCH 26, 2013.
 - 2. MEETING WITH AQUA & WSC ON MARCH 26, 2013.
 - 3. HOTEL/MOTEL AND COMMUNITY SUPPORT FUNDING MEETING (UNABLE TO ATTEND).
- B. UPDATE ON CITY PROJECTS:
 - 1. BOB BRYANT PARK WATER FACILITIES IMPROVEMENTS PROJECT.
 - 2. STATE HIGHWAY 71 WASTEWATER PIPE BURSTING PROJECT.
 - 3. FAYETTE STREET WASTEWATER IMPROVEMENTS PROJECT.
 - 4. PECAN PARK SUBIVISION.
 - 5. CONSTRUCTION NOTIFICATION SIGN AREA OF STATE HIGHWAY 71/STATE HIGHWAY 20 OVERPASS.
 - 6. SHORT-TERM GOALS FOR WATER SUPPLY ESTABLISHED BY THE CITY COUNCIL AT THEIR PLANNING RETREAT OF MARCH 9, 2013.
 - 7. SUBMITTAL OF THE "STRATEGIC PLANNING REPORT" FROM THE CITY COUNCIL PLANNING RETREAT. RAY & ASSOCIATES TO REVIEW AND DISCUSS THE REPORT AT THE SPECIAL COUNCIL MEETING ON APRIL 22, 2013.
 - 8. SPECIAL EVENTS ORDINANCE.
 - 9. ALLEY "A" SCHOOL ZONE IMPROVEMENTS.
 - 10. SERVICE ROADS ASSOCIATED WITH STATE HIGHWAY 71/STATE HIGHWAY 20 OVERPASS.
 - 11. COVERT PROJECT.
 - 12. PROPOSED "RIVER TERRACE PROJECT" AT HUNTERS CROSSING PLANNED DEVELOPMENT LOT 9 BY JHS HOLDINGS GROUP OF COLUMBIA, MISSOURI.
- 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.
 - 5. HOTEL/MOTEL AND COMMUNITY SUPPORT FUNDING MEETING.
- D. DEPARTMENT AND BOARD REPORTS (INCLUDING STORM DAMAGE).
- 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 stated his written City Manager Report was sent to the Council on Friday, April 9, 2013.

Mr. Talbot addressed Item B.7. Mr. Talbot stated that due to a multitude of conflicts the meeting scheduled for April 22, 2013 has been cancelled by the Mayor. Mr. Talbot stated the Special Meeting to meet with Ray & Associates to discuss the Strategic Planning Report should be rescheduled as soon as possible.

Council Member Ken Kesselus suggested the Council take 30 minutes at a regular meeting to discuss the Strategic Planning Report.

Council Member Joe Beal suggested the Council have a Special Council Meeting at 5:15 p.m. before the next Council Meeting if Council Member Willie DeLaRosa's work schedule would allow him to be there at that time.

It was the consensus of the Council that a Special Council Meeting be held on April 23, 2013 at 5:15 p.m. to discuss the Strategic Planning Report with Ray & Associates.

City Manager, Mike Talbot addressed Item B.12. Mr. Talbot stated he has not had any contact in the last several weeks with the developer of this project. Mr. Talbot stated he has been told, but he has not confirmed that this project does not have the highest amount of points in the Texas Department of Housing and Community Affairs (TDHCA) scoring process.

Council Member Willie DeLaRosa stated the Bastrop Economic Development Corporation Board is going to revisit their support of this project. Mr. DeLaRosa stated the Board does not know if they made a quick judgment. Mr. DeLaRosa stated the citizens that we represent in Hunters Crossing Subdivision are upset about this development project and they are looking to us to help them and not support this project.

Willie DeLaRosa moved that the City Council not support this project in any shape or form, and send a letter to the State stating such. Motion was seconded by Ken Kesselus.

Mayor Orr stated that the information he has on this project is really complete. Mayor Orr stated there seems to be some gaps compared to what the Bastrop Economic Development Corporation Board was told by the developer. Mayor Orr stated he was not sure what information was correct.

Mr. Talbot stated he feels the same way. Mr. Talbot stated he was going to call the case officer from TDHCA who is processing the application and get additional information, but with the action taken by Council tonight he does not see any need to do that.

Mr. Beal stated he will vote in favor of the motion because of the outpouring from the community, but he wanted to comment that just because someone is available to take advantage of lower rents does not make them bad people.

Council Member Dock Jackson stated he concurred with Mr. Beal's comments and he could not have said it better himself.

City Secretary, Teresa Valdez called the roll for vote on the motion:

FOR MOTION: Willie DeLaRosa, Ken Kesselus, Dock Jackson, Joe Beal and
Kay Garcia McAnally.

Motion carried unanimously.

Council Member Willie DeLaRosa then addressed Item B.6. Mr. DeLaRosa stated this was discussed at the Planning Retreat and he knows the Council is waiting on information, but summer is on us again and he wants to make sure the Council knows what their goals are and a time line is developed to get there.

City Manager, Mike Talbot stated he has been working on that this week. Mr. Talbot stated he had conversations with Mr. Jason Allan and also the XS Ranch developer. Mr. Talbot stated the XS Ranch had drilled a well and hit a supply of water to meet the City's need. Mr. Talbot stated the XS Ranch had contacted Armbrust & Brown, legal counsel, and they are drafting a proposal. Mr. Talbot stated he met with Aqua Water and he is anticipating a proposal to be delivered to the City in the next two weeks. Mr. Talbot stated he did receive this week the long-term water supply study from K. Friese and he is going to review this with Ms. Gilpin.

Ken Kesselus stated that with the new well at Bob Bryant Park the City is in a little better shape this year than where we were last year. Mr. Kesselus suggested the City put a letter in the newspaper and ask for volunteer conservation which would be a good civic act.

Ken Kesselus then addressed Item A.1. Mr. Kesselus stated he wanted to clarify that the Ad Hoc Committee set up for Form-based Codes says that the Mayor appoints a couple of citizens, who could be members of City Boards or Commissions, but does not have to be. Mr. Kesselus stated this would give the Mayor an opportunity to appoint any citizen of Bastrop.

Joe Beal stated the City Manager self-evaluation was due March 1, 2013 and he would like to know the status of that.

Mr. Talbot stated he is about one-half complete with the self-evaluation, but he has been trying to respond to a multitude of projects and he put water planning above his self-evaluation.

Council Member Kay Garcia McAnally asked if the Council could look at giving help to the Bastrop Robotics Club attend the national competition, maybe ask the Bastrop Economic Development Corporation. Ms. McAnally stated these are the kind of children we want to continue to be in our community.

Mr. Talbot stated this was not posted for discussion tonight and it could be put on the next Council Agenda for discussion.

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 MARCH 26, 2013 SPECIAL COUNCIL MEETING AND MARCH 26, 2013 REGULAR COUNCIL MEETING.

A.2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.3 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAY FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDED PLAT OF INDUSTRIAL PARK SUBDIVISION, LOTS 2 AND 3, BLOCK

B EAST OF INDUSTRIAL DRIVE WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.4 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE ADMINISTRATIVE PLAT OF LOPEZ SUBDIVISION ON THE CORNER OF FARM STREET AND JEFFERSON STREET BEING APPROXIMATELY 0.583 ACRES OUT

OF BUILDING BLOCK 11, EAST OF MAIN STREET IN THE CITY LIMITS OF BASTROP, TEXAS.

A.5 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 MAYFAIR PARK SUBDIVISION, LOTS 2 AND 3, BLOCK A, NORTH OF HIGHWAY 71 EAST WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.6 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE ADMINISTRATIVE PLAT OF OAK HOLLOW, LOT 1, BEING APPROXIMATELY 6.4159 ACRES OUT OF THE BASTROP TOWN TRACT A-11 WITHIN THE 1 MILE EXTRA TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF BASTROP, TEXAS.

A.7 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDING PLAT OF TAHITIAN VILLAGE, LOT 2-1224 AND 2-1225, BLOCK 14 UNIT 2 WITHIN THE 1 MILE EXTRA TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF BASTROP, TEXAS.

A.8 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING AND CLARIFYING THE CITY OF BASTROP'S PERSONNEL POLICIES MANUAL, CHAPTER 11, SECTION 5: "MEALS", SPECIFICALLY RELATED TO REIMBURSEMENT FOR "DAY-TRIP" MEALS, BUSINESS MEALS, AND GROUP MEALS; AND SECTION 2: "AUTHORIZATION REQUIRED", RELATED TO ADVANCED NOTIFICATION AND APPROVAL BY THE CITY MANAGER FOR BUSINESS RELATED TRAVEL BY CITY DEPARTMENT HEADS; REPEALING CONFLICTING RESOLUTIONS AND POLICIES; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

A.9 ADOPTION OF AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2012-2013 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

A.10 ADOPTION OF AN ORDINANCE AUTHORIZING THE VACATION AND ABANDONMENT OF 0.354 ACRE PORTION OF UNOPENED MILL STREET – EAST

OF JACKSON STREET, NORTH OF BUILDING BLOCK 100 AND SOUTH OF BUILDING BLOCK 101, PLATTED CITY OF BASTROP OWNERSHIP; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT CLAIM DEED FOR THE 0.354 ACRES TO BE VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.

A.11 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING A PROJECT (JAMCo PROJECT IN THE BASTROP BUSINESS & INDUSTRIAL PARK IN AN AMOUNT NOT TO EXCEED \$1,300,000), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION IN AN AMOUNT EXCEEDING \$10,000.

A.12 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDING PLAT OF LOT 1-1368 OF THE RE-SUBDIVISION OF PINE BLUFF SUBDIVISION AND LOTS 1-1351 AND 1368, BLOCK 10, TAHITIAN VILLAGE UNIT 1 AND LOT 1-1367, BLOCK 10, TAHITIAN VILLAGE, UNIT 1 WITHIN THE 1 MILE EXTRA TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF BASTROP, TEXAS.

Mayor Orr read the captions of the three (3) Ordinances.

Willie DeLaRosa moved to approve the Consent Agenda. Motion was seconded by Dock Jackson and carried unanimously.

B. PUBLIC HEARINGS

B.1 CITIZEN COMMENTS.

There were no citizen comments.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON PRESENTATION FROM DAVE MARSH, GENERAL MANAGER OF CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) ON REVISED BUS ROUTES, SERVICE TIMES AND SIGNAGE.

Planning and Development Director Melissa McCollum addressed the Council. Ms. McCollum stated City staff has been talking to CARTS staff about new revised bus routes and signage.

David Marsh addressed the Council. Mr. Marsh introduced CARTS staff members Vanessa Owens, Dana Platt and Lyle Nelson. Mr. Marsh gave a PowerPoint presentation on CARTS. Mr. Marsh stated they have been working with City staff to revise bus routes as well as signage and covered bus stops. Mr. Marsh stated they have been discussing trading out services, CARTS would provide \$50,000 for the covered bus stops; design them in context with City at two or three locations. Mr. Marsh stated the next steps in the process are: 1) Public Hearing scheduled for April 22, 2013 to discuss with the public the proposed changes; 2) Interlocal Agreement with the City; 3) Signage replacement; 4) New routes; and 5) Identify shelter locations.

Council Member Willie DeLaRosa stated the Mr. Marsh had stated in his presentation that CARTS wanted to get more senior citizens and handicapped to utilize the bus. Mr. DeLaRosa stated that 99% of the comments he received were from senior citizens and handicapped and they want to be able to go more places.

Council Member Ken Kesselus stated he was glad the City staff is working with CARTS.

Council Member Dock Jackson stated he was glad to see CARTS is continuing to provide service and new things. Mr. Jackson stated this service is very important to many residents of Bastrop.

Mayor Orr stated when he first became Mayor he was not an avid support of CARTS but Council Members Jackson showed him the error of his ways. Mayor Orr stated it is education and to assist in growing ridership, education could be a goal. Mayor Orr stated that what he has seen lacking in the CARTS service in Bastrop was signage. Mayor Orr asked if Mr. Marsh could provide percentage statistics on load factor, how many passengers at a certain time of the day.

Mr. Marsh stated he could provide that information.

Council Member Joe Beal asked that when Mr. Marsh gathers the information requested by the Mayor that it be compared to other communities. Mr. Beal stated he thinks there are a lot of people in town and maybe a communication process to get the word out about when and where the bus goes would increase ridership.

E. EXECUTIVE SESSION:

E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT 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 551.072 – DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY.

At 7:20 p.m., Mayor Terry Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government 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 551.072 - Deliberation regarding real property: Regarding the purchase, exchange, lease or value of real property.

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.

At 8:04 p.m., Mayor Terry Orr reconvened the Bastrop City Council 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.

No action was taken.

F. ADJOURNMENT

At 8:05 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Dock Jackson and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 17, 2013

MEETING DATE: April 23, 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 the Replat of Lots 1 and 2 Reserve B of the Bastrop Business and Industrial Park, Phase 1 located within the City limits of Bastrop, Texas.**

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) _____

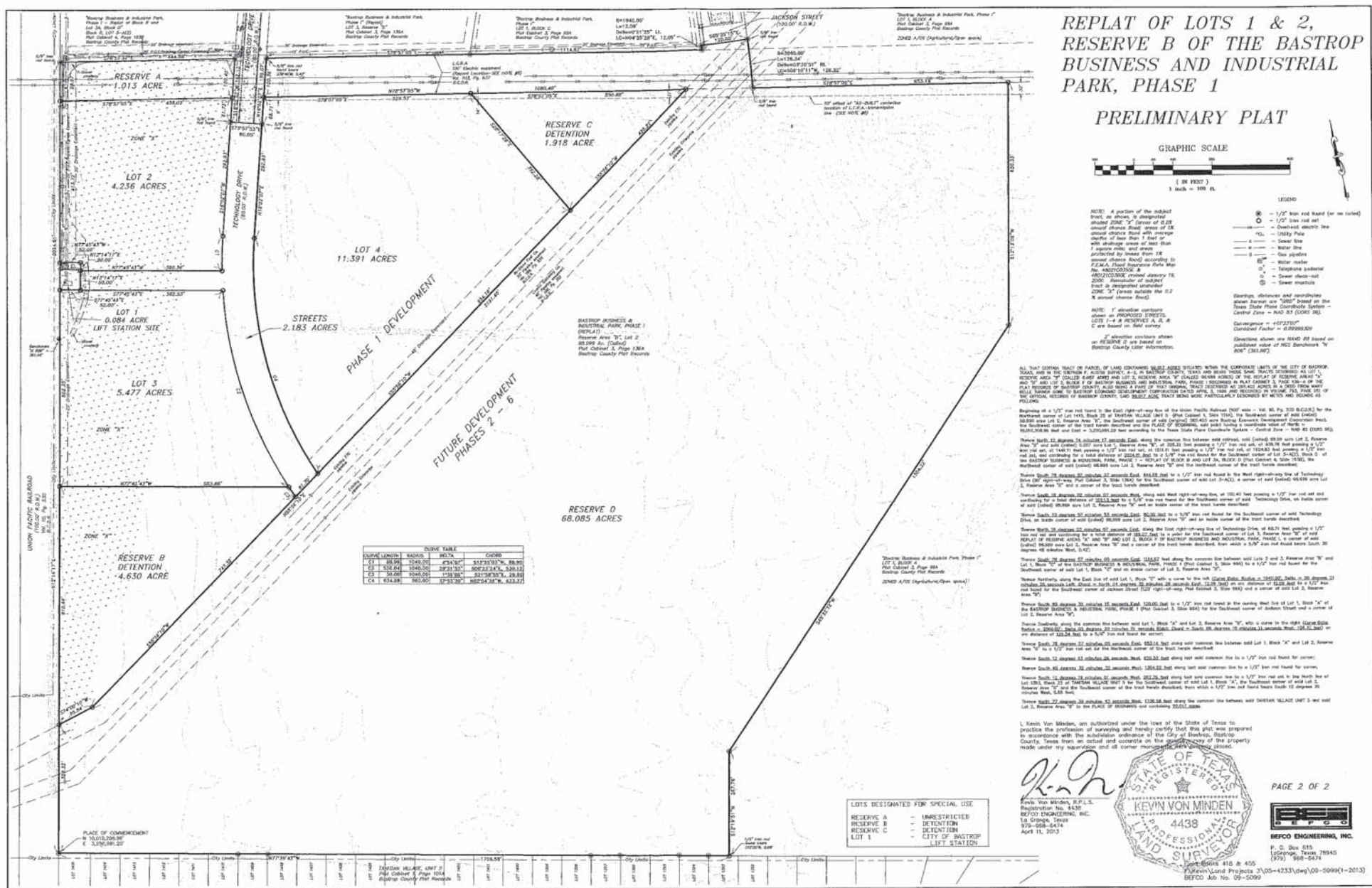
c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____



STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 17, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Approval of the Final Plat for Bear Hunter Drive, Phase 1, being approximately 1,069.05 feet of land situated in the Hunters Crossing Subdivision, located south of State Highway 71 West frontage road in the City limits of Bastrop, Texas.**

2. Party Making Request: **Forestar (USA) Real Estate Group**

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 recommends approval of the Final Plat for Bear Hunter Drive, Phase 1.**

9. Advisory Board Recommendation: _____ Approval _____ Disapproval _____ None

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

11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

April 23, 2013

Project Description:

Approval of the Final Plat for Bear Hunter Drive, Phase 1, being approximately 1,069.05 feet of land situated within the Hunters Crossing Subdivision, located south of State Highway 71 West frontage road in the city limits of Bastrop, Texas.

Item Summary:

Owner: Forestar (USA) Real Estate Group
Applicant: Carlson, Brigrance & Doering Civil Engineering and Surveying
Location: Located in the City Limits
Utilities: City water, sewer, and Bluebonnet electric
Zoning: PD, Planned Development

Background:

Bear Hunter Drive is a thoroughfare planned street with 80 feet of ROW that is proposed to align with FM 969 across Hwy 71. Hunters Crossing will be dedicating and constructing half of the entire pavement (2 lanes) and the neighboring property owner (Weaver), will be dedicating and building the remaining half of Bear Hunter Drive.

This plat represents the Phase 1 of Bear Hunter Drive approximately 1,069 feet south of Highway 71. The other portions of Bear Hunter Drive have been dedicated with previous sections, i.e Sections 4B and 3G.

No portion of Bear Hunter Drive is currently constructed, but Forestar is proposing to construct their half of Bear Hunter Drive from Pack Horse Drive (Section 7B) northward to Highway 71. This will provide much needed circulation and access to the new Section 7B, as well as the other sections of Hunters Crossing.

Bear Hunter Drive is included in the Hunters Crossing Master Plan, and has always been a planned part of Hunter Crossing Subdivision. Phase 2 of Bear Hunter will be constructed in the future.

Staff Recommendation:

Staff recommends approval of the Final Plat for Bear Hunter Drive, Phase 1. The plat meets all other subdivision requirements.

Special Considerations: None.

Comments: Five (5) adjacent property owner notifications were mailed 4/10/2013. No comments have been received from the property owners notified.

City Contact:

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

CITY OF BASTROP

AGENDA ITEM B.1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 15, 2012

MEETING DATE: April 23, 2012

1. Agenda Item: **PUBLIC HEARING: Conduct a public hearing seeking input from the public on the Community Support process for the Fiscal Year 2014 budget.**
2. Party Making Request: Mike Talbot
3. Nature of Request: (Brief Overview) Attachments: Yes **X** No

Per the calendar approved by City Council, we are providing a public hearing concerning the proposed process for Community Support.

Attachment 1: FY2014 Community Support Calendar

Attachment 2: Community Support application for Fiscal Year 2014

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: _____

- March 12, 2013 Council to accept Community Support Calendar
- March 14, 2013 Send out notices to Organizations regarding the 3/28/13 meeting
- March 28, 2013 Committee to meet with organizations to review draft ideas for the funding process and request feedback
Community Support Funding Recipients- 5:00 p.m. - 6:00 p.m.
Notify organizations of the 4/9/13 Council Meeting
- April 3, 2013 Organizations to return their ideas in Writing (optional)
Deadline for draft ideas for the funding process from the committee
Submit to City Secretary for council agenda
- April 9, 2013 Council Meeting - CM Report
Council to review draft ideas for the funding request forms and make any necessary changes.
- April 17, 2013 Submit final funding forms to City Secretary for council agenda
- April 23, 2013 Council Meeting
*Public Hearing for organizations to make comments of the proposed application and process (last chance to make changes to application)
*Council to review proposed application and the process for requesting funds
*Identify the budget amount for the total appropriation
- April 30, 2013 Submit final process and letter for organizations to Mike
- May 14, 2013 Final process for requesting funds will be placed under City Manager's Report
Hand out will be given to council of application and cover letter
- May 15, 2013 Funding applications available at City Hall or online
- May 31, 2013 Deadline for submitting funding applications to Finance Office, 5:00 P.M.
- June 17 to June 28, 2013 Visit with organizations regarding missing items in their application packet
Prepare Ranking Sheets from internal information
- July 3, 2013 Submit information to City Secretary for council agenda
(to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
- July 9, 2013 Council Meeting
Organizations to present their requests
Council to receive funding score list from Finance
- July 19, 2013 Council to return funding score list to the Finance Director
- July 23, 2013 Finance Office to hand out the average ranking of score to Council
- August 13, 2013 Council to approve preliminary funding levels for organizations

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

ORGANIZATION INFORMATION:

Official Name of Organization	Date
-------------------------------	------

Address	City	State	Zip
---------	------	-------	-----

Contact Person	E-mail
----------------	--------

Phone Number	Fax Number
--------------	------------

Federal ID #	State ID #
--------------	------------

Is your Organization:

☐ 501(c)3Other (provide description)

\$
Funding Amount Requested

Required Attachments:

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2014 (10/01/2013 - 09/30/2014) as directly related to funding
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 4) Articles of Incorporation
- 5) Identify other sources of funding
- 6) List of all Board Members

Answer the following. Your focus should be on how your organization benefits the community and City of Bastrop citizens. Be as specific as possible.

Provide a brief summary on why you are requesting funds:

Describe the organization's purpose.

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

Share your organization's experience, accomplishments and qualifications to successfully complete the program services.

Identify any in-kind services that you currently receive, or have received in the past from the City of Bastrop (include dates).

Over the past year, identify what percentage of your total organizations purpose benefited City of Bastrop citizens.

PROGRAM SERVICES

Describe your program services.

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

How will the City of Bastrop funds be used?

How will the program services benefit the community?

For your organization's purpose, what percentage of City of Bastrop citizens do you estimate will benefit from this funding?

How do you know these program services are needed? Are there other entities providing the same or similar services which are available to City of Bastrop citizens? Will there be a coordination of services? Explain.

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

REPORTING

How will you track the number of City of Bastrop citizens benefited by your organization's program services?

How will you evaluate if you were effective?

If you have done/currently doing these program services, describe the results you have experienced and statistics.

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according the opinion of the City of Bastrop, to the program guidelines. I agree that if funds are not expended accordingly, in said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

Authorized Signature for the Applicant

Date

Name Printed or Typed

Title

Return this application to:

City of Bastrop

Finance Department

P. O. Box 427

1311 Chestnut Street

Bastrop, Texas 78602

DEADLINE: 5:00 P.M., FRIDAY MAY 31, 2013

Electronic/Facsimile submissions will not be considered.

CITY OF BASTROP

AGENDA ITEM B.2

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 15, 2012

MEETING DATE: April 23, 2012

1. Agenda Item: **Consideration, discussion and possible action on approval of the Community Support process for the Fiscal Year 2014 budget and direct staff to modify process as determined.**
2. Party Making Request: **Mike Talbot**
3. Nature of Request: (Brief Overview) Attachments: Yes **X** No

Attachment 1: FY2014 Community Support Funding Calendar

Attachment 2: Community Support Funding application for Fiscal Year 2014

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: _____

- March 12, 2013 Council to accept Community Support Calendar
- March 14, 2013 Send out notices to Organizations regarding the 3/28/13 meeting
- March 28, 2013 Committee to meet with organizations to review draft ideas for the funding process and request feedback
Community Support Funding Recipients- 5:00 p.m. - 6:00 p.m.
Notify organizations of the 4/9/13 Council Meeting
- April 3, 2013 Organizations to return their ideas in Writing (optional)
Deadline for draft ideas for the funding process from the committee
Submit to City Secretary for council agenda
- April 9, 2013 Council Meeting - CM Report
Council to review draft ideas for the funding request forms and make any necessary changes.
- April 17, 2013 Submit final funding forms to City Secretary for council agenda
- April 23, 2013 Council Meeting
*Public Hearing for organizations to make comments of the proposed application and process (last chance to make changes to application)
*Council to review proposed application and the process for requesting funds
*Identify the budget amount for the total appropriation
- April 30, 2013 Submit final process and letter for organizations to Mike
- May 14, 2013 Final process for requesting funds will be placed under City Manager's Report
Hand out will be given to council of application and cover letter
- May 15, 2013 Funding applications available at City Hall or online
- May 31, 2013 Deadline for submitting funding applications to Finance Office, 5:00 P.M.
- June 17 to June 28, 2013 Visit with organizations regarding missing items in their application packet
Prepare Ranking Sheets from internal information
- July 3, 2013 Submit information to City Secretary for council agenda
(to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
- July 9, 2013 Council Meeting
Organizations to present their requests
Council to receive funding score list from Finance
- July 19, 2013 Council to return funding score list to the Finance Director
- July 23, 2013 Finance Office to hand out the average ranking of score to Council
- August 13, 2013 Council to approve preliminary funding levels for organizations

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

ORGANIZATION INFORMATION:

Official Name of Organization	Date
-------------------------------	------

Address	City	State	Zip
---------	------	-------	-----

Contact Person	E-mail
----------------	--------

Phone Number	Fax Number
--------------	------------

Federal ID #	State ID #
--------------	------------

Is your Organization:

☐ 501(c)3Other (provide description)

\$
Funding Amount Requested

Required Attachments:

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2014 (10/01/2013 - 09/30/2014) as directly related to funding
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 4) Articles of Incorporation
- 5) Identify other sources of funding
- 6) List of all Board Members

Answer the following. Your focus should be on how your organization benefits the community and City of Bastrop citizens. Be as specific as possible.

Provide a brief summary on why you are requesting funds:

Describe the organization's purpose.

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

Share your organization's experience, accomplishments and qualifications to successfully complete the program services.

Identify any in-kind services that you currently receive, or have received in the past from the City of Bastrop (include dates).

Over the past year, identify what percentage of your total organizations purpose benefited City of Bastrop citizens.

PROGRAM SERVICES

Describe your program services.

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

How will the City of Bastrop funds be used?

How will the program services benefit the community?

For your organization's purpose, what percentage of City of Bastrop citizens do you estimate will benefit from this funding?

How do you know these program services are needed? Are there other entities providing the same or similar services which are available to City of Bastrop citizens? Will there be a coordination of services? Explain.

CITY OF BASTROP
COMMUNITY SUPPORT FUNDING APPLICATION

REPORTING

How will you track the number of City of Bastrop citizens benefited by your organization's program services?

How will you evaluate if you were effective?

If you have done/currently doing these program services, describe the results you have experienced and statistics.

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according the opinion of the City of Bastrop, to the program guidelines. I agree that if funds are not expended accordingly, in said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

Authorized Signature for the Applicant

Date

Name Printed or Typed

Title

Return this application to:

City of Bastrop

Finance Department

P. O. Box 427

1311 Chestnut Street

Bastrop, Texas 78602

DEADLINE: 5:00 P.M., FRIDAY MAY 31, 2013

Electronic/Facsimile submissions will not be considered.

CITY OF BASTROP

AGENDA ITEM B.3

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 15, 2012

MEETING DATE: April 23, 2012

1. Agenda Item: **PUBLIC HEARING: Conduct a public hearing seeking input from the public on the Hotel Occupancy Tax (HOT) Funding process for the Fiscal Year 2014 budget.**
2. Party Making Request: Mike Talbot
3. Nature of Request: (Brief Overview) Attachments: Yes **X** No

Per the calendar approved by City Council, we are providing a public hearing concerning the proposed process for Hotel Motel Funding.

Attachment 1: FY2014 Hotel Occupancy Tax Funding Calendar

Attachment 2: Hotel Occupancy Tax application for Fiscal Year 2014

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: _____

March 12, 2013	Council to accept HOT Funding Calendar
March 14, 2013	Send out notices to Organizations regarding the 3/28/2013 meeting
TBD	Work session with Mike 1:30 p.m. - 4:00 p.m.
March 28, 2013	Committee to meet with organizations to review draft ideas for the funding process Hotel Occupancy Tax Recipients - 5:00 p.m. - 6:00 p.m. Notify organizations of the 4/9/2013 Council Meeting
April 1, 2013 12:00 Noon	Organizations to return their ideas in Writing
April 3, 2013 12:00 Noon	Deadline for draft ideas for the funding process from the committee Committee to meet to discuss ideas Submit to City Secretary for council agenda
April 9, 2013	Council Meeting - CM Report Council to review draft ideas for the funding request forms and make any necessary changes.
April 17, 2013	Submit final funding process to City Secretary for council agenda
April 23, 2013	Council Meeting - Mike to discuss 5 year projection Council to review proposed process for requesting funds and provide feedback to Finance Public Hearing for organizations to make comments of the proposed process (last chance to make changes to application)
April 30, 2013	Submit final process and letter for organizations to Mike
May 14, 2013	Final process for requesting funds will be placed under City Manager's Report Hand out will be given to council of application and cover letter
May 15, 2013	Funding applications available at City Hall or online
May 31, 2013	Deadline for submitting funding applications to Finance Office, 5:00 P.M.
June 3 to June 14, 2013	Visit with organizations regarding missing items in their application packet Prepare Ranking Sheets from internal information
June 19, 2013	Submit information to City Secretary for council agenda (to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
June 25, 2013	Council Meeting Organizations to present their requests Council to receive funding score list from Finance
July 5, 2013	Council to return funding score list to the Finance
July 9, 2013	Finance to hand out the average ranking of score to Council - no agenda item
August 13, 2013	Council to approve preliminary funding levels for organizations
October 8, 2013	Council to approve final funding level for organizations

After approval of the FY 2014 Budget, Agreements will be sent out for signatures

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

Official Name of Organization _____ Date _____

Contact Person _____ E-mail _____

Organization Address _____ Phone Number _____

Website Address _____

Is your Organization:

☐ 501(c)3

Other (provide description) _____

\$ _____
Total Amount Requested

Provide a brief description of your organization's mission:

Required Attachments:

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2014 (10/01/2013 - 09/30/2014) as directly related to funding, event specific, if applicable
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 4) Articles of Incorporation
- 5) Identify other sources of funding
- 6) List of all Board Members

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION*(COMPLETE A SEPARATE FORM FOR EACH EVENT)*

Project Number

of

Name of Organization_____
Fiscal Year of Request_____
Name of Event or Project_____
Date of Event or Project

\$

Amount Requested_____
Primary Location of Event or Project_____
Expected Attendance_____
How many years have you held this Event or Program_____
Percentage of attendance that will be
staying overnight in hotels_____
Estimated number of hotel room nights will be
generated by the Event

How will you measure the impact of your event on area hotel activity?

Do your promotional materials/website note area lodging facilities that can host participants? _____

Tell us about your event or project:

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION*(COMPLETE A SEPARATE FORM FOR EACH EVENT)*

Project Number

_____ of _____

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

PART TWO - Check which categories apply to funding request and amount requested under each category:

☐ Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.

\$ _____

☐ Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.

\$ _____

☐ Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.

\$ _____

☐ Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

\$ _____

☐ Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.

\$ _____

☐ Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.

\$ _____

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

Authorized Signature for the Applicant

Date

Name Printed or Typed

Title

Return completed application and attachments to:

DEADLINE: 5:00 P.M., FRIDAY MAY 31, 2013

City of Bastrop

Finance Department

P. O. Box 427

1311 Chestnut Street

Bastrop, Texas 78602

Electronic/Facsimile submissions will not be considered.

CITY OF BASTROP

AGENDA ITEM B.4

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: April 15, 2012

MEETING DATE: April 23, 2012

1. Agenda Item: **Consideration, discussion and possible action on approval of the Hotel Occupancy Tax (HOT) funding process for the Fiscal Year 2014 budget and direct staff to modify process as determined.**

- ## 2. Party Making Request: **Mike Talbot**

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

Attachment 1: FY2014 Hotel Occupancy Tax Funding Calendar

Attachment 2: Hotel Occupancy Tax application for Fiscal Year 2014

- #### 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: _____

March 12, 2013	Council to accept HOT Funding Calendar
March 14, 2013	Send out notices to Organizations regarding the 3/28/2013 meeting
TBD	Work session with Mike 1:30 p.m. - 4:00 p.m.
March 28, 2013	Committee to meet with organizations to review draft ideas for the funding process Hotel Occupancy Tax Recipients - 5:00 p.m. - 6:00 p.m. Notify organizations of the 4/9/2013 Council Meeting
April 1, 2013 12:00 Noon	Organizations to return their ideas in Writing
April 3, 2013 12:00 Noon	Deadline for draft ideas for the funding process from the committee Committee to meet to discuss ideas Submit to City Secretary for council agenda
April 9, 2013	Council Meeting - CM Report Council to review draft ideas for the funding request forms and make any necessary changes.
April 17, 2013	Submit final funding process to City Secretary for council agenda
April 23, 2013	Council Meeting - Mike to discuss 5 year projection Council to review proposed process for requesting funds and provide feedback to Finance Public Hearing for organizations to make comments of the proposed process (last chance to make changes to application)
April 30, 2013	Submit final process and letter for organizations to Mike
May 14, 2013	Final process for requesting funds will be placed under City Manager's Report Hand out will be given to council of application and cover letter
May 15, 2013	Funding applications available at City Hall or online
May 31, 2013	Deadline for submitting funding applications to Finance Office, 5:00 P.M.
June 3 to June 14, 2013	Visit with organizations regarding missing items in their application packet Prepare Ranking Sheets from internal information
June 19, 2013	Submit information to City Secretary for council agenda (to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
June 25, 2013	Council Meeting Organizations to present their requests Council to receive funding score list from Finance
July 5, 2013	Council to return funding score list to the Finance
July 9, 2013	Finance to hand out the average ranking of score to Council - no agenda item
August 13, 2013	Council to approve preliminary funding levels for organizations
October 8, 2013	Council to approve final funding level for organizations

After approval of the FY 2014 Budget, Agreements will be sent out for signatures

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

Official Name of Organization _____ Date _____

Contact Person _____ E-mail _____

Organization Address _____ Phone Number _____

Website Address _____

Is your Organization:

☐ 501(c)3

Other (provide description) _____

\$ _____
Total Amount Requested

Provide a brief description of your organization's mission:

Required Attachments:

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2014 (10/01/2013 - 09/30/2014) as directly related to funding, event specific, if applicable
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 4) Articles of Incorporation
- 5) Identify other sources of funding
- 6) List of all Board Members

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION*(COMPLETE A SEPARATE FORM FOR EACH EVENT)*

Project Number

of

Name of Organization_____
Fiscal Year of Request_____
Name of Event or Project_____
Date of Event or Project

\$

Amount Requested_____
Primary Location of Event or Project_____
Expected Attendance_____
How many years have you held this Event or Program_____
Percentage of attendance that will be
staying overnight in hotels_____
Estimated number of hotel room nights will be
generated by the Event

How will you measure the impact of your event on area hotel activity?

Do your promotional materials/website note area lodging facilities that can host participants? _____

Tell us about your event or project:

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION*(COMPLETE A SEPARATE FORM FOR EACH EVENT)*

Project Number

_____ of _____

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

PART TWO - Check which categories apply to funding request and amount requested under each category:

☐ Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.

\$ _____

☐ Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.

\$ _____

☐ Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.

\$ _____

☐ Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

\$ _____

☐ Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.

\$ _____

☐ Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.

\$ _____

CITY OF BASTROP
HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

Authorized Signature for the Applicant

Date

Name Printed or Typed

Title

Return completed application and attachments to:

DEADLINE: 5:00 P.M., FRIDAY MAY 31, 2013

City of Bastrop

Finance Department

P. O. Box 427

1311 Chestnut Street

Bastrop, Texas 78602

Electronic/Facsimile submissions will not be considered.

CITY OF BASTROP

AGENDA ITEM: **D.1****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: April 11, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Consideration, discussion and possible action on the FIRST READING 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.**

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

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

See attached 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: _____

4/19/2013

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Bastrop Police Department

Memorandum

Date: April 15, 2013

To: Honorable Mayor Terry Orr and Council Members

From: Matt Wagner, Asst. Chief of Police

CC: Mike Talbot, City Manager

Re: Parking ordinance

Mayor and city council Members -

The Police department worked closely with the City manager and the City Attorney to develop a Parking ordinance to assist Code enforcement with addressing both parking and vehicle abatement issues in our community.

The new parking ordinance clearly addresses construction equipment, trailers, and recreational equipment, and gives time lines for how long they may remain parked on city streets and right of ways. The ordinance also addresses what may not be parked in a front and side yard.

Under the new ordinance Boats and recreational vehicles and trailers would only be allowed to park on the street for 72 hours in a 96 hour period before it must be removed. Construction equipment will only be allowed to park on the street for 30 minutes unless in active use and attended by the driver.

The ordinance identifies abandoned and inoperable vehicles and states that if they are left on public property for more than 48 hours they are considered a public nuisance. The ordinance requires the Police Department begin the abatement process on the vehicles identified as abandoned by red tagging the vehicles.

Staff recommends Approval

ORDINANCE NO. _____

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.

WHEREAS, Sections 542.202 and Section 683 of the Transportation Code authorize a city to regulate the stopping, standing, or parking of a vehicle; and

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

WHEREAS, the City Council has determined that there is a need to increase public safety by improving access to public streets for public emergency operations, and the safety of vehicles and pedestrians by reducing congestion on public streets; and

WHEREAS, in addition to safety considerations, such as the reduction of congestion and the accessibility of emergency vehicles, the City has determined that the standing and/or parking of certain vehicles, as described herein, on public streets has the potential to decrease property values and detract from the attractiveness and aesthetic and historic appeal of the City of Bastrop; and

WHEREAS, the City finds that it is necessary and the best interest of the City to amend Chapter 12, “Traffic and Vehicles” to provide restrictions on certain types of vehicles that may be parked on public streets; and

WHEREAS, the City of Bastrop finds that the amendments to Chapter 12, “Traffic and Vehicles” provided herein 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 Chapter 12 of the Bastrop Code of Ordinances is amended to add Article 12.12 “Parking and Standing Restrictions in Restricted Areas”, as follows:

ARTICLE 12.12 PARKING AND STANDING RESTRICTIONS IN RESTRICTED PARKING AREAS

Sec. 12.12.001 Definitions

The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them herein, unless a different meaning is expressly provided.

Abandoned Motor Vehicle. Shall have the meaning prescribed by Section 683.002 "Abandoned Motor Vehicle" of the Texas Transportation Code and the Bastrop Code of Ordinances.

Boat. Means all types of watercraft, whether registered, unregistered, licensed or unlicensed.

Commercial Vehicle. Means a *Motor Vehicle* or combination of *Motor Vehicles* used to transport passengers and/or property that: (A) has a gross combination weight rating of 10,000 or more pounds; and/or (B) is more than twenty-two (22) feet in length, seven (7) feet in width, or seven (7) feet in height.

Construction Vehicle. Means mobile construction equipment, including, but not limited to dump trucks, graders, back-hoes, front-end loaders, skid loaders, and other similar equipment.

Farm Equipment. Means tractors and all accessories and instruments associated with farming and/or ranching.

Inoperable Motor Vehicle. Means a motor vehicle that because of mechanical failure, breakdown, or disrepair cannot be started, driven, operated, steered, or stopped under its own power and without causing damage to the vehicle.

Motor Vehicle. Means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Park. Means to place or leave for the purpose of convenient departure from or return to a vehicle in connection with a planned trip, outing or vacation, including the processes of loading or unloading the vehicle and preparation of the vehicle.

Recreational Vehicle. Means any unit primarily designed as a living quarters for recreation, camping, or travel use which either contains its own motive power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes, or

recreational vans or is permanently mounted on a vehicle such as a camper or pickup camper.

Restricted Parking Areas. Includes any area in the City of Bastrop not otherwise controlled by ordinance or state law.

Store. Means to place for the purpose of preserving, protecting and securing it for a period in excess of 48 hours.

Trailer. Means any trailer greater than 5ft W x 8ft L that is designed or utilized for the transportation of a *Boat*, automobile, snowmobile, livestock, cargo or similar items, or as living quarters for recreation, camping or travel use as in the case of a travel, tent, camp, popup or 5th wheel *Trailer*, which do not have motive power of its own, but are designed to be drawn by vehicle.

Truck. Means any semi-tractor or any *Commercial Vehicle* with a licensed weight of 6,001 pounds or above.

Sec. 12.12.002. Parking Restrictions.

- (a) It shall be unlawful for any person (either owning or having control) to *Park* or leave standing on any City street or City right-of-way in a *Restricted Parking Area* for a period of more than seventy-two (72) consecutive hours, or for a period of more than seventy-two (72) total hours during a ninety-six (96) hour period, a *Boat*, *Recreational Vehicle*, or a *Trailer*.
- (b) It is no defense to prosecution that any *Boat*, *Recreational Vehicle*, or *Trailer* is parked or left standing in a *Restricted Parking Area* and is then moved any number of times outside of the *Restricted Area* or to any other location in a *Restricted Parking Area* during a seventy-two (72) hour period, provided that the item is parked or left standing anywhere on a City street or City right-of-way in a *Restricted Parking Area* for a total of more than seventy-two (72) hours during a ninety-six (96) hour period.
- (c) It is unlawful for a person to park a *Truck*, *Commercial Vehicle*, *Farm Equipment*, or *Construction Vehicle* on a City street or City right-of-way, in a *Restricted Parking Area* for a period of more than thirty (30) minutes, except when the vehicle is being loaded and/or unloaded, or is being actively used, and the driver is present.
- (d) This section shall not apply to authorized emergency vehicles operating in response to an emergency call or vehicles operated by a public utility company, or vehicles operated for public service, such as for sanitation, street, water and sewer purposes, or a vehicle operated by the City of Bastrop.

Sec. 12.12.003. Abandoned and Inoperable Vehicles Declared Public Nuisance.

- a. An Abandoned Motor Vehicle is a public nuisance.
- b. An Inoperable Motor Vehicle left on public property for more than 48 continuous hours will be considered abandoned and a public nuisance.
- c. Motor Vehicles that violate this Section and are declared a public nuisance may be abated and removed by the Bastrop Police Department, or its representative, in accord with Section 683 of the Texas Transportation Code, and the City of Bastrop Code of Ordinances.

Sect. 12.12.004 Notice of Abandonment Prior to Impoundment

- a. Not later than 48 hours before impounding an Abandoned Motor Vehicle under this Chapter, a police officer, or a designee of the Police Chief, shall securely affix a visible, dated brightly colored notice to the vehicle. The Police Department shall maintain a record of the date and time each notice is affixed.
- b. Proof that the motor vehicle was not removed from the public or private property after the notice was attached to the vehicle is prima facie proof that:
 - i. The vehicle was left unattended and abandoned for the period of time between the affixing of the notice and the impounding of the motor vehicle; and
 - ii. The owner of the vehicle allowed the motor vehicle to remain at the place where the motor vehicle was impounded for the period of time between the affixing of the notice and the impounding of the motor vehicle.

Sec. 12.12.005 Parking in a Front or Side Yard.

- a. It shall be unlawful for a person to park, or allow to remain parked, a *Trailer, Truck, Commercial Vehicle, Farm Equipment, or Construction Vehicle* in the side yard or front yard of a house or building in a Restricted Parking Area, if visible from a public street or public right-of-way.

Sec. 12.12.006. Penalty and Abatement.

- a. A violation of this section shall constitute a nuisance punishable by a fine not to exceed two hundred dollars (\$200.00) and/or the vehicle or item may be abated

in accord with the Texas Transportation Code and Chapter 8 of the Code of Ordinances, Offenses and Nuisances.

- b. Notwithstanding anything stated herein, the Police Department may immediately remove a vehicle or item left on public property that is an obstruction to traffic or is a danger to the public.

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 23rd day of April 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: **D.2****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: April 11, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Consideration, discussion and possible action on the FIRST READING of an 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: **Assistant Police Chief Matt Wagner**

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

See attached 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: _____

4/19/2013

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Bastrop Police Department Memorandum

Date: April 12, 2013

To: Honorable Mayor Terry Orr and Council Members

From: Matt Wagner, Asst. Chief of Police

CC: Mike Talbot, City Manager

Re: Vehicle Towing ordinance

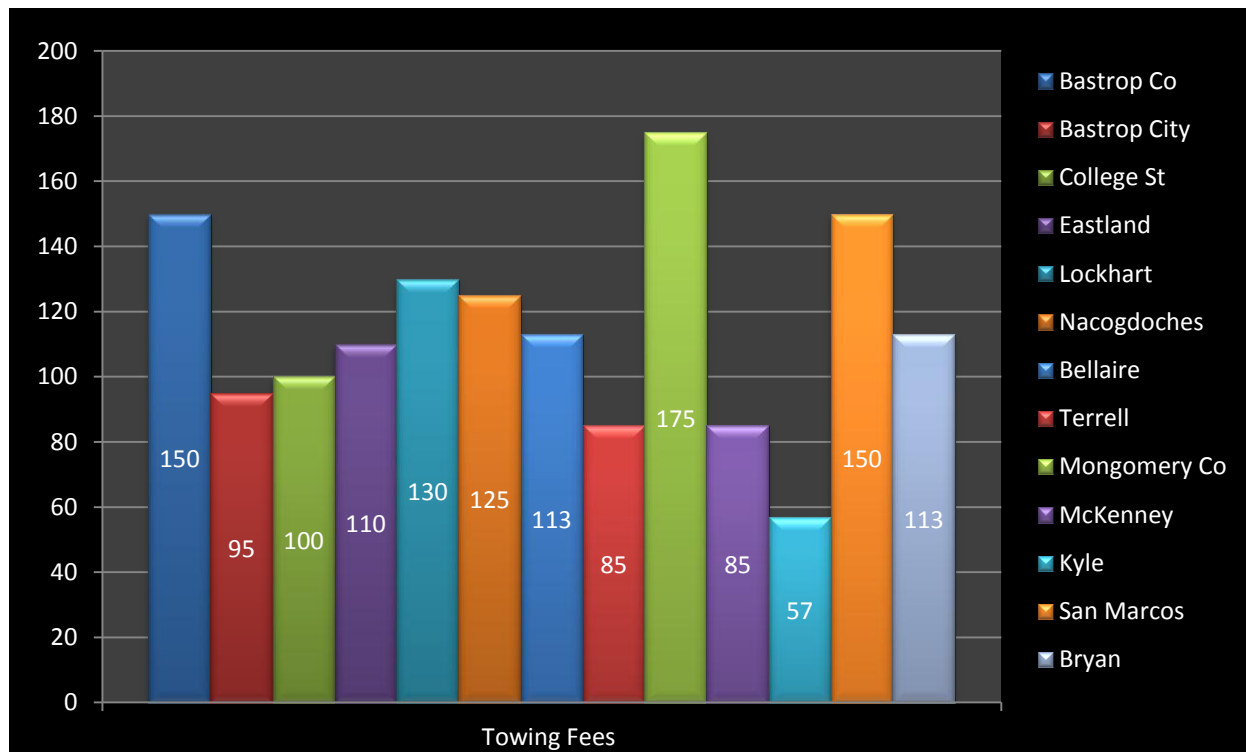
Mayor and city council Members -

After receiving a request from a registered tow company to review the fee structure currently allowed under ordinance. We decided that it was a good opportunity to review the entire ordinance and ensure that it was in compliance with the State law, and that it was meeting the needs of the city, the community and of the tow companies.

We conducted a review of the ordinance and determined that several changes were necessary to update the ordinance with changes in state law. The key changes were that we limited single owners of multiple companies to only being able to have one spot on the rotation. Another key change was to put in a fee study so that when a study is conducted it is good for two years once it is adopted. We also cleaned up and simplified the permitting process. We also updated some of the definitions.

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.

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))

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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:

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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. ~~The towing of a vehicle with the consent of the owner or operator of the vehicle.~~ 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~~, possession, custody, or control of the vehicle. The term does not include an incident management tow ~~or a private property 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.

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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. ~~The towing of a vehicle without the consent of the owner or operator of the vehicle.~~ 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~~ 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.

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| **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)

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(be) © A Owners and operators of ~~ny person operating a~~ tow trucks ~~and/or wrecker~~ shall comply with all applicable state and local laws. A failure to comply with applicable state and local laws shall be ~~is~~ a violation of this article.

~~Wrecker is included in definition of tow truck~~

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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)

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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) When a towing business is summoned to a scene by a vehicle owner or operator:~~

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~~(1) The information shall be included on a form provided by the department and signed by the party who summoned the tow truck; and~~

~~(2) The towing business must notify the department that a response is being made.~~

~~(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.

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~~(h) The~~ 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)

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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)

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Sec. 4.10.008 Qualifications for inclusion on nonconsent tow rotation list

In order to be placed, or ~~and~~ 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:

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- (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 ~~an~~ 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~~3~~) 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.

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(13~~2~~) 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 any other insurance required by the city and state law.

(13~~2~~) 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) ~~10 lb. fire extinguisher~~ 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~~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) ~~Flares Two~~ 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)

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Sec. 4.10.009 Application for inclusion on nonconsent tow rotation list

(a) A person or entity desiring to be included, or ~~and~~ to remain, ~~on~~ the nonconsent tow rotation list shall annually submit to the department a written application ~~upon 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 ~~will~~ 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 ~~An applicant for a permit will~~ provide a copy of each tow truck operator's ~~the~~ driver's license and State issued Towing ~~operators~~ Operator's license

for any operator of a tow truck on the nonconsent tow rotation list ~~each driver that will operate the listed tow trucks.~~

(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.

(b)

(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.

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(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 ~~satisfactorily~~ completed application, which satisfies the requirements of this ordinance and state law, the department will issue:

- 1) a ~~, A~~ permit ~~shall be issued~~ to the applicant; and
- 2) ~~as well as an~~ 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) ~~, which meets the qualifications, and a~~ Tow Truck Operator's Permits issued for each driver listed on the application.

(1995 Code, sec. 4.1207)

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Sec. 4.10.010 Removal from nonconsent tow rotation list

(a) The department may ~~can~~ 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)

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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)

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Sec. 4.10.012 ~~TOWING FEE STUDY~~ Towing Fee Study

A "towing fee study" is a study used by the city to determine the fair market value of ~~a~~ nonconsent tows and incident management tows ~~originating~~ in the city. The study is based on ~~;~~ ~~considering~~ financial information provided to the city by the towing company that request~~ing~~s 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.

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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:

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 contender 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 APPROVED on First Reading on the 23rd day of April 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: **D.3****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: April 11, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Consideration, discussion and possible action on the FIRST READING of an 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

See attached 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: _____



Bastrop Police Department

Memorandum

Date: April 12, 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 \$140.00. We are proposing to set our rate at \$130.00 which is slightly higher than the average however it is slightly lower than the County rate.

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

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: \$140.00~~95.00~~.

(2) If heavy-duty wrecker is used to tow vehicles in excess of 10,000 pounds: ~~\$125.00~~300.00.

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

(1) Use of dollies: \$25.00. No dolly fee will be allowed for flatbeds or rollbacks.

(2) Exceptional labor such as clearing debris: \$25.00 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: \$25.00 per hour.

(4) Wait time: \$25.00 per hour, if it exceeds 30 minutes from time of arrival at the accident scene.

(5) Additional charge to pull axle prior to tow: \$15.00.

(6) Additional charge if wheel and tire must be changed: \$10.00 per wheel and tire.

(7) Additional charge if drive line must be dropped: \$15.00.

(8) Flat fee of \$100.00 per hour for use of 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

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: \$140.00 .

(2) If 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:

(1) Use of dollies: \$25.00. No dolly fee will be allowed for flatbeds or rollbacks.

(2) Exceptional labor such as clearing debris: \$25.00 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: \$25.00 per hour.

(4) Wait time: \$25.00 per hour, if it exceeds 30 minutes from time of arrival at the accident scene.

(5) Additional charge to pull axle prior to tow: \$15.00.

(6) Additional charge if wheel and tire must be changed: \$10.00 per wheel and tire.

(7) Additional charge if drive line must be dropped: \$15.00.

(8) Flat fee of \$100.00 per hour for use of 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 APPROVED on first reading the 23rd day of April 2013.

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

Terry Orr, Mayor

ATTEST:

Teresa Valdez, City Secretary

APPROVED AS TO FORM
Jo-Christy T. Brown, City Attorney

CITY OF BASTROP

AGENDA ITEM: **D.4****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: April 11, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Consideration, discussion and possible action on a request from Carpitality Transportation Services for exemption from Bastrop Code of Ordinances Article 4.03.001(a).**

2. Party Making Request: **Michael Talbot**

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

See attached letter.

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: _____

CARPITALITY TRANSPORTATION SERVICE

512-464-1212 512-985-7294 carpitality_execs.com

April 11, 2013

RE: Application for Taxicab and Touring Vehicle Permit and Exemption from Article 4.03.001(G)

To: The City of Bastrop Officials

Mike Talbot, City Manager

Matt Wagner, Interim Chief of Police

I am writing to request exemption from Article 4.03.001(g). This Article requires all taxicab operators to maintain an off-street taxicab office within the city limits. Also the office shall be occupied and available to respond to telephone request during daytime hours.

The service which I would like to provide is a Charter service. This service differs from a taxicab in that all transportation service is pre-arranged and cannot be hailed by a customer. Also, due to the use of cell phone I am always available to take call from those requesting my service. Furthermore, due to being a small business and currently being the only driver it would be a great hardship to staff and maintain an office. So I ask you to please exempt me from the requirements of Article 4.03.001(g), having to maintain an office in the city limits of Bastrop.

Respectfully,

Sherrina Rice-Franklin

Division 1. Generally

Sec. 4.03.001 License

(a) Required. No person shall operate a taxicab or touring vehicle for hire within the city unless such person shall have first obtained, from the city secretary, prior to such operation, a license therefor.

(b) Determination of fitness of applicant and public need. Before the city secretary issues an annual license to an applicant for a taxi or touring vehicle, the city manager, after consulting with the police chief, shall first determine whether there is a public demand and need for the type of service proposed to be offered by the applicant, and whether the applicant is fit, able, and willing to perform the proposed service. If the city manager finds that the applicant is not fit, able and willing to perform the service, or that the public convenience and necessity does not require the additional proposed service, the city manager shall notify the applicant in writing that the application has been rejected. The applicant may, within ten (10) days after written notice of the decision of the city manager, appeal the city manager's decision to the city council.

(c) Application. An application for a license for the operation of a taxicab within the city shall be filed with the city secretary's office on a form provided by the city. Applications for renewal for existing permits shall be filed annually prior to expiration of the permit. Applications for initial service may be made at any time. The applicant shall provide the following information:

- (1) Name, address, and telephone number of the company;
- (2) If a corporation, name and address of the principal officers and major stockholders of the corporation;
- (3) If a partnership, name and address of the partners;
- (4) If a proprietorship, name and address of the owners;
- (5) Description of the make, vehicle identification, and license number of each vehicle;
- (6) Names, addresses, ages and driver's license numbers for each driver operating vehicles for the company, such information to be kept current during the year. The police chief will verify that no driver has been ticketed for two or more moving violations or motor vehicle accidents within the most recent 12-month period. No driver in violation of this section shall be allowed to drive. Failure to provide such information for each driver operating a taxicab within the city shall be grounds for revoking the license of the taxicab company; and
- (7) A written statement that no permitted vehicle will be operated by any drivers not identified in the license application.

(d) Insurance binder. Applicants shall file applications with an insurance binder to the effect that the applicant has obtained insurance coverage as prescribed in section 4.03.004.

(e) Standards for vehicles. In addition to the requirements of state law regarding vehicle safety inspection, and the requirements specified in this article, the city shall have the right to inspect all taxicabs permitted or to be permitted under this section to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped with a fire extinguisher that is in good operating order;
- (2) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;

- (3) The vehicle identification number and license number shall be compared to the numbers listed on the taxicab permit application for accuracy; and
 - (4) Each vehicle shall have lettering permanently affixed to the front doors in letters at least 2-1/2 inches high designating the vehicle as a taxi and identifying the licensee.
- (f) Fee. Each application shall be accompanied by a fee, as provided for in section A4.03.001 of the fee schedule in appendix A to this code, to cover the expense of carrying out the provisions of this article.
- (g) Office. All taxicab operators licensed under the provisions of this article shall maintain an off-street taxicab office within the city limits. Such office shall be occupied and available to respond to telephone requests during daytime hours. Current addresses and phone numbers shall at all times be on file with the city secretary.

(1995 Code, sec. 4.201)

Sec. 4.03.002 Vehicle operation requirements

- (a) No vehicle for which a permit has been issued shall be operated by anyone except the drivers listed on the permit application.
- (b) No person may drive or operate any taxicab unless and until he has provided his name, address, age, driver's license number and social security number to the city secretary's office.
- (c) No operator, driver or chauffeur of any taxicab shall operate a motor vehicle for more than 12 hours in any 24-hour period.
- (d) No person under the age of 19 shall operate a taxicab.
- (e) No person shall operate a vehicle without an appropriate license issued by the state department of public safety.
- (f) No person may drive any taxicab in the city if he has been finally convicted of a crime that affects his ability, capacity or fitness required to perform the duties and discharge the responsibilities of the permitted occupation. Applicants shall provide sufficient information to enable the police chief to run a background check on each driver.
- (g) No license shall be transferable to any other person, firm or corporation, nor shall such license be used for the operation of any vehicle except the vehicle for which the license is issued.

(1995 Code, sec. 4.202)

Sec. 4.03.003 Inspection of vehicles

The chief of police, or his designee, shall cause inspections to be made at random intervals during each year of every vehicle licensed as a taxicab in the city. Licensees shall cooperate with such inspection requirements by making their vehicles available for inspection at reasonable times. Such inspections shall insure that all taxicabs are in good operating condition and are equipped with proper brakes, lighting systems, and safety equipment (including fire extinguishers), and are clean, undamaged and in good appearance. Vehicles failing such random city inspections shall

not be allowed to operate on city streets or alleys until brought into a condition satisfactory to the chief of police. (1995 Code, sec. 4.203)

Sec. 4.03.004 Insurance

(a) Minimum requirements. The applicant must obtain, and keep in full force and effect, a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state, in the standard form required pursuant to the laws of the state, with the insured provision of such policy including the city as an additional insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the vehicle of such applicant, and providing that the amount of recovery on each such vehicle shall be in limits of not less than the following:

- (1) For any one (1) person injured or killed in one (1) accident: \$100,000.00.
- (2) For any number of persons injured or killed in one (1) accident: \$300,000.00.
- (3) For property damage resulting from one (1) accident: \$50,000.00.

(b) Policy cancellation. Such policy shall provide for notice to the city prior to cancellation, and should such policy be canceled during the term of the license, such license shall automatically terminate therewith.

CITY OF BASTROP

AGENDA ITEM: **D.5****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: April 11, 2013

MEETING DATE: April 23, 2013

1. Agenda Item: **Consideration, discussion and possible action regarding the presentation of the proposed Mani Street Promenade Initiative to the City Council on February 26, 2013.**

2. Party Making Request: **Council Member Willie DeLaRosa**

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

Council Member Willie DeLaRosa wished to discuss with the Council the presentation of the Main Street Promenade Initiative on February 26, 2013.

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: _____

EXCERPT FROM CITY COUNCIL MINUTES OF FEBRUARY 26, 2013**D.2 PRESENTATION BY MS. JAMIE HOWARD REGARDING THE PROPOSED MAIN STREET PROMENADE INITIATIVE.**

Mayor Orr stated this is a private initiative, not a governmental one, and this item is not posted for action this evening. Mayor Orr stated that if there is any further disposition of this, he will be taking direction from the City Council. Mayor Orr stated this is not a public hearing but he will allow the public to speak after the presentation. Mayor Orr asked that the public address their comments to the City Council and if there are questions, please direct them to the presenter outside of these Council Chambers. Mayor Orr stated he has purposely not attended any presentations previously made by this group. Mayor Orr stated he has observed that Main Street has been closed several times a year for events and at the last Council meeting the Council approved closure of Main Street for an event.

Council Member Dock Jackson, who serves as the Council Parliamentarian, stated he wanted to reiterate what the Mayor had said. Mr. Jackson stated this is a presentation and there will be no formal action taken by the Council. Mr. Jackson stated the Council has adopted Robert's Rules of Order and will be following those. Mr. Jackson asked that the public wait to be recognized before approaching the podium to speak, that they state their name clearly, into the microphone, for the record. Mr. Jackson stated that only one person should speak at a time.

Mayor Orr welcomed Ms. Jamie Howard.

Ms. Jamie Howard thanked the Council for the forum and stated this initially started out as a discussion. Ms. Howard stated it is a privilege to embrace this discussion and she hoped they could find some common ground. Ms. Howard then gave a PowerPoint presentation on "Main Street Promenade Initiative". Ms. Howard's presentation included the following:

A. Just to clarify:

- 1) This is not the vision for this project (not a Las Vegas strip). This is more like it (authentic, beautiful, unique, fun, vibrant);
- 2) We are not proposing any changes to the North block of Main Street (i.e., from Bastrop Copier Northward);
- 3) We are not proposing to completely and permanently close traffic to vehicles on the South side of Main Street - We are proposing to create an aesthetically pleasing way to close the street, and to close it only when it is economically advantageous to do so;
- 4) We are not proposing an expensive new capital project – By pairing up with an existing improvement plan that has established budgets and funding options, this proposal will not require a tremendous amount of additional expenditures from the City or taxpayers; and
- 5) Texas is hot – but that doesn't mean people won't walk a block to shop, eat, and play downtown. Places like Fredericksburg, Wimberley, Salado and Gruene thrive because walking, wandering, and exploring the town is a valued part of experiencing the town.

B. Why something has to change:

- 1) In order for our Main Street to thrive, we cannot rely on local dollars alone. Tourism revenue is an essential part of our recipe for success. It is time we create an environment in which unique specialty shops, restaurants, and entertainment venues can really succeed, and where Bastropians can gather together and celebrate being a part of this great community.

C. As supported by the Sustainable Design Assessment Teams (SDAT) Report:

- 1) A study by the American Institute of Architects done for Bastrop, Texas November 14-16, 2011.
- 2) The SDAT Team believes the City is facing a critical juncture in its future development, and needs to take control of its growth. Glenn Kellogg captures Bastrop's growing reality: "For better or worse, Bastrop is going to continue to grow...Bastrop may double in size over the next twenty years. This change could overwhelm the town by continuing the recent development trends and patterns. However, if planned for, this growth could be an opportunity to enable the aspirations of downtown. The City must get ahead of the growth by planning for the desired change, and use this momentum to improve downtown rather than disturb it."
- 3) About Removing Parking (Pages 43 & 44 of the SDAT Report) – "The City should not allow surface parking between buildings and the street. Allowing this type of suburban style development obviates the central distinguishing asset of the downtown. The undisturbed pedestrian block structure of downtown is an enviable asset & one of the greatest strengths of the city. Allowing this type of parking fails to differentiate the downtown from the suburbs & wastes the existing pedestrian block scale, charm & walkable environment that gives the downtown its competitive advantage & makes downtown a desirable location. When it comes to the ability to provide a walkable environment; don't waste it by building like every other suburban place in America."

D. How do we do it?

- 1) First...The Parking Solution (what people think and what is possible).
- 2) Then...Main Street Improvements – Only after we have established the long-term parking solutions for downtown, and ideally in conjunction with the Main Street Improvement Project: Improvements may include things such as stamped concrete or brick sidewalks and streets, existing black iron benches, light poles, black trash cans, potted plants, and removable iron barricades (bollards).

E. Imagine....

- 1) Our restaurants and shops spilling out on the sidewalks with outdoor dining, music and fun events.
- 2) Uniquely Bastrop events, demonstrations, street parties and so much more!
- 3) Imagine if we could make downtown the lifeblood of our community, just as it was 100 years ago.
- 4) But...we don't have to reinvent the wheel – The population, geographic location in relation to major cities and resources and other demographics of Bastrop in 2013 are extremely similar to the statistics on Fort Collins,

Colorado, in the early 1980s, when they began their pedestrian project. It is not the “life-blood of their community.”

Ms. Howard stated store owners have taken this very seriously and have come together to found a team. Ms. Howard stated store owners have agreed to bring the team of people to Bastrop and the proposal is that this team come to Bastrop for three (3) days and see if they can come up with a plan. Ms. Howard stated she was asking Council to meet with this team and see if there is a workable solution to move forward with downtown.

Council Member Kay Garcia McAnally stated that Ms. Howard said shop owners have come together. Ms. McAnally asked Ms. Howard if this was all shop owners.

Ms. Howard stated that it was not all shop owners, it was three (3) shop owners because she had only asked three owners.

Council Member Joe Beal stated he had read Ms. Howard’s presentation and studied it and it seem to say that the idea is not to propose great changes, the idea is to close off Main Street for special events, but when I look at the graphics, they show that the parking is done away with and sidewalks extended. Mr. Beal stated it appears to him that the street does get closed, does away with parking and the idea is to actually transform the south part of Main Street to a pedestrian setting.

Ms. Howard stated the answer to Mr. Beal is “Yes” and “No”. Ms. Howard stated the initial plan does allow traffic and yes it does include removing parking to generate space to do what we need to do. Ms. Howard stated that is why she suggested bringing in professionals to see what they suggest. Ms. Howard stated the only way to get more space is to take away parking.

Mr. Beal commented that he thought what the Council was going to do tonight was show courteousness to Ms. Howard and allow her to do her presentation. Mr. Beal stated now he counts 115-120 people in the Council Chambers and it appears to him that where we are is in a public hearing about an idea. Mr. Beal stated he for one, as a Council Member did not assume the Council was going to have a public hearing.

Mayor Orr stated it has been a policy of this Council to allow the public to speak on any agenda item. Mayor Orr stated there is nothing different about this item than any other item that has been on a Council agenda.

Mr. Beal stated he respectfully disagreed with the Mayor. Mr. Beal stated he was willing to hear and study the idea, and if it would have been posed for action, which it is not, and action might have been to direct the City Manager to do something and could have included a public hearing. Mr. Beal stated it is the responsibility of Council if action is to be taken to dramatically change the street. Mr. Beal stated if the Council were to vote to do that tonight, he would vote against it and he would not agree to remove parking. Mr. Beal stated he does think it is a good idea to make the improvements which the City is going to do and he does think it is good to close down streets for events which benefit the City. Mr. Beal stated he is not in favor of continuing this dialogue on closing the street.

Council Member Kay Garcia McAnally stated she thought this was a beautiful idea, but not for Bastrop, not at this time and maybe never. Ms. McAnally stated that when Ms. Howard used the verbiage “shop owners” that was a misrepresentation because there were only three shop owners according to Ms. Howard. Ms. McAnally stated parking should not be taken away. Ms. McAnally thanked Ms. Howard for the time and energy put into the initiative but she would not vote for it.

Council Member Willie DeLaRosa asked how far the Council is planning on going tonight as to listening to this. Mr. DeLaRosa stated that he thinks if the Council would have been asked, this could have been posted as a public hearing and posted for Council to take a vote on it. Mr. DeLaRosa stated he thinks the question that needs to be asked is: “Do we want to move forward before we sit here for two hours and listen to everyone.”

Mayor Orr stated he hoped that the Council would consider deliberation, and as Mayor, he intends to take direction from the Council, which could be no action, negative action or positive action. Mayor Orr stated he did think it was important for the Council to deliberate.

Council Member Ken Kesselus stated he did not see any energy from the Council to do anything about this. Mr. Kesselus stated what he was hearing is that if the Council wants to post this to move ahead then it would be posted as such. Mr. Kesselus stated he has not heard anything.

Mayor Orr stated it was not his intent to de-energize or energize any of the Council. Mayor Orr stated he allowed the presentation, and would allow comments and then the Council could consider that.

Council Member Dock Jackson stated this is no different from any Council meeting, it is a non-action item and the Council’s tradition is to allow people to speak. Mr. Jackson stated he is not opposed to listening if the speakers are concise and brief. Mr. Jackson stated it is only fair to let them speak.

Mr. Beal stated he was not suggesting the public be denied the opportunity to speak, he said it was posted as a presentation from an individual to Council. Mr. Beal stated if the Council wants to have 115 people speak, that is fine, but it sounded to him that the Council does not want to proceed.

Ms. McAnally stated she agreed with Mr. Beal but there are a lot of people gathered here tonight and she would like to hear them.

Mayor Orr stated he would start the process and allow people to speak but they were to limited to three (3) minutes.

Ann Beck addressed the Council. Ms. Beck mentioned four items of concern to her: 1) thanked the permanent store owners along Main Street in Bastrop; 2) requested that Council vote on this situation because it has been being discussed since July and it has torn the town apart; 3) Council

should consider implementing a vacancy tax for businesses whose doors are not open for six months; and 4) wonderful businesses in Bastrop – Please Buy Bastrop.

David Lock addressed the Council. Mr. Lock stated he owns Lock Drug on Main Street and has been in business for 42 years. Mr. Lock stated he opposed this idea and it will affect the north side of Main Street. Mr. Lock stated his business does not rely on tourism and if this initiative were to happen it would kill his business.

Cynthia Sanders Meyer addressed the Council. Ms. Meyer voiced opposition to the initiative. Ms. Meyer stated she has researched the long-term studies of pedestrian malls and it showed that the streets were re-opened. Ms. Meyer stated of 200 streets converted to pedestrian malls only 30 streets remain pedestrian malls. Ms. Meyer asked the Council to consider any devastating effect this could have on Bastrop.

Deborah Johnson addressed the Council. Ms. Johnson stated she is a small business owner in downtown, opened in September 2010. Ms. Johnson stated when the fire devastated Bastrop, the community pulled together and supported one another. Ms. Johnson stated in the last couple of months she has seen division in the community. Ms. Johnson stated it is important to respect new ideas, and respect those who have worked and sweated to establish their businesses and Bastrop. Ms. Johnson addressed the audience and stated: “Please stop the campaigning, take down the signs, put away the petitions and stop the tyrants in the newspapers. Look at what you can do personally to better Bastrop. Ms. Johnson stated she was asking Council to do their job.

David Bragg addressed the Council. Mr. Bragg stated the statistic previously mentioned that said 85% of pedestrian malls built fail needed to be repeated. Mr. Bragg stated he was in Waco when they did this and he watched downtown Waco die. Mr. Bragg stated four cities were mentioned in the presentation and none of those four cities have closed streets. Mr. Bragg stated in order for a pedestrian mall to be successful a City has to have a large existing supply of pedestrian. Mr. Bragg stated he is against this initiative.

Pat Crawford addressed the Council. Ms. Crawford stated it was hard for her to understand such an effort. Ms. Crawford stated closing Main Street would be costly. Ms. Crawford stated she had just returned from Raleigh, North Carolina, a city that had just recovered from this. Ms. Crawford stated businesses do not support the closing of Main Street nor is there any logic to eliminate parking. Ms. Crawford stated some of her concerns on Main Street are the high rents and the buildings which are empty and unmaintained. Ms. Crawford stated she does support some type of vacancy tax.

Doug Kelsay addressed the Council. Mr. Kelsay stated he is not a resident of Bastrop, but one of the things he has observed is that Main Street is full of local businesses that have customer service and the City should be reducing impediments for doing business. Mr. Kelsay stated he did not see how reducing parking would be reducing an impediment. Mr. Kelsay stated there is a large building at the entrance to The Colony Subdivision, and he suggested the supporters of the proposed initiative take over that building and make it into the kind of place they want it to be.

Dan Hepker addressed the Council. Mr. Hepker stated he has been in business in downtown Bastrop for 29 years. Mr. Hepker stated he called other cities about the same size as Bastrop and asked them how many businesses they have had close in the last three years. Mr. Hepker stated that the cities he talked to stated they were jealous of Bastrop because of our successful working downtown, nothing needed to be fixed, except for an extension of parking as long as it was not paid for by citizens. Mr. Hepker stated he has over 2000 signatures, of which some are visitors, opposing this initiative. Mr. Hepker stated he has lost a lot of sleep on how a bad idea could put him out of business, but he realized who the citizens have on the City Council and none of you would vote for a negative effect.

Jo Ann Bertrand addressed the Council. Ms. Bertrand stated she used to own a business in town. Ms. Bertrand stated the reason her family fell in love with downtown Bastrop is because you could walk into Lock Drug and they would greet you and call you by name. Ms. Bertrand stated there are a lot of people in her church that are handicapped and if Main Street was closed, those people cannot walk to get their medications. Ms. Bertrand stated Main Street should be kept like it is currently, that is the beauty of it.

Diana McNabb addressed the Council. Ms. McNabb stated she is a resident of Bastrop and she has a few physical issues. Ms. McNabb stated she like other people would not be able to walk to shop and to the drug store. Ms. McNabb stated she is on a fixed income and she cannot afford an increase in taxes for a large parking garage and the upkeep and maintenance of one.

Chris Parachini addressed the Council. Mr. Parachini thanked the troops for fighting for democracy for things like this. Mr. Parachini stated he had a business in a country without democracy and their dialogue did not happen. Mr. Parachini stated he has a new business on Main Street and he feels blessed by God that he has been welcomed to the community. Mr. Parachini stated before he did jewelry, his family mined and flew all over the world. Mr. Parachini stated Ft. Collins did not close Main Street and in California, an initiative like this did kill downtown. Mr. Parachini stated people drive by his business and see it and pull in and stop and support his. Mr. Parachini stated that removing the parking and traffic would remove the visibility to his business.

Michel Llauger addressed the Council. Ms. Llauger stated she moved here seven years ago and the first thing she saw was that the town closed at 7:00 p.m. Ms. Llauger stated you do not know a good thing until you lose it. Ms. Llauger stated if there was a pedestrian mall you will get the same genetic junk sales that all pedestrian malls have. Ms. Llauger stated Bastrop has great old buildings and history and that should not be thrown away for tacky iron horses on sidewalks, that is not aesthetics. Ms. Llauger stated pedestrian malls die because they are genetic.

Dee Dee Peddy addressed the Council. Ms. Peddy stated she is one of the business owners who want someone to come in and review Main Street. Ms. Peddy stated we do have a parking problem. Ms. Peddy stated it is in City plans for the water lines to be dug up on Main Street and if there are not some plans in regard to this those buildings will close. Ms. Peddy stated employees park downtown, meetings are held downtown and those people park there all day

long. Ms. Peddy stated people find parking where ever it is. Ms. Peddy stated lets first look at getting additional parking before we close down businesses.

Pam Davenport addressed the Council. Ms. Davenport stated she is a business owner, but not on Main Street, she cannot afford to be on Main Street. Ms. Davenport stated this initiative is talking about one block of downtown, the parking has to go somewhere. Ms. Davenport stated she drives a big truck and nine times out of ten she has to sit and wait to go down Main Street because the parking spaces are not big enough and wide enough for a large vehicle to go down. Ms. Davenport stated Bastrop has a beautiful river, if people can build more businesses along the river, then more empty businesses will be along Main Street. Ms. Davenport stated she agreed with Ms. Peddy that the main problem is parking.

Kazem Khonsari addressed the Council. Mr. Khonsari stated it was nice to be open-minded. Mr. Khonsari stated it did not matter whose idea it is. Mr. Khonsair urged the Council to just walk through Main Street, think about what can be done, what kind of improvements. Mr. Khonsair stated the street is not wide enough for parking. Mr. Khonsari stated the Council should listen to people who are owners and be open-minded. Mr. Khonsari stated it is nice to get out of the box and look outside the box.

Tammy Schneider addressed the Council. Ms. Schneider stated everyone's ideas are important and she was not here to complain or make a fuss. Ms. Schneider stated she was here to say how proud she was of Bastrop. Ms. Schneider stated her Grandmother, Grandpa, Mother and Dad would be so amazed and just maybe a little scared of the great changes made for the better in Bastrop. Ms. Schneider spoke of sweet memories made in downtown Bastrop with her Grandmother and how they will last her a lifetime. Ms. Schneider stated and yet today when she walks historical downtown she has that special feeling and how important it is not to mess with Main Street. Ms. Schneider stated there is a time to speak, a time to listen, a time to work, a time to play and a time to pray. Ms. Schneider stated changes are good but not in this case. Ms. Schneider stated that before people leave tonight they should look at the pictures displayed in City Hall, these are pictures of beautiful and historical Main Street. Ms. Schneider stated some things do not need to change and Main Street should be kept open.

Charlynn Farris addressed the Council. Ms. Farris stated she moved her six years ago and has since moved away, but her family still comes to Bastrop to shop regularly and enjoy downtown. Ms. Farris stated she agreed that Bastrop needs parking, but taking away parking is not the answer. Ms. Farris stated there is not enough parking downtown for the handicapped and if the street is closed, she will not be coming downtown.

Amanda Rachui addressed the Council. Ms. Rachui stated she lives in Bastrop County and when her family first moved here the downtown area was not thriving. Ms. Rachui stated there is now a lot of things to do, places to shop and eat in Bastrop. Ms. Rachui stated she really feels parking is an issue and when she cannot find a parking space she goes home. Ms. Rachui stated the Council should look at something different for downtown and then move on to the promenade.

Mayor Orr stated he appreciated Ms. Howard's presentation and the Council and citizen input. Mayor Orr stated he hoped the Council would deliberate the matter and the Council has more data to consider than when they started.