

**NOTICE OF MEETING OF THE GOVERNING BODY OF THE
CITY OF NAVASOTA, TEXAS
NOVEMBER 23, 2020**

Notice is hereby given that a Regular Meeting of the governing body of the City of Navasota will be held on the 23rd of November, 2020 at 6:00 PM at the City Hall in the City Council Chambers, Room No. 161, located at 200 E. McAlpine Street, Navasota, Texas 77868 , at which time the following subjects will be considered, to wit:

To watch the City Council meeting live please visit the City of Navasota's Youtube here: <https://www.youtube.com/channel/UCItnx7BQt0TCIYJRiZ14g5w>

1. Call to Order.
2. Invocation
Pledge of Allegiance
3. Remarks of visitors: Any citizen may address the City Council on any matter. Registration forms are available on the podium and/or table in the back of the city council chambers. This form should be completed and delivered to the City Secretary by 5:45 p.m. Please limit remarks to three minutes. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.
4. Staff Report:
 - (a) COVID-19 update;
 - (b) Staff recognition for years of service - Norberto Valediez;
 - (c) Arts Council quarterly report;
 - (d) Proclamation - Tree of Angels;
 - (e) Board and Commission update; and
 - (f) Reports from City Staff or City Officials regarding items of community interests, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognition of public officials, public employees, or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that has arisen after the posting of the agenda.
5. Consideration and possible action on sanctioning the '1st Annual Jingle Around Town Sip and Shop' event to be held on December 5, 2020 in Downtown Navasota.

6. Consideration and possible action on the first reading of Ordinance No. 948-20, denying the distribution cost recovery factor rate increase of Entergy Texas, Inc. filed on October 22, 2020.
7. Consent Agenda: The following items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

Consent Items are:

A. Consideration and possible action on the second reading of Ordinance No. 946-20, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, A0002. D ARNOLD, TRACT 17, PAR 9-4, ACRES 3.064, 17, PAR 9-4, A0002. D ARNOLD, TRACT 18, ACRES 159.5, PAR 3-2, A0002. D ARNOLD, TRACT 18, PAR 8, ACRES 2.15, A0002. D ARNOLD, TRACT 18, PAR 2, ACRES 28.23 and A0002. D ARNOLD, TRACT 18, PAR 1, ACRES 7.8, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3, A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5 and A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16, changing the current zoning from A/O: Agriculture/open Space District to R-1B: medium density, single dwelling unit, quarter acre, residential district for the property legally described as A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00, located in Navasota, Grimes County, Texas; and

B. Consideration and possible action on the second reading of Ordinance No. 947-20, amending Chapter 4, Article 4.07, Towing Companies, of the Code of Ordinances, City of Navasota, Texas.

8. Adjourn.

DATED THIS THE 18TH OF NOVEMBER, 2020

/BS/

BY: BRAD STAFFORD, CITY MANAGER

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the CITY OF NAVASOTA, is a true and correct copy of said notice and that I posted a true and correct copy of said notice in the glass bulletin board, in the foyer, on the south side of the Municipal Building as well as in the bulletin board on the north side of the Municipal Building of the City of Navasota, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 18th of November, 2020 at 10:50 AM and will remain posted continuously for at least 72 hours preceding the scheduled time of said meeting. Agendas may be viewed at www.navasotatx.gov.

The City Council reserves the right to convene in Executive Session at any time deemed necessary for the consideration of confidential matters under the Texas Government Code, Sections 551.071-551.084.

DATED THIS THE 18TH OF NOVEMBER, 2020

/SMH/

BY: SUSIE M. HOMEYER, CITY SECRETARY

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT(936) 825.6475 OR (936) 825.6408 OR BY FAX AT (936) 825.2403.

City Manager's Message
An Executive Summary of Agenda Items and Current Issues

City of Navasota
City Council Meeting
11-23-2020

1. Call to order

2. Invocation and Pledges of Allegiance

3. Remarks of Visitors

Staff is unaware of anyone wishing to address the City Council.

4. Staff Report:

COVID-19 update – Staff will provide an update on COVID cases.

Staff recognition for years of service - Norberto Valadez – Norbert will be recognized for fifteen years of service to the City.

Arts Council quarterly report – The Arts Council quarterly report is attached and will be reviewed.

Proclamation - Tree of Angels;

5. Consideration and possible action on sanctioning the “1st Annual Jingle Around Town Sip and Shop” event to be held on December 5, 2020 in Downtown Navasota.

Sharon Atkinson owner of Blessed Up Boutique requested that the sip and shop event be sanctioned, as local merchants plan to have shopping specials along with alcoholic beverages and snacks to help attract shoppers their event. They plan to set up a check in booth at the visitor's kiosk.

6. Consideration and possible action on the first reading of Ordinance No. 948-20, denying the distribution cost recovery factor rate increase of Entergy Texas, Inc. filed on October 22, 2020.

Entergy is filing their second Distribution Cost Recovery factor rate increase this year. Dan Lawton the attorney for the coalition of cities served by Entergy requests that the City deny the request to give experts enough time to make sure the calculations are correct. Previously the coalition of cities has discovered discrepancies, therefore the need to review the application thoroughly.

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from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

Consent Items are:

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- B. Consideration and possible action on the second reading of Ordinance No. 947-20, amending Chapter 4, Article 4.07, Towing Companies, of the Code of Ordinances, City of Navasota, Texas.

Calendar of Events

November 26 th & 27 th City offices closed	Thanksgiving Holiday
December 4 th	TCMA Region 3 Meeting Graham, Texas
December 4 th 6:00 p.m.	City Christmas Party TBD
December 12 th	Home for the Holidays/Parade Downtown
December 14 th 6:00 p.m.	City Council Meeting Municipal Building

Respectfully submitted,

Brad Stafford

City Manager



Vision Statement:

*Navasota 2027: What America Wants To Be
“A beautiful, progressive, vibrant, service-oriented,
close-knit community filled with
historical charm and promise for people and business.”*

Mission Statement:

*“To guide Navasota’s growth in a way that maintains
our heritage, culture, and uniqueness while
maximizing our economic and social development.”*



THE CITY OF NAVASOTA COUNCIL LEADERSHIP POLICY

It is the desire of the Navasota City Council to demonstrate responsible leadership by:

- (a) Establishing a 2027 Strategic Growth Map for the City of Navasota.*
- (b) Assuring stable and effective city operations.*
- (c) Developing and adopting policies that will guide the growth of the City of Navasota.*
- (d) Facilitating private/public sector partnerships at the local, regional, state and federal level that will invest in the future of Navasota.*
- (e) Ensuring all Navasota boards, commissions and committees are aligned with the Council's growth policies.*



S.M.A.R.T. GOAL SETTING SYSTEM

Area	Today's Date	Target Date	Date Achieved
City Council Retreat	May 19, 2020	2020 – 2021	

Goal Statement: A descriptive statement of the DESIRED OUTCOME.
(a S.M.A.R.T. Goal is Specific, Measurable, Actionable, Responsible and Time-bound)

The Management Connection, Inc. provided Professional Facilitation to the City of Navasota City Council on May 19th, 2020. This document captures the discussion outcomes and Council's direction to the staff for FY 2020 – 2021.

Retreat Summary

Mayor Bert Miller called the meeting to order at 9:20am. The City Manager reviewed the accomplishments made based on Council's direction at the last Retreat in September 2019. A staff member from each department shared a SWOT Analysis of the department based on current circumstances and highlighted a few key areas they wanted Council think about as they move forward. The Council provided direction on multiple items from the agenda. The direction from the Council is provided below.

City Council Direction for 2020 - 2021

Action Steps (List the specific actions you will take to achieve this goal)	Target Date	Who	Percentage Completion
1. The Council directed the City Manager not to lay off anyone from the workforce due to the current environment. The Council expressed concern that the staff was already shorthanded and operating with a heavy workload. a. The City Manager was asked to explore options on how to strengthen the workforce by adding positions. The City Manager is to conduct a Cost/Benefit Analysis for positions needed.	2020 – 2021	City Staff	
2. The Fire Chief will provide the Council with a monetary amount of what it will take to move part-time staff to full-time staff.	6/19/20	Fire Chief	
3. The City Manager and Fire Chief will consider	2020 –	City Manager,	



The Management Connection, Inc.

PROFESSIONAL FACILITATORS

options for the new Fire Station. a. Look into possible options to finance the new station with low interest rates. b. Look into building a new station with partnerships, i.e. the animal shelter. c. Staffing is the priority for the Fire Department.	2021	Fire Chief	
4. The City Staff gave a comprehensive explanation of the City's Financial Picture. The Council complimented the Staff's ability to manage the City's finances in an efficient and effective manner. The Council also acknowledged that their perspective of the finances had changed from possibly being in trouble to having a good handle on them.	2020 – 2021	City Staff	
5. The Council agreed on the criteria in which the City's Reserve funds may be used: a. The funds should be left untouched unless they are absolutely needed. b. The funds should be used as leverage for other things during this time. c. Per the Financial Policy, the Reserve funds may be used in one or a combination of the following ways: i. Emergencies; ii. One-time expenditures that do not increase reoccurring operating costs iii. Major capital purchases iv. Start-up expenditures for new programs undertaken at mid-year, provided such action is considered in the context of multiyear projections or program revenues and expenditures	2020 – 2021	City Staff	
6. The City Staff will consider opportunities to capitalize on the low interest rates and use them to the City's advantage. The Staff will present these opportunities to Council.	2020 – 2021	City Staff	
7. The City Staff gave a detailed update on the	2020 –	City Staff	



The Management Connection, Inc.

PROFESSIONAL FACILITATORS

Appraisal District. This gave the Council a clear picture of what to expect.	2021		
8. The Mayor and City Manager will create a Legislative Agenda and present it to the Council.	2020 – 2021	Mayor, City Manager	
9. The Council directed the City Manager to continue the Downtown Plan as he explained it. The City Manager is to leverage private/public partnerships in completing the project. a. The Downtown Plan addressed the streetscapes, traffic patterns, quiet zone, cross walk, building construction and financial resources.	2020 – 2021	City Staff	
10. The Council discussed the pros and cons of being part of the BCS MSA. The Council and Staff did not identify any real benefit of being part of the MSA. In fact, there was more agreement as to why the City should not be part of the MSA. The Council decided to continue to monitor the MSA.	2020 – 2021	City Staff	
11. The City Staff will continue to strengthen partnerships with other entities.	2020 – 2021	City Staff	
12. The City Manager will lead the staff in incorporating their Department SWOT Analysis into an Action Plan for 2020 – 2021.	2020 – 2021	City Staff	

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 4. **AGENDA DATE:** November 23, 2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Staff Report:

- (a) COVID-19 update;
- (b) Staff recognition for years of service - Norberto Valediez;
- (c) Arts Council quarterly report;
- (d) Proclamation - Tree of Angels;
- (e) Board and Commission update; and
- (f) Reports from City Staff or City Officials regarding items of community interests, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognition of public officials, public employees, or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that has arisen after the posting of the agenda.

ITEM BACKGROUND:

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:**ATTACHMENTS:**

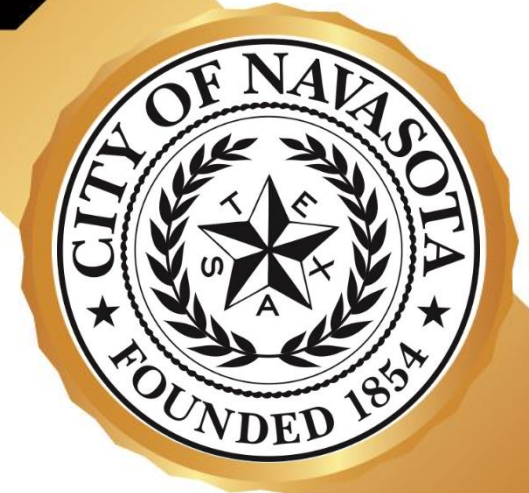
1. Years of Service - Norbert Valadez
2. Arts Council Quarterly Report
3. Arts Council Quarterly Report
4. Arts Council Quarterly Report - Profit and Loss
5. Arts Council Quarterly Report - Balance Sheet
6. Proclamation - Tree of Angels

CITY OF NAVASOTA

CERTIFICATE OF APPRECIATION

FIFTEEN YEARS OF DEDICATED SERVICE

Norbert Valadez



PRESENTED BY THE CITY OF NAVASOTA
NOVEMBER 9TH, 2020

BRAD STAFFORD, CITY MANAGER

Reds, Wheats & Blues Festival

2020 Navasota Program & Marketing Grant

Navasota Grimes County Chamber of Commerce

Mr. John Hugh McNally Jr.
117 S. LaSalle Street
POB 530
Navasota, TX 77868

executivedirector@navasotagrimeschamber.com
O: 936-825-6600
M: 936-355-6605

Mr. John Hugh McNally Jr.

117 S. LaSalle Street
POB 530
Navasota, TX 77868

executivedirector@navasotagrimeschamber.com
O: 936-825-6600
M: 936-355-6605

Amount of grant funds spent this quarter*

Please enter the total amount of grant funds that were spent **IN THIS QUARTER ONLY**.

\$0.00

Expense chart

Please download and use this form to itemize your quarterly expenses. Then re-upload the completed form here. If you need assistance, please email Amy at deputy@acbv.org.

Tourism Impact

Only include tourism impact numbers from all your events/activities occurring **THIS QUARTER** (NOT pre-sales of tickets, website traffic, etc.). Please only include raw numbers collected, not projections or extrapolations.

Total program attendance*

Please list each program/event this quarter and the number of attendees. If just reporting on marketing funds, please still list the total attendance for each event/program this quarter, if any.

N/A

Hotel impact*

Please enter the total number of room nights at local hotels that your visitors reported in their surveys. Please enter a whole number.

0

Restaurant patronage*

Please enter the total number of restaurant meals reported in your visitor surveys. Please enter a whole number.

0

What methods did you use to collect your tourism impact numbers?*

Did you do intercept surveys, ticket-purchase surveys, block rooms at a hotel, etc.? If you have a report, please upload that here. PLEASE DO NOT INCLUDE PERSONAL INFORMATION OF YOUR ATTENDEES.

If you would like to break down the tourism impact by programs, or show extrapolated numbers, you may do so here.

N/A

File Attachment Summary

Applicant File Uploads

No files were uploaded

Programing and marketing support for the 2019-2020 season

2020 Navasota Program & Marketing Grant

Navasota Theatre Alliance

Dawn Jourdan
104 W. Washington Avenue
Navasota, TX 77868

navasotatheatrealliance@gmail.com
O: 936-825-3195

Dawn Jourdan

dawnjourdan@arch.tamu.edu
O: 816-739-4416

Amount of grant funds spent this quarter*

Please enter the total amount of grant funds that were spent **IN THIS QUARTER ONLY**.

\$0.00

Expense chart

Please download and use this form to itemize your quarterly expenses. Then re-upload the completed form here. If you need assistance, please email Amy at deputy@acbv.org.

FY2020-QuarterlyReportExpenseChart.pdf

Tourism Impact

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Total program attendance*

Please list each program/event this quarter and the number of attendees. If just reporting on marketing funds, please still list the total attendance for each event/program this quarter, if any.

We sold 79 virtual tickets to Marjorie Prime at \$10 a piece. The funds were donated to the Grimes County Animal Shelter and the Navasota Animal Shelter, per the original agreement. We have currently sold 100 tickets to the Lanterns and Legends event that will take place later this month. Our regular programming has been disrupted by COVID. All of our performances will likely be virtual until September 2021.

Hotel impact*

Please enter the total number of room nights at local hotels that your visitors reported in their surveys. Please enter a whole number.

0

Restaurant patronage*

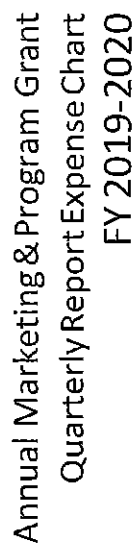
Please enter the total number of restaurant meals reported in your visitor surveys. Please enter a whole number.

0

What methods did you use to collect your tourism impact numbers?*

Did you do intercept surveys, ticket-purchase surveys, block rooms at a hotel, etc.? If you have a report, please upload that here. PLEASE DO NOT INCLUDE PERSONAL INFORMATION OF YOUR ATTENDEES.

If you would like to break down the tourism impact by programs, or show extrapolated numbers, you may do so here.

[illegible]



NAVASOTA
THEATRE ALLIANCE

Presents a BLACKBOX show:

By: Jordan Harrison

Directed by: Evleen Nasir

Marjorie

Prime



*All donations go to our local
Grimes County Animal Rescue*

August 14—16th

NAVASOTA!
So much, so close.

Underwritten by Gary & Marvis Anderson.

Season sponsored by Baylor Lumber.



Made possible through the Hotel Tax Revenue funded through the City of Navasota through The Arts Council of the Brazos Valley. Presented



Year Round Marketing Support

2020 Navasota Program & Marketing Grant

Washington on the Brazos State Park Association

Mrs. Ginger Yvonne Moreland
P.O. Box 1
23400 Park Rd. 12
Washington, TX 77880

office@wheretexasbecametexas.org
O: 979-830-1824
M: 979-830-1824

Mrs. Ginger Yvonne Moreland

P.O. Box 1
23400 Park Rd. 12
Washington, TX 77880

office@wheretexasbecametexas.org
O: 979-830-1824
M: 979-830-1824

Amount of grant funds spent this quarter*

Please enter the total amount of grant funds that were spent **IN THIS QUARTER ONLY**.

\$0.00

Expense chart

Please download and use this form to itemize your quarterly expenses. Then re-upload the completed form here. If you need assistance, please email Amy at deputy@acbv.org.

Tourism Impact

Only include tourism impact numbers from all your events/activities occurring **THIS QUARTER** (NOT pre-sales of tickets, website traffic, etc.). Please only include raw numbers collected, not projections or extrapolations.

Total program attendance*

Please list each program/event this quarter and the number of attendees. If just reporting on marketing funds, please still list the total attendance for each event/program this quarter, if any.

Our total visitation attendance for July and August was 10, 368. Numbers for September have not been tabulated yet.

Hotel impact*

Please enter the total number of room nights at local hotels that your visitors reported in their surveys. Please enter a whole number.

55

Restaurant patronage*

Please enter the total number of restaurant meals reported in your visitor surveys. Please enter a whole number.

103

What methods did you use to collect your tourism impact numbers?*

Did you do intercept surveys, ticket-purchase surveys, block rooms at a hotel, etc.? If you have a report, please upload that here. PLEASE DO NOT INCLUDE PERSONAL INFORMATION OF YOUR ATTENDEES.

If you would like to break down the tourism impact by programs, or show extrapolated numbers, you may do so here.

We surveyed 274 people during Texas Independence Day, representing 1163 in their party. 20% indicated they had stayed overnight in a nearby hotel or bnb, and 37% ate at a local restaurant.

File Attachment Summary

Applicant File Uploads

- WOB_rack_card_back 2020.pdf
- 1250x700.jpg

TEXAS INDEPENDENCE DAY CELEBRATION

FEB 29-MAR 1 FREE ADMISSION
AND PARKING

**Celebrate 184TH anniversary of Texas
Independence with living history
demonstrations, food, crafts, music and more.**

WHERE TEXAS BECAME TEXAS

SPONSORED BY:



NAVASOTA!
So much, so close.



TEXAS HISTORICAL COMMISSION
real places telling real stories





JULY - SEPT 2020 QUARTERLY REPORT NARRATIVE CITY OF NAVASOTA FUNDING

THE ARTS COUNCIL PROGRAMS

Arts Council & Visitor Center Operations

The Arts Council & Visitor Center is the hub of the arts, culture and heritage community in our region. It is home to a unique two-tier mezzanine gallery and three working studios, providing exhibit and retail space for works of art created by local artists and artists throughout Texas. The Arts Council celebrated its two year anniversary in our new building and with our new galleries on October 8, 2020. On average, The Arts Council hosts meetings for more than 20 affiliate groups per month and averages roughly 450 visitors and program participants each month. Due to the dangers presented by novel coronavirus, The Arts Council's closed our public meeting spaces on March 20th and reopened for staff, studio artists, and public gallery visits on May 20th with a limit of 10 people in the building. In July, we opened our facility to small affiliate meetings of groups of 10 or smaller, but we have postponed or made virtual several of our other events. Social Distancing and sanitation measures were put into place for all facility visitors. Visitation since our reopening has been significantly less, with around 375 visitors and program participants this quarter.

During the fourth quarter, the galleries completed our hosting of *Exploring Light and Color* by local watercolorist Monika Pate. Monika was generous enough to extend her exhibit for several months when our next planned exhibit for April had to be postponed. Monika is a world-renowned artist, member of the American Watercolor Society and juried member of the International Guild of Realism, and has pieces in collections all over the world. She has worked with watercolor for over 25 years and uses a complicated layering technique that allows her to gradually develop luminous colors and value. The transparent nature of the watercolor medium allows the light to capture the brilliant colors of each layer as it is reflected from the paper's white surface.

From July 30th to August 29th, our galleries also hosted *Portrait of a Friend* by Arts Council College Station Artist in Residence Stephanie Cobb. Stephanie's exhibit featured artworks that focused on portraiture and the figure with her painting surface of choice being a blank canvas. "Canvas surfaces, specifically experimenting with sizing and grounds, have become increasingly important to me as a place of investigation in material," she states. Stephanie's technique involves different modes of application and materials which have versatile characteristics that bridge painting and drawing.

From June 22nd to September 30th, we hosted our *Heroes of COVID* exhibit, featuring artwork from Houston artist Kristi Nelson and local artist Amanda Dominguez. The exhibit featured portraits of healthcare workers and frontline responders wearing their masks. When the COVID-19 pandemic hit, and her friends on the front lines were affected, Kristi felt a need to do something to show her support for what they were experiencing and risking. Kristi inspired Amanda (also a nurse) to do the same for her friends and coworkers in the Brazos Valley. The exhibit has been featured on many media spots and ran through September 2020. On August 15th, a book signing was held for Kristi Nelson's book containing her work shown in the exhibit.

From August 5th to August 19th, the Arts Council held a Texas-themed wooden mask decorating contest, the winning pieces of which are currently up on display in our galleries. After their initial stay in our Arts Council building, they will tour across other galleries in our area. Participants for this contest included Texas residents of all ages and backgrounds, whose mask submission allowed them to express themselves and their creative feelings toward the coronavirus through art any available medium.

Finally, on September 8th, our galleries opened Danika Ostrowski's *Go West Exhibit*. Danika is a landscape painter who lives and works in Austin, Texas developing her nationally-exhibited body of work and creating commissioned paintings. Her work takes her across the country to paint and find inspiration in public lands. Danika has been invited as an artist-in-residence to multiple National Parks and has been identified as a top emerging talent by Southwest Art Magazine and Western Art Collector.

We were able to record virtual tours of our current gallery shows and three artists' studios to provide remote options for visitors to view and enjoy art during the shelter-in-place restrictions. The virtual tours are hosted on our YouTube channel and shared on our website and social media pages.

Funding Opportunities

Perhaps the longest-standing means of support to the regional artistic community, The Arts Council funds programs, projects and education through its funding programs below.

- Annual Program and Marketing Grants support affiliate organization projects that significantly promote arts, culture and heritage in the Brazos Valley through hotel/motel taxes from the City of College Station and the City of Bryan. The Arts Council distributed \$94,119.00 in Annual Program and Marketing grant funding to its affiliates in the fourth quarter of FY 2020 in September. The following affiliates are recipients of funding of Annual Program and Marketing grants for FY 2020: Ballet Brazos, Brazos Educational Radio, Brazos Valley African American Museum, Brazos Valley Chorale, Brazos Valley Museum of Natural History, Brazos Valley Symphony Society, Brazos Valley Worldfest, Children's Museum of the Brazos Valley, Fiestas Patrias Mexicanas of Bryan/College Station, Friends of Chamber Music, George Bush Presidential Library and Museum, MSC OPAS, Museum of the American G.I., Stage

Center Community Theater, TAMU's Dance Science Program, TAMU's Wright Gallery, and The Theatre Company of Bryan/College Station.

- The Arts Council distributed \$2,275.00 in Navasota Annual Program and Marketing funding in September. Grimes County Chamber of Commerce, Navasota Theatre Alliance, and Washington on the Brazos State Park Association are the recipients of Navasota Annual Program and Marketing funds in FY 2020.
- Rural Grants assist Arts Council affiliates operating in the rural portions of the Brazos Valley with program needs up to \$2,500. Funding is provided by The Arts Council for this program. The Arts Council opened applications for local nonprofits for this funding opportunity in January 2020 and distributed awards in March 2020. A total of \$8,000 was distributed to Brenham Children's Chorus, Navasota Theatre Alliance, Texas Cotton Gin Museum, Troupe Over the Hill, Unity Theatre, and Washington on the Brazos State Park.
- Scholarship checks were distributed directly to our scholarship students' school accounts early in the fourth quarter. The Arts Council offers an annual scholarship program from seniors graduating from high school in the seven-county Brazos Valley region. These seniors must plan to attend an accredited 2- or 4-year university to study a degree plan in arts, culture, or heritage. The Arts Council selected six high school seniors to receive awards totaling \$20,200. These students will attend arts- or culture-related degree programs in the fall of 2020 at four different schools across the country.

Following is a detailed chart of the impact of this funding in the community as provided by individual affiliates in their quarterly reports.

AFFILIATE GRANT RECIPIENT	FY 2020 Q4 Grant Distributions	Persons Impacted by Programs	Projected Restaurant Impact (meals)	Hotel Impact (room nights)	PROGRAMS FUNDED
Navasota Grimes Co. Chamber of Commerce	\$0.00	0	0	0	No funded programs/marketing during this quarter
Navasota Theatre Alliance	\$2,275.00	0	0	0	All events cancelled due to COVID
Washington on the Brazos Historical Foundation	\$0.00	10,368	103	55	Marketing only funded during this time. The site was intermittently closed during this quarter, and all programs and events cancelled.
TOTALS	\$2,275.00	10,368	103	55	

Artistic Learning Opportunities

- In the third quarter, The Arts Council had to cancel our in-person Art After School classes due to coronavirus. In the fourth quarter, we continued to provide free art lessons with our teachers through Facebook live programs.
- Early in the fourth quarter, The Arts Council continued hosting in-person summer camps following the Governor's Day Camp guidelines. Camps began on June 15th and ran every week throughout the summer. Registration was kept low to ensure safe social distancing. Navasota Artist in Residence Apinya Srihwanthong taught a Fine Arts camp, as well as a hands on Paper Sculpture camp that included paper mache and 3D art activities. Facilitated by our safety plan involving limited class sizes, individual sanitizers and supply boxes, daily hygiene presentations, and hourly sanitizing schedules, the classes proceeded smoothly. One of Apinya's students, who lived in a family with high risk individuals, requested that we make online participation possible so that he could enjoy a creative outlet. To meet their needs, we set up a Zoom class and a materials box for the student so that they could participate from home. The family was thrilled with the opportunity, and said they appreciated the chance their child had to meet new children and be creative safely from home. Additionally, we worked with some of our summer camp teachers to record several art project demo videos which we shared on our Facebook page.
- Our three studio artists (originally Sherry Killingsworth, Coleen Bradfield, and Chris Wilson) were allowed to continue their studio operations under new sanitation, social distancing, and contact tracing guidelines. Their studio spaces are open to the public when the artists are present, and the artists are encouraged to safely engage with the visiting public and discuss their art. Artist Amanda Dominguez also replaced Sherry Killingsworth as our new Artist in Residence in quarter four.
- The Arts Council, working with the City of Navasota, continued the Navasota Artist in Residence program. Remaining Artist in Residence Apinya Srihwanthong completed her residency and held her solo show *Embracing Nature* at the Horlock House. After the completion of her residency, new Artists in Residence Ashley Anderson and Shannon Ferguson were selected and moved into the Horlock House in early October..
- In September, Stephanie Cobb from Baton Rouge, Louisiana completed her tenure in the College Station Summer Artist Residency. The summer residency is open to current or recently-graduated students and provides them an opportunity to create their first solo exhibit. Stephanie is a talented oil painter and explored relationships through portraiture in her August solo exhibit, *Portrait of a Friend*.
- Krislyn Koehn began her time in the Bryan Artist in Residence program this July. Housed in the Kasparov Lofts in Downtown Bryan, Krislyn has participated in several of our online programs and radio interviews.
- All of our artists in residence have participated in digital art opportunities including online Facebook art classes, Facebook live interviews, and radio station interviews.

Community Outreach

The Arts Council operates community outreach efforts designed to create access to artistic opportunity. Efforts include marketing, support of affiliate organizations, placement of art in

public venues, and involvement in community events, such as online competition offerings and our Art for Life program.

Marketing

- Innumerable residents and visitors are served through regular marketing and outreach programs from mailings, advertisements, brochures, newspaper articles, television and radio spots/interviews, and our website, www.acbv.org.
- The Arts Council regularly and extensively promotes affiliate events, Arts Council programs, and local art events through social media and paid online and print advertising. Marketing efforts target a statewide audience as well as providing up to date information to residents and visitors. Additionally, Bryan Broadcasting, WTAW, KBTX and KAGS donate significant amounts of air time to run Arts Council Art Spots and interviews. Marketing efforts in the fourth quarter focused on supporting our affiliates and arts community, promotion for our virtual tours and talks, advertising our mask contest, and promoting our online Ebay fundraiser, held in place of our annual Celebrate the Arts fundraiser (cancelled due to COVID-19)
- The ACBVoice e-newsletter was sent to over 3,000 subscribers weekly during the fourth quarter. The newsletter promotes upcoming arts events in the Brazos Valley in addition to providing updates on Arts Council programs and projects.
- Arts Council staff recorded regular interviews at WTAW studios every week in the fourth quarter. They were joined by Arts Council affiliates such as the Museum of the American GI, Brazos Valley TROUPE, the Brazos Valley Museum of Natural History, and Brazos Valley Worldfest. The Arts Council also introduced incoming Artists in Residence through interviews concerning their background and art focus.
- The Arts Council temporarily suspended our Art Spots, which are distributed directly to every hotel in Bryan/College Station and read as public service announcements on media outlets in the region. We have focused on updating our arts calendar and sharing affiliate Art Spots on our website, newsletter, and social media. We hope to resume our physical distribution and PSA recordings in 2021.
- The Arts Council also pivoted to presenting a great deal of content in a virtual format through our YouTube channel, Facebook page, and website. Executive Director Sheree Boegner recorded interviews via Zoom that were live streamed on Facebook and recorded and shared on our website. Interviews included volunteer celebrations with affiliates, online promotion of our E-bay auction, discussions with scholarship winners, live tours with gallery and studio artists, and live critiques with our artists in residence. These live events will continue into late 2020 and 2021.

Support of Affiliate Organizations

- We support over 55 affiliated arts, culture and heritage organizations across the Brazos Valley through funding, promotion, advocacy and partnership-building programs. In addition, the Arts Council facilities are typically available for use free of charge to all affiliates during regular business hours (Monday-Friday, 9am-5pm,

Saturday, 1pm-4pm) and are typically used by many of these groups monthly. We were able to resume these meetings in the fourth quarter.

- The Arts Council continued to assist with the organization of the Brazos Valley Museum Collective and the Brazos Valley Theatre Collective. The Museum Collective, made up of galleries and museums throughout the Brazos Valley, met virtually during the fourth quarter. The Brazos Valley Theatre Collective were able to resume their group meetings in the fourth quarter and discussed best practices for opening up their shows given the pandemic situation, items concerning delaying or paying royalties for shows that had to be cancelled, and different rehearsal protocols.
- The Arts Council and our affiliates are regularly covered in *The Eagle* and on local news stations as a result of our public relations efforts.

Art in Public Places

- The Arts Council curates several Community Galleries at Large.
 - One of these Community Galleries at Large, the Brazos Valley Council of Governments' building, hosted a show of artwork by studio artist Coleen Bradfield.
 - The Community Gallery-at-Large space at College Station City Hall continued to host an exhibit of artwork by students at the School for Little People.
 - The City of Bryan gallery space continued to host a new exhibit of fluid art by local artist Emily Laughlin.
 - The Navasota City Hall space continues to feature a group show by Navasota High School students.
 - The Brazos Valley Plastic Surgery space continues to host a show by Allen Academy student artists.
- Featuring twenty outdoor sculptures and over thirty art benches, the Public Art program is supported by local business partners and the cities of Bryan and College Station. This program aesthetically improves and fosters appreciation of the role of the arts in our community.
- *Hand of God* by local artist John Magee continues to attract crowds to the ArtFill installation site in Downtown Bryan.

Community Events

- Unfortunately, due to the restrictions on activities and the dangers of coronavirus, The Arts Council was unable to host many direct, in-person events.
- Our annual Red Wasp Film Festival, scheduled originally for the weekend of May 16th, was indefinitely postponed early in the shutdown. The committee is working with sponsors and filmmakers to move the festival to a virtual presentation in the fourth quarter.
- In order to continue to offer artistic opportunities to our community given the pandemic, we worked hard to create online events to provide the Brazos valley with creative outlets. In the fourth quarter, we held an online art contest, in which Texas residents submitted designs for a face mask. Selected winners are up on display in our galleries and will tour throughout our communities galleries in the first quarter of next year.

- Likewise, we held online art project instruction through prerecorded classes posted on our Facebook platform. Local teachers taught the classes, and social media was used to encourage individuals to share their art with the community.
- Our Art for Life programming, in which youth in juvenile detention services get opportunities to express themselves creatively and decrease their recidivism rates, resumed in July, with youth participating at separate time slots on the Art for Life mural to follow safety precautions. The mural was completed in September.

FINANCIAL REPORT CITY OF NAVASOTA
JULY- SEPT 2020

- In Q1 of FY 2020 the Arts Council received a total of \$28,800.00 from City of Navasota Hotel Occupancy Tax Revenue funds via check #013422, dated October 22, 2019. The balance of these funds after Q1&2&3 expenses were utilized for the following in Q4:
 - \$2,275.00 was utilized to fund quarterly affiliate grants on Sept 23. See chart on page 4 for detailed grant allocations.
 - Other funding allocated in Q4 was utilized as follows:
 - \$300 for advertising a Navasota Artist in Residence Call for Entry,
 - \$1200 for the Navasota Artists in Residence stipend,
 - and \$406.38 for the Navasota Artists in Residence Open House event.
 - The remainder of funds will be carried over for expenses in Q1 2021.

Attachments

- Profit & Loss and Current Balance Sheet as of end of Q4 FY2020
- Affiliate FY 2020 Q4 Reports and Supplemental Documentation

The Arts Council of Brazos Valley
Budget vs. Actuals: FY2020 - FY20 P&L
 October 2019 - September 2020

	Total		
	Actual	Budget	% of Budget
Revenue			
430 Contributed Income	218,945.99	200,000.00	109.47%
431 Membership Dues			
431.1 Individual Membership	12,395.90	10,000.00	123.96%
431.2 Affiliates Membership	3,650.00	4,000.00	91.25%
431.3 Business Membership	3,988.40	4,500.00	88.63%
Total 431 Membership Dues	\$ 20,034.30	\$ 18,500.00	108.29%
432 Fundraising Events			
4324 Celebrate the Arts	6,025.00	70,000.00	8.61%
4325 Boots & BBQ	17,168.78	17,000.00	100.99%
4326 Empty Bowls, Jr.	12,976.07	13,000.00	99.82%
4327 Celebrate the Arts Scholarship	13,500.00	15,000.00	90.00%
Total 432 Fundraising Events	\$ 49,669.85	\$ 115,000.00	43.19%
433 Government Grants			
4331 College Station	35,669.17	35,000.00	101.91%
4332 College Station HOT	687,976.00	687,976.00	100.00%
4332-1 COCS HOT Reimbursements	729.00	3,000.00	24.30%
4333 Bryan HOT	180,000.00	180,000.00	100.00%
4333-1 COB HOT Reimbursements	0.00	600.00	0.00%
4334 Brazos County	8,000.00	8,000.00	100.00%
4335 TCA	10,861.00	9,500.00	114.33%
4336 Navasota HOT	28,800.00	28,800.00	100.00%
Total 433 Government Grants	\$ 952,035.17	\$ 952,876.00	99.91%
434 Foundation & Trust Grants	5,000.00	5,000.00	100.00%
Total 430 Contributed Income	\$ 1,245,685.31	\$ 1,291,376.00	96.46%
440 Program Service Revenue			
440.1 Red Wasp	1,043.65	2,000.00	52.18%
440.2 Classes	224.46	1,000.00	22.45%
440.3 Camps	4,966.10	8,500.00	58.42%
440.4 Community Festival	480.00	480.00	100.00%
440.6 Artist Call for Entry	2,353.41	2,000.00	117.67%
Total 440 Program Service Revenue	\$ 9,067.62	\$ 13,980.00	64.86%
450 Other Revenue			
450.1 Miscellaneous Revenue	2,332.37	2,200.00	106.02%
450.2 Investments	9,972.10	2,000.00	498.61%
450.3 Rentals	13,340.10	15,000.00	88.93%
Total 450 Other Revenue	\$ 25,644.57	\$ 19,200.00	133.57%
46000 Merchandise Sales	20,294.84	16,200.00	125.28%
QuickBooks Payments Sales	3,739.99	0.00	
Total Revenue	\$ 1,304,432.33	\$ 1,340,756.00	97.29%

Gross Profit	\$ 1,304,432.33	\$ 1,340,756.00	97.29%
Expenditures			
600 Awards and Grants			
601 Awards & Grants-Organizations	452,453.00	467,976.00	96.68%
601-1 Returned Grants	1,113.08	3,600.00	30.92%
Total 601 Awards & Grants-Organizations	\$ 453,566.08	\$ 471,576.00	96.18%
602 Awards & Grants-Individuals	20,200.00	15,000.00	134.67%
Total 600 Awards and Grants	\$ 473,766.08	\$ 486,576.00	97.37%
610 Salaries and Related Expenses			
611 Salaries & Wages	167,635.33	190,000.00	88.23%
6115 Family Natl Paid Sick Leave	1,004.50	0.00	
6116 FMLA Expansion Paid Leave	4,995.50	0.00	
Total 611 Salaries & Wages	\$ 173,635.33	\$ 190,000.00	91.39%
612 Employer IRA Contributions	4,362.67	5,000.00	87.25%
613 Employee Benefits-Other	660.00	700.00	94.29%
614 Payroll taxes & fees	8,719.98	15,762.00	55.32%
616 Employer Health Ins. Contribution	7,625.80	7,913.00	96.37%
Total 610 Salaries and Related Expenses	\$ 195,003.78	\$ 219,375.00	88.89%
620 Fees for Services			
621 Accounting Fees	18,162.57	20,000.00	90.81%
622 Legal Fees	651.13	1,000.00	65.11%
624 Marketing Intern Fees	12,980.00	10,000.00	129.80%
625 Contractor Fee	560.00	500.00	112.00%
Total 620 Fees for Services	\$ 32,353.70	\$ 31,500.00	102.71%
630 Advertising, Printing, Promo.	51,693.87	60,500.00	85.44%
631 Programs			
6312 ART for Life	11,016.43	13,500.00	81.60%
6313 Gallery	4,888.74	12,000.00	40.74%
6314 Camps	3,702.98	7,500.00	49.37%
6315 Community Festivals	54.97	400.00	13.74%
6316 Public Art	1,000.00	1,000.00	100.00%
6317 Classes	1,587.86	2,000.00	79.39%
6319 Red Wasp	1,000.00	2,000.00	50.00%
6320 Artist Connect	6,300.00	7,000.00	90.00%
6325 Programs-Other	5,634.46	7,000.00	80.49%
6327 Empty Bowls, Jr.	6,869.67	6,900.00	99.56%
6328 Artist in Residence	7,724.96	8,500.00	90.88%
Total 631 Programs	\$ 49,780.07	\$ 67,800.00	73.42%
632 Fundraising			
6324 Celebrate the Arts	3,481.50	45,000.00	7.74%
6329 Boots & BBQ	5,097.96	5,100.00	99.96%
6330 Fundraising - Other	8,037.01	9,900.00	81.18%
Total 632 Fundraising	\$ 16,616.47	\$ 60,000.00	27.69%
640 Office Expenses	2,001.14	2,500.00	80.05%
641 Postage, Mailing Service	447.25	500.00	89.45%
Total 640 Office Expenses	\$ 2,448.39	\$ 3,000.00	81.61%
650 Information Technology	4,142.00	4,500.00	92.04%

660 Occupancy			
662 Security	960.00	1,000.00	96.00%
663 Janitorial	8,029.33	13,000.00	61.76%
6635 Repairs & Maintenance	2,152.23	5,000.00	43.04%
664 Pest Control	340.00	500.00	68.00%
665 Utilities	16,737.82	17,000.00	98.46%
667 Mortgage Interest	16,988.89	39,000.00	43.56%
Total 660 Occupancy	\$ 45,208.27	\$ 75,500.00	59.88%
661 Facilities & Equipment Rental	1,829.00	1,980.00	92.37%
669 Property Purchase	0.00	280,800.00	0.00%
670 Mileage			
671 Travel & In-Region Mileage	1,656.77	1,800.00	92.04%
Total 670 Mileage	\$ 1,656.77	\$ 1,800.00	92.04%
680 Insurance	13,381.10	13,200.00	101.37%
690 Other expenses			
691 Bank Charges	1,332.18	1,500.00	88.81%
6911 Investment Losses	5,997.66	600.00	999.61%
692 Credit Card Charges	12.78	0.00	
694 Memberships and Dues	1,775.00	1,600.00	110.94%
695 Training & Development	6,204.00	9,500.00	65.31%
697 Artist Commission	15,667.04	12,000.00	130.56%
699 Other Costs	22,784.96	23,000.00	99.07%
Total 690 Other expenses	\$ 53,773.62	\$ 48,200.00	111.56%
Total Expenditures	\$ 941,653.12	\$ 1,354,731.00	69.51%
Net Operating Revenue	\$ 362,779.21	-\$ 13,975.00	-2595.92%
Net Revenue	\$ 362,779.21	-\$ 13,975.00	-2595.92%
Annual Loan Paydown to Prosperity	307,498.66		
Difference between Net Revenue and Loan Payment	\$ 55,280.55		

Friday, Oct 30, 2020 09:53:35 AM GMT-7 - Accrual Basis

The Arts Council of Brazos Valley
Statement of Financial Position
As of September 30, 2020

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts	
10100 Well's Fargo Business Checking	297,127.43
10120 Well's Fargo Money Market	17,479.35
10125 PayPal	2,167.61
10200 Prosperity - ABC	431,356.44
10400 American Momentum Money Market	102,137.65
10450 American Funds	39,336.76
10950 Cash in Drawer	634.77
12300 Community Foundation of BV	8,736.98
Total Bank Accounts	\$ 898,976.99
Accounts Receivable	
11001 Accounts Receivable	20,100.00
11006 Discount on Pledge Receivable	-30,845.45
11200 Pledges Receivable	355,640.00
Total 11001 Accounts Receivable	\$ 344,894.55
Total Accounts Receivable	\$ 344,894.55
Other Current Assets	
12000 Undeposited Funds	15,020.00
1692 Prepaid Insurance	4,171.76
1693 Prepaid Advertising	1,200.00
Total Other Current Assets	\$ 20,391.76
Total Current Assets	\$ 1,264,263.30
Fixed Assets	
14000 Fixed Assets	
14100 Furniture and Equipment	125,104.81
14200 Buildings - Operating	7,503.00
14300 Permanent Collection	677,023.02
14999 Accum Depreciation	-105,831.98
Total 14000 Fixed Assets	\$ 703,798.85
14101 New Building	1,021,146.45
14101.1 Building Improvements	652,626.26
14102 Credit to Building Cost	-30,296.00
15000 Land	392,430.00
16000 Construction in Progress	8,415.05
Total Fixed Assets	\$ 2,748,120.61
Other Assets	
18800 Inventory	15,105.00
Total Other Assets	\$ 15,105.00
TOTAL ASSETS	\$ 4,027,488.91

LIABILITIES AND EQUITY**Liabilities****Current Liabilities****Accounts Payable**

20000 Accounts Payable	157,054.94
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Total Accounts Payable	\$ 157,054.94
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Credit Cards

21500 Wells Fargo Business Card - Salvaggio (deleted)	12.78
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21600 Wells Fargo Business Card - Boegner	-76.86
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Total Credit Cards	-\$ 64.08
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Other Current Liabilities

21000 PPP Loan	31,102.00
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21100 Direct Deposit Liabilities	0.00
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22000 Payroll Liabilities	0.00
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22100 Federal Tax Payable	848.44
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22200 Texas Unemployment Payable	162.10
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22300 Simple IRA Payable	600.00
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22400 Blue Cross Blue Shield Payable	0.00
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22500 Guardian Insurance Payable	-22.41
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22600 HSA Payable	381.00
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Total 22000 Payroll Liabilities	\$ 1,969.13
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23000 Deferred Membership Dues	100.00
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23100 Deferred Income	4,998.75
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24200 Accrued Expenses	0.00
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24300 Accrued Compensated Absences	4,029.94
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25500 Sales Tax Payable	4,514.31
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Total 25500 Sales Tax Payable	\$ 5,002.81
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25800 Unearned or Deferred Revenue	8,000.00
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27201 Due to COCS- Reimbursements	16.00
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27202 Due to COB - Reimbursements	0.00
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Direct Deposit Payable	0.00
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Total Other Current Liabilities	\$ 55,218.63
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Total Current Liabilities	\$ 212,209.49
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Long-Term Liabilities

27101 Notes Payable	735,297.91
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Total Long-Term Liabilities	\$ 735,297.91
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Total Liabilities	\$ 947,507.40
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Equity

31300 Perm. Restricted Net Assets	5,050.00
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32000 Unrestricted Net Assets	2,712,152.30
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Net Revenue	362,779.21
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Total Equity	\$ 3,079,981.51
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TOTAL LIABILITIES AND EQUITY	\$ 4,027,488.91
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Proclamation The City of Navasota, Texas

"TREE OF ANGELS"

WHEREAS, when crimes occur, society must protect not only the rights of the accused, but also the rights of the victim and;

WHEREAS, recognizing that the holiday season is a difficult time for victims and their families, The Tree of Angels has become a memorable tradition observed in Grimes County to recognize that the holiday season is a difficult time for victims and their families. The event honors surviving victims of violent crime and victims' families by allowing loved ones to bring an angel to place on a special Christmas tree and;

WHEREAS, all of Grimes County recognizes the important work of all who commit themselves to assist crime victims and their loved ones. Traditions like the Tree of Angels reflect the kind and compassionate spirit of the holiday season and encourage us all to play a role in building a safer, more just community and;

NOW THEREFORE, I, Bert Miller, Mayor of the City of Navasota, do hereby proclaim the month of December 2020 as **"TREE OF ANGELS MONTH"** and urge citizens of Grimes County to participate by placing an angel ornament on the tree located in the lobby of the Navasota Municipal Building, or on the tree located in the lobby of the Grimes County Law Enforcement Center, to remember and pay tribute to those whose lives have been touched by violence.

DATED THIS THE 23RD DAY OF NOVEMBER, 2020.

BERT MILLER, MAYOR

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 5. **AGENDA DATE:** November 23,
2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Consideration and possible action on sanctioning the '1st Annual Jingle Around Town Sip and Shop' event to be held on December 5, 2020 in Downtown Navasota.

ITEM BACKGROUND:

Sharon Atkinson with Blessed Up Boutique along with several other downtown shops will host the 1st Annual Jingle Around Town Sip & Shop event. The event is being held to bring shoppers into the downtown area. The merchants will be offering alcoholic beverages and snacks to patrons.

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends sanctioning the "1st Annual Jingle Around Town Sip and Shop" on December 5, 2020.

ATTACHMENTS:

1. Request to sanction from Sharon Atkinson

Brad Stafford

From: Sharon Atkinson <bless_up_boutique@hotmail.com>
Sent: Wednesday, November 11, 2020 7:02 PM
To: Brad Stafford
Subject: Sanctioning an event

Mr. Stafford we spoke late last week about the event the shops in town will be hosting. I am wanting to get this event sanctioned with the city so there are no problems.

On December 5th the retail shops of Historic Downtown Navasota will be hosting a sip & shop. This event will start at 10 in the morning and continue until 6 in the evening. We are going to set up at the visitor center for the patrons to check in to start their sipping & shopping. The retail shops are going to offer alcoholic beverages to the patrons that are of age, as well as snacks. We are asking that the city sanction the event so that there will be no problem with the patrons walking around downtown Navasota with beverages in hand. If we think we will need anything else, we will keep in touch with the city manager.

Thank you,
Sharon Atkinson
1st Annual Jingle Around Town Sip & Shop

Sent from [Mail](#) for Windows 10

CAUTION: This email originated from outside of the City of Navasota's organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 6. **AGENDA DATE:** November 23,
2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Consideration and possible action on the first reading of Ordinance No. 948-20, denying the distribution cost recovery factor rate increase of Entergy Texas, Inc. filed on October 22, 2020.

ITEM BACKGROUND:

Entergy Texas applied to the Public Utilities Commission of Texas to amend its Distribution Cost Recovery Factor. In past filings, the cities served by Entergy coalition found discrepancies in the calculations resulting in lower rate increases. The Lawton Law firm recommends that the cities deny the application.

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends approval of the first reading of Ordinance No. 948-20, denying the distribution cost recovery factor rate increase of Entergy Texas, Inc. filed on October 22, 2020.

ATTACHMENTS:

1. Ordinance No. 948-20
2. Letter from Lawton Law Firm

ORDINANCE NO. 948-20

AN ORDINANCE BY THE CITY OF NAVASOTA, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON OCTOBER 22, 2020; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS

WHEREAS, on or about October 22, 2020, Entergy Texas, Inc. ("Entergy") filed an Application to Amend its Distribution Cost Recovery Factor ("DCRF") with the City to increase electric rates by amending its DCRF rider pursuant to Public Utility Regulatory Act ("PURA") Section 36.210;

WHEREAS, City has exclusive original jurisdiction over the rates, operations and services of an electric utility within its municipal limits pursuant to PURA Section 33.001(a);

WHEREAS, the jurisdictional deadline for the City to act in this rate matter is December 21, 2020;

WHEREAS, Entergy's existing DCRF rider is set to collect approximately \$19.5 million per year;

WHEREAS, Entergy's proposed amended Distribution Cost Recovery Factor rider would increase customer rates in the Entergy Service Area by approximately \$6.8 million per year, for a total of \$26.3 million per year;

WHEREAS, the City retained the Lawton Law Firm, P.C. to review the Company's rate request and make necessary rate recommendations to the City; and

WHEREAS, the Lawton Law Firm has recommended that the City deny the Company's request to amend its Distribution Cost Recovery Factor.

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

Section 1. That the statement and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The City of Navasota hereby denies Entergy's request to amend its Distribution Cost Recovery Factor in total.

Section 3. The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. This ordinance shall become effective from and after its passage.

PASSED AND APPROVED THIS THE 23RD DAY OF NOVEMBER, 2020

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED AND APPROVED THIS THE 14TH DAY OF DECEMBER, 2020

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 512/329-2604

CONFIDENTIAL/PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

November 13, 2020

Via E-Mail

Mr. Richard Ferguson
City Attorney – City of Anahuac
City Attorney – City of Sour Lake
13201 Northwest Freeway, Suite 300
Houston, Texas 77040

Mr. Tyrone Cooper
City Attorney – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Kyle Hayes
City Manager – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Paul Fukuda
City Attorney – Bridge City
260 Rachal
Post Office Box 846
Bridge City, Texas 77611

Ms. Kelly McDonald
City Manager – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Mr. David Olson
City Attorney – City of Cleveland
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Ms. Angela Smith
City Secretary – City of Cleveland
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Cleveland, Texas 77327

Mr. Mark Winberry
City Attorney – City of Conroe
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Conroe, Texas 77305

Mayor Nyla Akin Dalhaus
City of Cut and Shoot
P.O. Box 7364
Cut and Shoot, Texas 77306

Amy L. Wade
City Secretary – City of Cut and Shoot
P.O. Box 7364
Cut and Shoot, Texas 77306

Mr. Jeff Lambright
Mayor – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. Theo Melancon
City Manager – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. James Black
City Attorney – City of Groves
3535 Calder Avenue, Suite 300
Beaumont, TX 77706

Mr. D. E. Sosa
City Manager – City of Groves
P.O. Box 3286
Port Arthur, Texas 77643

Ms. Tina Paez
City of Houston Administration & Regulatory
Affairs Department (ARA)
611 Walker, 13th Floor
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Ms. Yushan Chang
City of Houston Legal Department
P.O. Box 368, Houston, Texas 77001-0368
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900 Bagby
Houston, Texas 77002

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City Attorney – City of Splendora
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1212 Ave. M
Huntsville, Texas 77340

Mr. Brandon Davis
City Attorney – City of Liberty
City Attorney – City of Dayton
1517 Trinity
Liberty, Texas 77575

Mr. Tom Warner
City Manager – City of Liberty
1829 Sam Houston
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Mr. Larry L. Foerster
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City Attorney – City of Roman Forest
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Navasota, Texas 77868

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Interim City Manager –
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Oak Ridge North, Texas 77385

Ms. Elizabeth Harrell
City Secretary – City of Oak Ridge North
27424 Robinson Road
Oak Ridge North, Texas 77385

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Mr. Guy Goodson
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City Attorney – City of Rose City
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Ms. Val Tizen
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Port Arthur, Texas 77641

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Port Neches, Texas 77651

Mr. Pete Steele
City Attorney – City of Port Neches
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Port Arthur, Texas 77642

Ms. Kathie Reyer
City Administrator – City of Shenandoah
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Shenandoah, Texas 77381

Ms. DeeAnn Zimmerman
City Manager – City of Silsbee
105 South 3rd Street
Silsbee, Texas 77656

Mr. Solomon Freimuth
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Sour Lake, Texas 77959

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City Attorney Leonard Schneider
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Splendora, Texas 77372

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Vidor, Texas 77662-3726

Mr. Chris Leavins
City Attorney – City of Vidor
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Beaumont, Texas 77704-4915

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Mayor – City of West Orange
2700 Western Avenue
West Orange, TX 77630

Mr. Rex Peveto
City Attorney – City of West Orange
118 Border Street
Orange, Texas 77630
Ms. Marissa Quintanilla
City Secretary – City of Willis
200 N. Bell
Willis, Texas 77378

Mr. Michael S. Stelly
City of West Orange, Texas
2700 Austin Avenue
West Orange, TX 77630

Re: **Entergy Texas, Inc.’s New Application to Amend its Distribution Cost Recovery Factor**

Dear Cities:

On October 22, 2020, Entergy Texas Inc. (“Entergy” or “Company”) filed a new application to amend its Distribution Cost Recovery Factor (“DCRF”) with each of the Cities in its service area and concurrently with the Public Utility Commission of Texas (“Commission”). This is the second DCRF application the Company has filed this year, and the previous application was approved on October 16, 2020, just days before this second application. Cities have 60 days to pass a Rate Ordinance accepting, modifying, or rejecting a DCRF Application. **Accordingly, Cities’ deadline to pass a Rate Ordinance is December 21, 2020.**

After the 60 days have passed, Cities’ rate decisions will be joined with the Company’s DCRF application pending with the Commission, and the Commission will make the final determination to approve or deny the Company’s request.¹ Cities that do not pass a rate ordinance by the 60-day deadline will also be joined. We have intervened in the Commission proceedings and will represent Cities’ interests there.

The purpose of a DCRF tariff is to allow a utility to recover increased distribution investment expenses it has incurred since its last base rate case. DCRF tariffs can be amended thereafter as the Company continues making distribution investment between rate cases. This will be the third DCRF amendment since the Company’s last base rate case.

¹ The Commission has original jurisdiction over Entergy service areas outside the City limits and appellate jurisdiction over City decisions. See Tex. Util. Code § 32.001.

Entergy's current DCRF tariff was approved last month and was set to collect approximately \$19.5 million annually. In its most recently-filed application to amend its DCRF tariff, Entergy requests to collect an additional \$6.8 million in annual revenue, for a total of \$26.3 million. Residential customers would be charged approximately \$16.2 million or 62% of the requested revenue requirement, which amounts to approximately \$2.57 per month for an average residential customer using 1000 kWh per month. This represents a \$0.57 increase, or 29 percent, over the current DCRF charge of about \$2.00 per month for the average residential customer.

The DCRF procedure differs significantly from a base rate case in that it is strictly limited in scope. Discovery is limited in DCRF cases, and parties will not be allowed to explore whether the requested investment complies with PURA, or is prudent, reasonable, or necessary. Instead, if approved, the DCRF will be reconciled in the next base rate case, and Entergy will be required to pay back, with carrying costs, any revenue received for investment that does not comply with PURA, or is not prudent, reasonable, or necessary.

We are currently reviewing the Company's application to determine whether the Company properly calculated its proposed DCRF revenue requirement, class billing determinants, and resulting rates. Despite the limited scope, Cities and other intervening parties in Entergy's previous DCRF cases have identified numerous issues regarding Entergy's calculations and assumptions. In the last DCRF case, Cities contested the Company's attempt to include ineligible retired meters in its DCRF calculation. The Commission agreed with Cities and disallowed \$4.1 million from the Company's requested revenue requirement. The Company has not included these ineligible retired meters in its current application. Other previous DCRF cases have ultimately been resolved with Entergy agreeing to less than its initial proposed revenue requirement.

Because of the limited timeline, we recommend that the Cities deny Entergy's application in total by December 21, 2020. We have attached a recommended Rate Ordinance denying Entergy's DCRF application. Please forward passed ordinances to us at molly@mayhallvandervoort.com and danlawtonlawfirm@gmail.com.

If there are any questions or concerns, please do not hesitate to call.

Sincerely,


Daniel J. Lawton

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 7. **AGENDA DATE:** November 23,
2020

PREPARED BY: Susie M. Homeyer, City Secretary

APPROVED BY: BS

ITEM: Consent Agenda: The following items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

Consent Items are:

A. Consideration and possible action on the second reading of Ordinance No. 946-20, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, A0002. D ARNOLD, TRACT 17, PAR 9-4, ACRES 3.064, 17, PAR 9-4, A0002. D ARNOLD, TRACT 18, ACRES 159.5, PAR 3-2, A0002. D ARNOLD, TRACT 18, PAR 8, ACRES 2.15, A0002. D ARNOLD, TRACT 18, PAR 2, ACRES 28.23 and A0002. D ARNOLD, TRACT 18, PAR 1, ACRES 7.8, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3, A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5 and A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16, changing the current zoning from A/O: Agriculture/open Space District to R-1B: medium density, single dwelling unit, quarter acre, residential district for the property legally described as A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00, located in Navasota, Grimes County, Texas; and

B. Consideration and possible action on the second reading of Ordinance No. 947-20, amending Chapter 4, Article 4.07, Towing Companies, of the Code of Ordinances, City of Navasota, Texas.

ITEM BACKGROUND:

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends approval of the consent agenda items which include the second reading of Ordinance No. 946-20, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, A0002. D ARNOLD, TRACT 17, PAR 9-4, ACRES 3.064, 17, PAR 9-4, A0002. D ARNOLD, TRACT 18, ACRES 159.5, PAR 3-2, A0002. D ARNOLD, TRACT 18, PAR 8, ACRES 2.15, A0002. D ARNOLD, TRACT 18, PAR 2, ACRES 28.23 and A0002. D ARNOLD, TRACT 18, PAR 1, ACRES 7.8, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3, A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5 and A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16, changing the current zoning from A/O: Agriculture/open Space District to R-1B: medium density, single dwelling unit, quarter acre, residential district for the property legally described as A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00, located in Navasota, Grimes County, Texas; and the second reading of Ordinance No. 947-20, amending Chapter 4, Article 4.07, Towing Companies, of the Code of Ordinances, City of Navasota, Texas.

ATTACHMENTS:

1. Ordinance No. 946-20
2. Ordinance No. 947-20

ORDINANCE NO. 946-20

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NAVASOTA, TEXAS TO REZONE THE FOLLOWING PROPERTIES FROM A/O: AGRICULTURE/OPEN SPACE DISTRICT TO R-1C: LOW DENSITY, SINGLE DWELLING UNIT, 2 ACRE LOT, RESIDENTIAL FOR THE PROPERTIES LEGALLY DESSCRIBED AS A0002. D ARNOLD, TRACT 17, PAR 9-4, ACRES 3.064, 17, PAR 9-4, A0002. D ARNOLD, TRACT 18, ACRES 159.5, PAR 3-2, A0002. D ARNOLD, TRACT 18, PAR 8, ACRES 2.15, A0002. D ARNOLD, TRACT 18, PAR 2, ACRES 28.23, A0002. D ARNOLD, TRACT 18, PAR 1, ACRES 7.8, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NAVASOTA, TEXAS TO REZONE THE FOLLOWING PROPERTIES FROM A/O: AGRICULTURE/OPEN SPACE DISTRICT TO R-3: HIGH DENSITY, MULTI-DWELLING UNIT, RESIDENTIAL FOR THE PROPERTIES LEGALLY DESSCRIBED AS A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3, A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5, AND A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NAVASOTA, TEXAS TO REZONE THE FOLLOWING PROPERTY FROM A/O: AGRICULTURE/OPEN SPACE DISTRICT TO R-1B: MEDIUM DENSITY, SINGLE DWELLING UNIT, QUARTER ACRE LOT, RESIDENTIAL FOR THE PROPERTY LEGALLY DESSCRIBED AS A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 24th day of September 2020, a workshop was held by the Planning and Zoning Commission to discuss the rezoning of certain properties currently zoned as A/O: Agricultural/Open Space Districts to be in accordance with the Comprehensive Plan; and

WHEREAS, it was determined that a 3.064 acre tract legally described as A0002. D Arnold, tract 17, par 9-4, a 159.5 acre tract legally described as A0002. D Arnold, tract 8, par 3-2, 2.15 acre tract legally described as A0002. D Arnold, tract 18, par 8, a 28.2 acre tract legally described as A0002. D Arnold, tract 18, par 2, and a 7.8 acre tract legally described as A0002. D Arnold, tract 18, par 1, should be rezoned to from A/O: Agriculture/ Open Space District to R-1C: Low Density, Single dwelling unit, 2 acre lot, residential; and

WHEREAS, it was determined that a 3 acre tract legally described as A0002. D ARNOLD, TRACT 18, PAR 9, a 1.5 acre tract legally described as A0002. D ARNOLD, TRACT 18, PAR 4, and a 2.16 acre tract legally described as A0002. D ARNOLD, TRACT 18, PAR 6 should be rezoned to from A/O: Agriculture/ Open Space District to R-3: High Density, Multi-Dwelling Unit, Residential; and

WHEREAS, it was determined that a 1.00 acre tract legally described as A0002. D ARNOLD, TRACT 18, PAR 1-5, should be rezoned to from A/O: Agriculture/ Open Space District to R-1B: Medium Density, Single dwelling unit, quarter acre lot, residential; and

WHEREAS, the rezoning of said properties is in harmony with the Comprehensive Plan of the City of Navasota; and

WHEREAS, on the 22nd of October 2020, a public hearing was held before the Planning and Zoning Commission of the City of Navasota, a quorum being present on the occasion and

said matter of rezoning being part of the agenda for said Commission meeting, an opportunity to present arguments for and against the proposed rezoning was held; and

WHEREAS, the properties are shown on Exhibit "A" attached hereto and incorporated herein for all purposes pertinent; and

WHEREAS, the Planning and Zoning Commission recommends to the Navasota City Council, that the properties legally described as A0002. D ARNOLD, TRACT 17, PAR 9-4, ACRES 3.064, 17, PAR 9-4, A0002. D ARNOLD, TRACT 18, ACRES 159.5, PAR 3-2, A0002. D ARNOLD, TRACT 18, PAR 8, ACRES 2.15, A0002. D ARNOLD, TRACT 18, PAR 2, ACRES 28.23, A0002. D ARNOLD, TRACT 18, PAR 1, ACRES 7.8, be rezoned as R-1C: Low Density, Single dwelling unit, 2 acre lot, residential; and

WHEREAS, the Planning and Zoning Commission recommends to the Navasota City Council, that the property legally described as A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3, A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5, AND A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16, be rezoned as R-3: High Density, Multi-Dwelling Unit, Residential; and

WHEREAS, the Planning and Zoning Commission recommends to the Navasota City Council, that the property legally described as A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00, be rezoned as R-1B: Medium Density, Single dwelling unit, quarter acre lot, residential; and

WHEREAS, on the 9th day of November 2020, after notice as required by law, a public hearing was held before the Navasota City Council, a quorum being present on the occasion and said matter of rezoning being part of the agenda, an opportunity to present arguments for and against the proposed rezoning was held;

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

SECTION 1. The Official Zoning Map of the City of Navasota is hereby amended to change zoning for the following properties: a 3.064 acre tract legally described as A0002. D Arnold, tract 17, par 9-4, a 159.5 acre tract legally described as A0002. D Arnold, tract 8, par 3-2, 2.15 acre tract legally described as A0002. D Arnold, tract 18, par 8, a 28.2 acre tract legally described as A0002. D Arnold, tract 18, par 2, and a 7.8 acre tract legally described as A0002. D Arnold, tract 18, par 1, from A/O: Agriculture/Open Space District to R-1C: Low Density, Single dwelling unit, 2 acre lot, residential.

SECTION 2. The Official Zoning Map of the City of Navasota is hereby amended to change zoning for the following property: A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3, A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5, AND A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16, from A/O: Agriculture/Open Space District to R-3: High Density, Multi-Dwelling Unit, Residential.

SECTION 3. The Official Zoning Map of the City of Navasota is hereby amended to change zoning for the following property: A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00, from

A/O: Agriculture/Open Space District to R-1B: Medium Density, Single dwelling unit, quarter acre lot, residential.

SECTION 4. That if any section, subsection, word, sentence or phrase of this Ordinance is held invalid, it shall not affect the remaining parts of this ordinance.

SECTION 5. This Ordinance shall become effective from and after its passage, approval, and adoption on second reading.

PASSED AND APPROVED ON FIRST READING THIS THE 9TH DAY OF NOVEMBER, 2020.

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

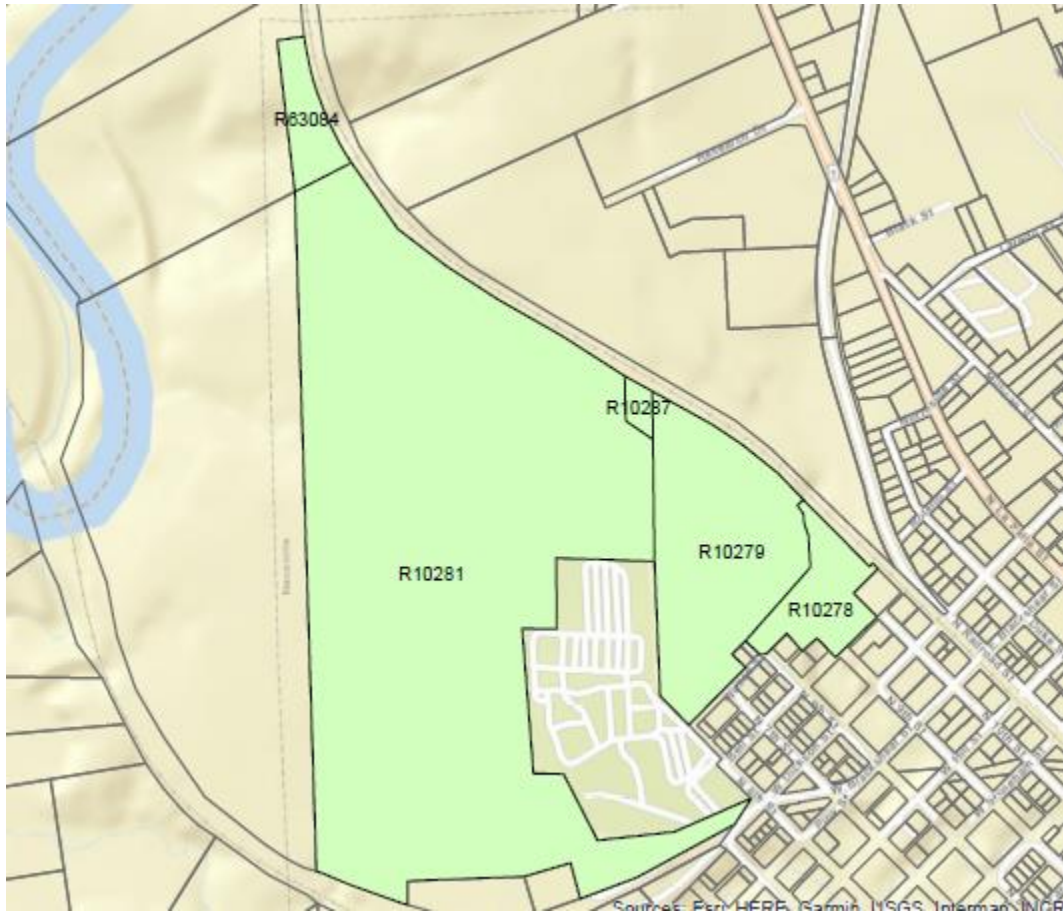
PASSED AND APPROVED ON SECOND READING THIS THE 23RD DAY OF NOVEMBER, 2020.

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

Exhibit A



R-1C

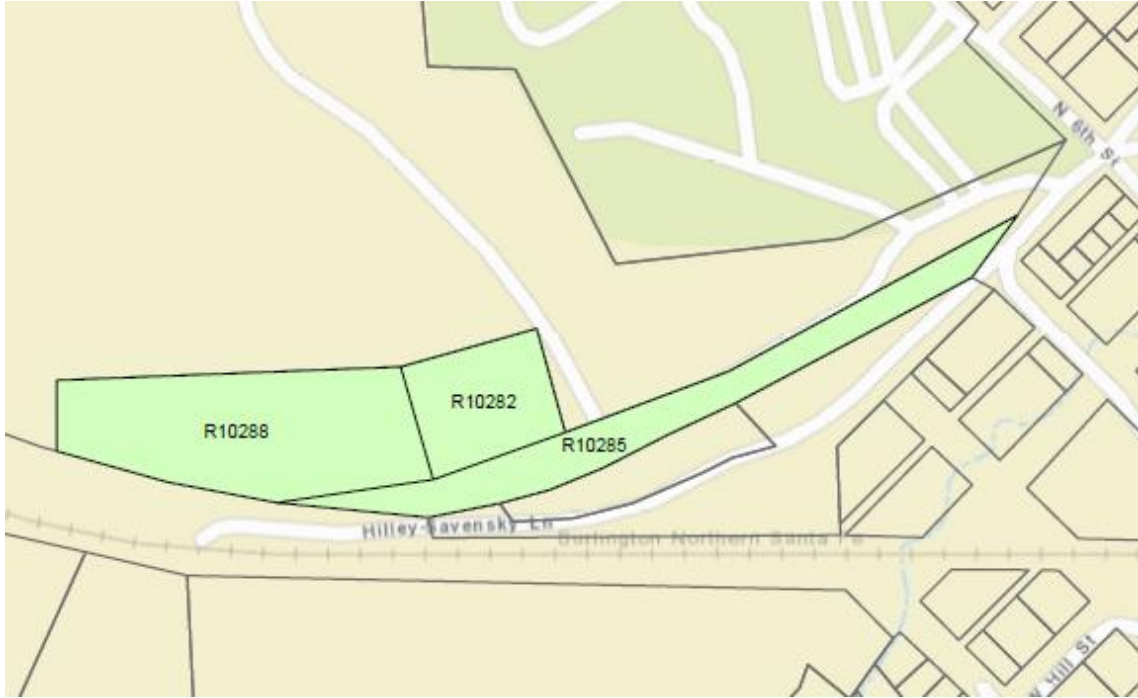
R63084: A0002. D ARNOLD, TRACT 17, PAR 9-4, ACRES 3.064, 17, PAR 9-4

R10281: A0002. D ARNOLD, TRACT 18, ACRES 159.5, PAR 3-2

R10287: A0002. D ARNOLD, TRACT 18, PAR 8, ACRES 2.15

R10279: A0002. D ARNOLD, TRACT 18, PAR 2, ACRES 28.23

R10278: A0002. D ARNOLD, TRACT 18, PAR 1, ACRES 7.8



R-3

R10288: A0002. D ARNOLD, TRACT 18, PAR 9, ACRES 3
R10282: A0002. D ARNOLD, TRACT 18, PAR 4, ACRES 1.5
R10285: A0002. D ARNOLD, TRACT 18, PAR 6, ACRES 2.16



R-1B

R55032: A0002. D ARNOLD, TRACT 18, PAR 1-5, ACRES 1.00

ORDINANCE NO. 947-20

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS, AMENDING ARTICLE 4.07 TOWING COMPANIES OF THE CODE OF ORDINANCES OF THE CITY OF NAVASOTA; PROVIDING REGULATIONS, PROCEDURES, AND POLICIES PERTAINING TO THE OPERATIONS OF WRECKER, TOWING, AND STORAGE FACILITIES IN THE CITY OF NAVASOTA, TEXAS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING THIS ORDINANCE CUMULATIVE OF STATE AND FEDERAL LAWS; DESCRIBING PENALTIES; PROVIDING FOR A SEVERABILITY AND REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING.

WHEREAS, the City of Navasota ("City") is a Texas home-rule municipality; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, Article 4.07 Towing Companies of the Code of Ordinances of the City of Navasota towing companies and non-consent tows within the City; and

WHEREAS, it is the policy of the City to provide for the protection of the public interest as it relates to non-consent police tows, consent tows, the parking of vehicles on private property, to the removal of those vehicles to vehicle storage facilities without the consent of the vehicle owners or operators, and to the disposal of those vehicles removed; and

WHEREAS, the City Council desires to amend Article 4.07 of the Code of Ordinances of the City of Navasota to reflect changes in the regulations applicable to towing companies and non-consent tows within the City; and

WHEREAS, the amended article provides for the regulation of vehicle tow service, to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity;

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

SECTION 1. **AMENDMENTS**

Chapter 4, Business Regulations, Article 4.07, Towing Companies, of the Code of Ordinances of the City of Navasota, Texas, is hereby amended in its entirety to read as follows

ARTICLE 4.07 WRECKER, TOW TRUCK, AND STORAGE FACILITY

Sec. 4.07.001 Compliance with state and federal law.

All licensees under this Article shall comply with all applicable state and federal laws, policies, procedures, rules, and regulations.

Sec. 4.07.002 Authority and duties of the department.

The Department shall implement and enforce this Article. Furthermore, in addition to the powers and duties elsewhere prescribed in this Article, the Department is authorized to:

- (1) Keep records of all licenses issued, suspended, or revoked.
- (2) Require additional information to clarify items on an application.
- (3) Adopt rules and regulations, consistent with the provisions of this Article, with respect to the form and content of applications for licenses, the investigation of applicants, the disposal of vehicles, and other matters incidental or appropriate to the powers and duties as may be necessary for the proper administration and enforcement of this Article, to include rules or required methods of accounting and reporting either by form or electronic systems as determined by the department.
- (4) Conduct random periodic investigations of vehicle tow services throughout the City concerning their compliance with this Article. Inspect vehicles for compliance with the uniform vehicle and equipment safety standards, as established by the department.

Sec. 4.07.003 Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings:

Abandoned Vehicle. Any vehicle on a public roadway or on private property in which a vehicle owner or operator is not present, or where a police officer or designee determines that the vehicle owner or operator does not intend to remove or take possession of the vehicle, deemed as junk or as defined by state law.

Accident. A situation where one (1) or more motor vehicles have collided with another motor vehicle, object, or person. "Accident" shall also include incidents in which only one (1) vehicle is involved, such as a rollover.

Agent of the Police Department includes Licensee.

Application. A form promulgated by the Chief of Police or his designee requesting the issuance of a permit to engage in the tow truck business in the City.

Chief of Police. The Chief of Police of the City of Navasota, Texas.

Calendar Day. Means a continuous series of days; including holidays and weekends.

City. The City of Navasota, Texas.

Communications Supervisor. The person appointed by the Chief of Police to supervise the operations of the City's radio dispatch office.

Company. The wrecker service under which an entity, or licensee operates. Entity includes, but is not limited to, person, individual, corporation, partnership, joint venture, association, or other business entity.

Contract Wrecker. Wrecker company under contract for the specific use of towing City vehicles, securing seized vehicles, evidence vehicles, or vehicles related to a criminal offense (recovered stolen) that requires storage inside a secured weather proof building .

Consent Tow. Shall have the meaning as defined by Texas Occupations Code § 2308.002, as amended.

Control Number. Means a number assigned by the City to a rotation call.

Department. The Navasota Police Department.

Director. Chief of Police of the Navasota Police Department, or other officer representing the City as designated by the City Manager to oversee and enforce this Article.

Driver. The person driving a licensee's tow truck.

Driver Permit. Means the permit issued by the Department to a driver of a tow truck.

Evidence Tow. Vehicle towed at the direction of a police officer by a contracted wrecker service for the preservation of evidence, seizure, recovered stolen vehicle or involvement in a criminal offence. Supervisor approval needed.

Hearing Officer. Means the Municipal Court Judge or a designee appointed by the City Manager or Chief of Police.

Heavy-duty tow truck. A tow truck with a manufacture's carrying capacity certificate of twenty-six thousand and one (26,001) pounds or more, and capable of supplying air for brakes and electrical power for lights to the towed vehicle with the capability of picking up a heavy vehicle by rotator type device.

Impoundment. Means an action taken by or at the direction of the owner or operator of a vehicle storage facility that is necessary to preserve, protect or service a vehicle stored or parked at the facility.

In the water. Any vehicle in which all four (4) wheels are covered by more than four (4) inches of water. "In the water" shall not mean street flooding or water on public streets or City rights-of-way.

Incident Management (IM) Towing Permit. Means an IM permit issued by the Texas Department of Licensing as required for any non-consent tow initiated by a peace officer. The following applies in said instance:

- Tow truck equipped to tow light-duty or heavy-duty vehicles according to the manufacturer's towing guidelines
- Maintain at least \$500,000 of liability insurance for the tow truck
- Maintain at least \$50,000 of cargo insurance for the tow truck
- A tow truck with an IM permit may also be used for private property towing and consent towing

Lawful Order. Means the written or verbal directive issued by the Department or police officer in the enforcement of this Article or any rules and regulations promulgated pursuant to this Article.

License. Means the document issued under this Article by the Department to an applicant.

Licensee. Means a named tow truck service licensed under this Article to engage in non-consent tow service as determined by the City's rotation list. The term includes any owner, driver, operator, employee, or agent of the licensed business, but does not include a subcontractor unless the use of the subcontractor is authorized pursuant to this Article.

Licensee Rotation Tag Number. The number the City assigns to a Licensee. Also referred to as a "rotation tag number" and a "tag number."

Medium Duty Tow Truck. A tow truck with a manufacture's carrying capacity certificate of twenty-six thousand and one (26,001) pounds or less, and capable of supplying air for brakes and electrical power for lights to the towed vehicle.

Next-Out. The company whose license number is the next sequential number on the City's rotation list and which the City will call when the next vehicle needs to be towed.

Non-Consent Tow. Shall have the meaning as defined by Texas Occupations Code § 2308.002, and the Texas Department of Licensing and Regulation, and shall include but not be limited to the towing of a vehicle without the written or verbal authorization of the operator, owner or lien holder.

Open Territory. During special events as declared by city council, or pursuant to emergency circumstances as declared by the city chief of police, "open territory" shall encompass the city in its entirety.

Operate. Means to drive or to be in control of a tow truck.

Operator. Means the driver of a tow truck, the owner of a tow truck, of the holder of a vehicle tow service license.

Parking Facility. Means public or private property used, in whole or in part, for restricted or paid vehicle parking.

Person. Means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

Permit. Means the permit issued under this Article by the Department to the driver of a tow truck or alternatively the permit issued to an individual tow truck as applicable.

Person. An individual, a corporation, partnership, joint venture, association, or other business entity.

Police Generated Tow. The police dispatcher's request for a tow.

Prisoner Tow. A situation where a peace officer employed by the City takes the operator of a motor vehicle into custody and determines that it is necessary to cause the operator's vehicle to be removed from the scene for storage or for use in a criminal investigation.

Private Property (PP) Towing Permit. Means a PP permit issued by Texas Department of Licensing as required for a tow truck used to perform a non-consent tow authorized by a parking facility owner. The following applies in said instance:

- Tow truck equipped to tow light-duty or heavy-duty vehicles according to the manufacturer's towing guidelines
- Maintain at least \$300,000 of liability insurance for the tow truck
- Maintain at least \$50,000 of cargo insurance for the tow truck
- A tow truck with an PP permit may also be used for consent towing but not for incident management towing

Property Entrance. Means any point of access by a vehicle to private property.

Property Owner. Means a person, or the person's agent or lessee, who holds legal title, deed, or right-of-occupancy to private property, but does not include a vehicle tow service licensee or an employee or representative of a vehicle tow service licensee.

Rotation. System used by the City for the removal of vehicles from the public rights-of-way or public streets involving non-consent tows.

Rotation Tag Number. The number the City assigns to a licensee. Also referred to as a "permit number" and a "tag number."

Special Events. Defined as designated special events by City Council of the City of Navasota.

Tag Number. The number the City assigns to a company. Also referred to as a "permit number" and a "rotation tag number."

Texas Department of Licensing (TDLR). Means the state agency responsible for regulating the towing and storage industry.

Tow Truck. Any truck or other motor vehicle equipped with cables, winches, hoists or other devices capable of lifting and towing or otherwise transporting another vehicle from one place to another with a gross vehicle weight rating (GVWR) that shall not be less than 10,000 pounds as rated by the manufacturer or certifying laboratory (one ton truck) and shall be equipped with dual rear wheels and tires. A tow truck includes a roll back type vehicle.

Tow Truck Operator. The person who drives a tow truck, whether or not such individual is also the licensee of the tow truck.

Towing Business. The towing of vehicles not owned by the towing company, from a public street or right-of-way within the incorporated limits of the City, for compensation.

Unauthorized Vehicle. Means a vehicle, which is parked on private property without the consent of the property owner.

Vehicle. A vehicle as defined under the Texas Transportation Code, a motor vehicle subject to registration under the Texas Certificate of Title Act and any other device designed to be self propelled or transported on a public street.

Vehicle Storage Facility. A licensed vehicle storage facility operated pursuant to state, and city laws, rules and regulations.

Vehicle Tow Service Rotation License. Means the license required under this Article in order to be placed on the City's rotation system for non-consent tows.

Violation. Means to violate this Article or state law.

Wrecker. A tow truck.

Sec. 4.07.004 Exemptions.

This Article does not apply to:

- (1) a person towing a vehicle with the express consent of the owner or operator;
- (2) a person towing a vehicle from public streets and ways or private property under the direction of the Department,
- (3) a person who engages in towing a vehicle:
 - A. In connection with a bona fide repossession of same, when written authorization has been received from the mortgagee; or
 - B. When such vehicle is:
 - (i) Blocking an entrance or exit to a parking area: or

- (ii) Blocking a designated, signed, fire lane on private property, or
 - (iii) Preventing a vehicle from exiting a parking space in the facility: or
 - (iv) Substantially obstructing a vehicular traffic aisle provided that the parking facility owner has caused the removal of the vehicle; or
- C. Which is abandoned, and the property owner where the vehicle is located gives written certification of the abandonment and requests the removal of a specifically identified vehicle.

Sec. 4.07.005 License required; application.

A. To obtain a vehicle tow service license, a person must make written application to the department upon a form provided for that purpose. Be permitted by the Texas Department of Licensing and Regulation (TDLR) with an Incident Management Permit. Be a permitted Vehicle Storage Facility by the Texas Department of Licensing and Regulation inside the City of Navasota, Texas. Provide twenty-four-hour (24) tow service, seven (7) days a week, and have an employee on premises from 8:00am to 5:00pm Monday through Friday each week. The person who will own, control, or operate the proposed vehicle tow service must sign the application. The application must be completed in its entirety and include the following:

1. The name, address, and telephone number of the applicant, the trade name under which the applicant does business, the street address and telephone number of the vehicle tow service establishment. Applicants must possess their own state licensed VSF (Vehicle Storage Facility) located in the City of Navasota, Texas;
2. The number and types of vehicles to be operated, including the year, make, model, vehicle identification number, and state license plate number and the type of winch to be operated on each wrecker rated at 10,000 pounds. For a medium and heavy duty permit, tow truck must meet definition of each;
3. Proof of an insurance policy or policies which will be in full force and effect for the duration of the permit and will meet the policy requirements outlined by the State of Texas in the Vehicle Storage Facility Act, this ordinance and other applicable state law;
4. A statement attesting that each wrecker used by the vehicle tow service has been rendered for ad valorem taxation in the City and that the applicant is current on payment of those taxes;
5. A list, to be current at all times, of the owners and management personnel of the vehicle tow service, and of all employees who will participate in the vehicle tow service, including names, addresses, dates of birth, state driver's license numbers, social security numbers, and wrecker driver's permit numbers;

6. A list of what methods of payment, including a credit card, debit card or check acceptance policy, the applicant will accept from a vehicle owner for vehicle tow service. Other forms of payment may be utilized provided the Chief of Police or his designee approves them;
7. Cargo insurance, including property damage in the amount of \$50,000 to cover any damages or improper loss of vehicle to the vehicle owner and maintain \$500.00 of liability insurance;
8. An indemnification and hold harmless agreement provided by the City;
9. Any other information deemed necessary by the Department consistent with and for the proper administration and enforcement of the provisions of this Article; and
10. An application processing/inspection fee of \$100.00.

B. A person desiring to engage in vehicle tow service shall register with the Department a trade name that clearly differentiates the person's company from all other companies engaging in vehicle tow service and shall use no other trade name for the vehicle tow service.

C. The Department may conduct such other investigations, as the Department considers necessary to determine whether an applicant for a vehicle tow service license is qualified.

D. If the company complies with all requirements, the rotation tag number shall be placed on the city's applicable rotation list.

E. Each licensee shall possess a separate rotation tag number.

F. Rotation tag numbers or city licenses may not be sold, leased, or otherwise transferred to any other person or business entity.

G. All rotation tag numbers and permits shall be valid for twelve (12) months from date of issuance.

H. No towing company may obtain two separate company names operated under the same license holder or same storage facility.

Sec. 4.07.006 Maximum number of licenses issued and placed on City rotation lists.

A. The four (4) permitted towing companies holding a vehicle tow service rotation license on September 1, 2020, may apply for renewal so long as they remain qualified under the terms of this Article. The City will issue no other vehicle tow service licenses until and unless the number of licensed towing companies on the City non-consent towing rotation list is three (3) or less because of attrition. If at any time there are three (3) or fewer licensed towing companies on the City's non-consent towing list, the City will consider applications from other qualified companies. Those applications will be considered in the order in which they were filed, and the City shall issue a license to any qualified towing company based on their application, until such time as there are four (4) qualified licensed tow truck companies on the

City's vehicle tow service rotation list. The maximum number of companies, licensed, and on the City's rotation list will be thenceforth limited to a total of four (4) companies.

B. The maximum number of medium and heavy-duty tow service rotation licenses issued and effective at any time, and the maximum number of companies on the City's rotation list for medium-duty/heavy duty tow service shall be two (2).

Sec. 4.07.007 Requirements for obtaining a vehicle tow service rotation license.

A. Applicant shall possess a valid vehicle storage facility license issued by the Texas Department of Licensing and Regulation within the City of Navasota, Texas or no further than five (5) miles outside of the city limits.

B. Applicant shall, at the time of application present for inspection two (2) tow trucks, both of a rollback type or one (1) of a roll back type and one (1) of a wheel-lift type, each having a winch capable of pulling and or lifting with a minimum rating of no less than eight thousand (8,000) pounds. These tow trucks must meet the requirements of this Article and those of the Texas Department of Licensing and Regulation before an application is considered.

C. Tow trucks must be in the name of the applicant as indicated on the Texas Department of Transportation tow truck registration. Other trucks may be added after an application is approved, provided they meet the requirements of this Article and those of the Texas Department of Licensing and Regulation.

D. Applicant must provide a current certificate or receipt marked PAID from the county tax assessor-collector showing that all City taxes on all property, real and personal, used in connection with the applicants business are paid.

E. Applicant shall provide a current certificate of insurance for cargo and vehicle liability in the amounts required by the Texas Department of Licensing and Regulation.

F. The required insurance policies shall be in the licensee's name and shall not be a blanket policy covering any other businesses. The insurance policies shall contain a provision that at least ten (10) days prior notice of cancellation of said insurance shall be given to the City.

G. The application shall be in a name that clearly differentiates the business from all other companies engaging in rotation towing for the City.

H. The applicant and any owner or driver shall be the current holder of an incident management towing operator's license, issued by the Texas Department of Licensing and Regulation.

Sec. 4.07.008 Requirements for obtaining a medium-duty or heavy-duty vehicle tow service rotation license.

A. Licensure requirements shall be the same as the requirements found in Sec. 4.07.007 with the following exceptions:

1. If the holder of a vehicle tow service rotation license applies for a medium-duty/heavy-duty tow service rotation license an additional vehicle storage facility is not required.
2. A heavy-duty tow service and storage may be located no further than forty-five (45) miles outside the City of Navasota for the towing and storage of heavy-duty vehicles only.
3. A medium-duty/heavy-duty vehicle tow service rotation licensee is required to present one (1) truck as defined by this Article as a heavy-duty tow truck as opposed to subsection 4.07.007(b).
4. The required amounts of insurance for a medium-duty/heavy-duty vehicle tow service license shall be the same as those required by the Texas Department of Licensing and Regulation.
5. A medium-duty tow service applicant shall possess a valid vehicle storage facility license issued by the state department of licensing and regulation within the city limits of Navasota, Texas or no further than five (5) miles outside of the city limits

Sec. 4.07.009 Vehicle tow service rotation license application.

A. Application for a vehicle tow service rotation license shall be made to the Director on forms furnished for that purpose and will not be considered until completed with all required documentation and fees. Renewal applications shall require the same documentation and application as the initial license application and shall be submitted not less than thirty (30) days prior to the expiration of the current license.

B. The application must be signed by the person who owns, controls or operates the proposed vehicle tow service. Applicants shall submit proof of company ownership of the tow truck(s) or evidence of a lease under which the tow truck is to be operated. Applicants shall provide the City a copy of:

1. Assumed name certificate where applicable;
2. Partnership agreement disclosing the names of all general or limited partners if a partnership; or
3. A copy of the articles of incorporation and a certificate from the corporate secretary setting forth names of all officers, directors and persons owning ten (10) percent or more of the outstanding stock of the corporation;
4. A valid vehicle storage facility license registered in applicant's name.

C. The application must be completed in its entirety and include the following:

1. The name, address and telephone number of the applicant, the trade name under which the applicant does business, the street address and telephone number of the vehicle tow service establishment. Applicants must possess their own vehicle storage license in the City;
2. The number and types of vehicles to be operated, including the year, make, model, vehicle identification number and state license plate number and the type of winch to be operated on each wrecker rated under twenty-six thousand (26,000) pounds. For a medium-duty/heavy-duty permit, tow truck must meet the definition of medium-duty and/or heavy-duty;
3. Proof of an insurance policy or policies which will be in full force and effect for the duration of the permit and will meet the policy requirements outlined by the state in the Vehicle Storage Facility Act, this Article and other applicable state law;
4. A statement attesting that each wrecker used by the vehicle tow service has been rendered for ad valorem taxation in the City and that the applicant is current on payment of those taxes;
5. An indemnification and hold harmless agreement provided by the City; and
6. Any other information deemed necessary by the Department consistent with and for the proper administration and enforcement of the provisions of this Article.

D. All application forms shall be signed by the Director.

Sec. 4.04.010 Medium-duty/heavy-duty vehicle tow service license application.

Application for a medium-duty/heavy-duty vehicle tow service license shall be made to the Director on forms furnished for that purpose and will not be considered until completed fully with all required documentation submitted and fees paid as per Sec. 4.07.009. Renewal applications shall require the same documentation and application as the initial license application and shall be submitted not less than thirty (30) days prior to the expiration of the current license.

Sec. 4.04.011 Refusal to issue or renew vehicle tow service rotation license or medium-duty/heavy-duty vehicle tow service rotation license.

A. The Department shall refuse to issue or renew a vehicle tow service license if the applicant or licensee:

1. Makes a false statement as to a material matter in an application for a license or license renewal or in a hearing concerning the licensee within a 12-month period;

2. Has had a vehicle tow services license revoked within two (2) years prior to the date of application;
3. Uses a trade name for the vehicle tow service other than the one registered with the Department;
4. Is not qualified under this Article;
5. Has been convicted or received deferred adjudication for violation of state, or federal law that indicates a lack of fitness of the applicant to perform vehicle tow service.

B. If the Department determines that a license should be denied to the applicant or licensee, the Department shall notify the applicant or licensee in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant or licensee of the right of appeal.

Sec. 4.04.012 Suspension of vehicle tow service rotation license or medium-duty/heavy-duty vehicle tow service rotation license.

A. The Department may suspend a vehicle tow service or medium-duty/heavy-duty vehicle tow service rotation license if the Department determines a licensee or his employee has:

1. Allowed a person to operate a tow truck engaged in vehicle tow service rotation tows in the City without a valid tow truck driver's permit issued to the person under this Article. This may result in a pass for the tow truck licensee and a one-week removal from rotation;
2. Operated a tow truck which has not been registered with the Department for rotation tows. This may result in a pass for the tow truck licensee and a one-week removal from rotation;
3. Failed to answer the storage location telephone at any time, twenty-four (24) hours a day or have an employee or contractor answer such telephone at any time, twenty-four (24) hours a day. This may result in a one-week removal from rotation;
4. Failed to have a license issued hereunder conspicuously displayed at licensee's place of business. This may result in a one-week removal from rotation;
5. Failed to release a vehicle within sixty (60) minutes of a request by the owner or operator of a vehicle which has been obtained due to a non-consent tow. This may result in a one-week removal from rotation;
6. Imposed or attempts to impose any condition for release of any motor vehicle which had been towed to their vehicle storage facility, other than proof of ownership, identification

of the person claiming the vehicle and the payment for towing and storage. This may result in a one-week removal from rotation;

7. Failed to provide the owner or operator of the vehicle with a written receipt for towing and storage charges, showing the date and time of removal and the date and time of return. This may result in a one-week removal from rotation;
8. Failed to maintain permanent signage as required by this Article on all tow trucks used for rotation tows. This may result in a pass for the tow truck licensee and a one-week removal from rotation;
9. Charged more than the maximum fee allowed by this Article. This may result in a one-week removal from rotation and a refund of the over charge to the vehicle owner;
10. Failed to submit a weekly list of vehicles that have been released after having been submitted as abandoned by the licensee to the Department. This may result in a one-week removal from rotation;
11. Failed to clean the street of any broken glass or other debris resulting from a collision. If more than one (1) tow truck is summoned, each driver shall bear equal responsibility for the clean-up. This may result in a one-week removal from rotation;
12. Allowed an employee to tow a vehicle to a vehicle storage facility other than the licensee's vehicle storage facility, unless at the direction of the towed vehicle's owner or operator. This may result in a one-week removal from rotation;
13. Failed to provide written notification to the Director that the licensee's insurance has been canceled, or is no longer in force for any reasons, or the amounts of insurance have been reduced. The Director shall remove the licensee's license number from the City's rotation list. The removal from the City's rotation list will be for twice the period of time that the insurance was not in full force as required by this Article.

B. If the Department determines that a license should be suspended, the Department shall notify the licensee in writing that the license is suspended and include in the notice the reason for suspension and a statement informing the applicant or licensee of the right of appeal.

C. These contractual penalties do not preclude prosecution for criminal offenses as defined by state law or City ordinance.

Sec. 4.04.013 Revocation of vehicle tow service rotation license or medium-duty/heavy-duty vehicle tow service license.

A. The Department may revoke a vehicle tow service licensee from a rotation list if the Department determines that the licensee has:

1. Made a false statement in the application for the license;
2. Failed to comply with applicable provisions of this Article;
3. Failed to comply with the conditions and limitations of the license;
4. Been convicted or received deferred adjudication for any felony offense while holding a license;
5. Failed to pay a license fee at the time it was due;
6. Failed to maintain a state licensed vehicle storage facility within the City or as required by this Article;
7. Committed three (3) or more violations of Sec. 4.04.012 within a one-year period;
8. Passed four (4) tows on any one (1) rotation list during a contract period.

B. If the Department determines that a license should be revoked, the Department shall notify the licensee in writing that the license is revoked and include in the notice the reason for revocation and a statement informing the applicant or licensee of the right of appeal.

C. These contractual penalties do not preclude prosecution for criminal offenses as defined by state law or City ordinance.

Sec. 4.04.014 Tow truck drivers.

A. No person or licensee shall operate a tow truck for rotation tows without a valid TDLR license issued by the state.

B. All tow truck drivers shall have and maintain all applicable state and local licensing documentation as required in each vehicle at all times the vehicle is operated.

C. All tow truck drivers shall wear in a visible place on the front of the drivers' shirt a valid TDLR license, issued by the state, while at the scene of a tow. Upon request the tow truck driver shall present the tow truck driver's license to a police officer at the scene of a non-consent tow.

D. No tow truck driver shall violate any traffic law, unless expressly instructed to do so by a licensed police officer.

E. No tow truck driver shall remove any wrecked or disabled or illegally parked vehicle from any public street without authorization from a police officer or City authorized employee or agent; however, the operator of a stalled or disabled vehicle not involved in an accident may authorize a tow truck driver to remove the vehicle if no police officer is present.

F. Each tow truck driver who is dispatched shall be responsible for cleaning the street of any broken glass or other debris resulting from a collision. If more than one (1) tow truck is summoned, each driver shall bear equal responsibility for the clean-up.

H. Before a vehicle is removed from a scene, the police officer on the scene shall sign the Department's acceptance form, which shall include the tow truck driver's name, a brief description of any damage to the vehicle, and an inventory of the contents of the vehicle.

I. Upon the proper completion of the driver's towing form, the tow truck driver shall deliver the vehicle directly to the licensee's vehicle storage facility or the location agreed upon with the owner or operator of the vehicle.

Sec. 4.04.015 Tow trucks.

A. Any tow truck towing for a licensee must be equipped as defined by this Article as it now exists or as it may be amended.

B. The gross vehicle weight rating (GVWR) of the tow truck shall not be less than ten thousand (10,000) pounds as rated by the manufacturer or certifying laboratory (one-ton truck), and the tow truck shall have been manufactured with dual or tandem rear wheels and tires. All such equipment shall be maintained in good condition.

C. All tow trucks must arrive at the scene of the tow under the tow truck's own power and with working equipment available to tow. If at the scene of the tow, the tow truck is found by a police officer to be in a condition that does not comply with this Article, the police officer shall notify the Department. The police officer shall not allow the tow truck to tow the vehicle from the scene. However, if the driver or licensee obtains assistance from another of the licensee's tow trucks within the original response period, the licensee may proceed with the tow. If the tow truck does not obtain the needed assistance within the original response time the tow shall be deemed as a pass, and the officer may request the next-out. The licensee shall not use the tow truck that was passed for any further tows until the City inspects and approves the truck.

D. The tow truck shall display the name of the licensee in three-inch letters on the doors of each side of the tow truck and the address of the vehicle storage facility and phone number of the licensee in two-inch letters on the doors of each side of the tow. The information shall be clearly and legibly painted or affixed by permanent decal in colors that contrast with the surface on which the information is painted or affixed.

F. The Texas Department of Licensing and Regulation registration number.

G. All tow trucks designated by the company to be used for next-out rotation tows shall be inspected and permitted by the Department. The winch shall have the original manufacturers rating plate intact and be rated for no less than eight thousand (8,000) pounds.

H. All tow trucks shall carry the following equipment:

1. One (1) ten-pound or two (2) five-pound class BC rated fire extinguishers;
2. One (1) crowbar not less than thirty-six (36) inches in length;
3. One (1) push broom with at least an 18-inch head and a handle of not less than thirty-six (36) inches in length;
4. One (1) flat edged shovel of at least nine (9) inches in width with a handle of not less than thirty-six (36) inches in length;
5. Three (3) certified emergency triangle reflectors;
6. One (1) working flashlight;
7. Wheel lift trucks shall be equipped with wheel tie down straps or chains, which shall be used, for every wheel lift tow;
8. Any other equipment required by the Texas Department of Licensing and Regulation.

Sec. 4.04.016 Tow truck rotation permit and medium-duty/heavy-duty tow truck rotation permit.

A. A current tow truck rotation permit issued by the City is required in order for the tow truck to be used by the licensee for rotation tows.

B. A tow truck rotation permit may not be sold, leased, or otherwise transferred to any other person or business entity.

C. All tow truck rotation permits shall be valid for twelve (12) months from date of issuance.

D. The Director may approve additional tow truck rotation permits as needed for special events or emergencies.

Sec. 4.04.017 Tow truck and medium-duty/heavy-duty tow truck rotation permit application.

Application for a tow truck rotation permit shall be made to the Director on forms furnished for that purpose and will not be considered until completed with all required documentation and fees.

Sec. 4.04.018 Police and dispatcher responsibilities.

A. The City will maintain five (5) lists:

1. Rotation list. This list shall indicate all rotation tag numbers. Each licensee will be allowed one (1) listing on this rotation list.
2. Medium-duty and heavy-duty rotation list. This list shall indicate all medium-duty and heavy-duty rotation tag numbers. Each licensee will be allowed one (1) listing on this rotation list. The police officer on scene will determine medium-duty or heavy-duty requirements.
3. Abandoned rotation list. This list shall indicate all rotation tag numbers of licensees who chose to be on this list. Each licensee will be allowed one (1) listing on this rotation list. However, this list shall only be used for tows between 8:00 a.m. and 5:00 p.m. Monday through Friday, excepting City holidays.
4. Abandoned medium-duty/heavy-duty rotation list. This list shall indicate all rotation tag numbers of licensees who chose to be on this list. Each licensee will be allowed one (1) listing on this rotation list. However, this list shall only be used for tows between 8:00 a.m. and 5:00 p.m. Monday through Friday, excepting City holidays.
5. Junk vehicle. This list shall indicate selected licensees who chose to be on this list. Each licensee will be allowed one (1) listing on this rotation list. This list will be used by city code enforcement or police officers to tow vehicles deemed junk vehicles under the City's Code of Ordinances. Vehicles will be towed to the Navasota Impound facility. This list shall only be used for tows between 8:00 a.m. and 5:00 p.m. Monday through Friday, excepting City holidays.

B. Dispatch procedures.

1. For next-out rotation tows the communications dispatcher shall summon the next number on the rotation or abandoned list. The dispatcher shall call the first licensee's telephone number of record. If the dispatcher does not get an answer at the first telephone number, the dispatcher shall call the licensee's second telephone number. If the dispatcher receives a voice mail or calls a pager, the dispatcher shall leave a message that the company has five (5) minutes in which to return the dispatcher's call or the call will be a pass. If the company does not return the call or page to the dispatcher within five (5) minutes, or if there is no answer at the company's telephone

number, the call will be a pass, and the company's tag number will be rotated to the bottom of the rotation list.

2. When summoned by the communications dispatcher, the licensee shall accept the summons or pass on this next-out rotation tow.
 3. Upon receiving a summons from the communications dispatcher, if the licensee elects not to respond or fails to respond in the time frame permitted, the licensee shall be removed from the top of the rotation list and placed at the bottom of the list.
 4. Upon accepting a summons from the communications dispatcher, a licensee shall be allowed a maximum of twenty (20) minutes to arrive at the scene from the time the police dispatcher called the licensee, or a maximum of forty-five (45) minutes to arrive at the scene if a medium-duty/heavy-duty wrecker is called. If the company does not arrive at the scene within the maximum time allowed, the police dispatcher shall cancel the call and the licensee shall be placed on the bottom of the list, and the next licensee on the list shall be called.
 5. The police officer on the scene will complete a driver's towing form. Completed drivers towing forms will be kept and maintained by the City, and available for inspection and copying, as required by state law.
 6. In addition to the police dispatcher requesting a company, the City Manager may authorize the Community Development Director to designate a City employee to call for junk vehicle pick-ups.
- C. The communications supervisor shall prepare and keep current four (4) log books to record all vehicles picked up. The log books are as follows:
1. One (1) book shall contain a record of all vehicles picked up resulting from any accident, driver under arrest, non consent tow and Contract Tows.
 2. One (1) book shall contain a record of all junk vehicles or other vehicles;
 3. One (1) book shall contain a record of all vehicles picked up by request of any private citizen. This log book shall apply only to those requests made through the City;
 4. One (1) book shall contain a record of all heavy equipment picked up by a medium-duty/heavy-duty tow truck.

Sec. 4.04.019 Accident scene and police pick-up scene.

A. It shall be a Class C misdemeanor offense for a person to stop, park, halt, or operate a tow truck within three hundred (300) feet of an accident scene until requested by a peace officer to approach the accident scene in said tow truck.

B. The following actions will take place at the scene of any motor vehicle accident or situation that requires a tow truck to remove vehicles from the public streets or City rights-of-way:

1. If a police officer makes a determination that a vehicle needs to be towed, the police officer shall ask the vehicle owner or operator, if conditions permit, whether the vehicle operator has a preference for a particular tow truck company. If the vehicle operator indicates a preference for a particular company, the police officer shall have the vehicle operator complete the driver's towing form specifying the specific company the vehicle operator is requesting. Upon completion of the driver's towing form, the police officer shall notify the communications dispatcher to request that particular tow truck company if it is on the city's next-out rotation list in order to expedite the consent tow. If it is not on the city's next-out rotation list it shall be the responsibility of the owner or operator to contact the company. If the vehicle is a traffic hazard and the requested company is unable to respond within twenty (20) minutes then the operator or owner will be advised that they must choose a company that can respond within the 20-minute requirement, if not the next-out rotation tow truck shall be summoned by the police officer for a non-consent tow. When a licensee is called by request, the City shall not change the licensee's position on the next-out rotation list. The licensee shall respond within twenty (20) minutes. If the licensee fails to respond within twenty (20) minutes, the dispatcher shall call the "next-out." No police officer shall suggest or recommend a particular tow truck company. No police officer shall attempt to influence a vehicle operator's selection of a company.
2. If the vehicle operator has no preference for a specific tow truck company, the police officer shall notify the communications dispatcher to send the "next-out" as shown on the rotation list. Once the police officer has notified the communications officer to send the "next-out," the licensee shall have twenty (20) minutes in which to arrive at the scene from the time the licensee is called unless the call is for a heavy-duty truck, in which case the licensee shall have forty-five (45) minutes in which to arrive at the scene. If the licensee fails to arrive at the scene within the required time, the City shall cancel the call, place the licensees at the bottom of the rotation list and call the "next-out." The City reserves the right to cancel the "next-out" as warranted by the situation on the scene. If the City cancels the "next-out" for any reason other than the company's failure to arrive within the allocated time limit, or the equipment does not meet the requirements of this Article then the company shall be placed on top of the rotation list and shall receive the subsequent "next-out" call. Upon the arrival of the licensee, the police officer shall complete the driver's towing form in the presence of

the tow truck driver. The vehicle operator and tow truck driver shall properly sign the form before the vehicle is towed from the scene.

3. Upon the proper completion of the driver's towing form, the tow truck driver shall deliver the vehicle directly to the licensee's vehicle storage facility or the location agreed upon with the owner or operator of the vehicle.
4. In multi-vehicle towing situations, the on scene police officer will label the vehicles by units and dispatch will clarify with each towing company the specific vehicle to tow.
5. All tow truck drivers arriving or summoned to the scene shall obey all lawful orders given them by any police officer and shall not in any manner interfere with such police officer in the performance of the officer's duty. The police officer on the scene shall not advise or instruct a tow truck driver on the manner of towing except in case of a violation of this Article.
6. No tow truck driver shall remove any wrecked or disabled or illegally parked vehicle from any public street or City right-of-way without authorization from a police officer, or any City authorized employee; however, the owner or operator of a stalled or disabled vehicle not involved in an accident may authorize a tow truck driver to remove the vehicle if no police officer is present.
7. Each tow truck driver who is dispatched shall be responsible for cleaning the street of any broken glass or other debris resulting from a collision. If more than one (1) tow truck is summoned, each driver shall bear equal responsibility for the clean-up.
8. Before a vehicle is removed from an accident scene in rotational towing situations, the police officer on the scene shall sign the police department's driver's towing form, which shall include the tow truck driver's name, a brief description of any damage to the vehicle, and an inventory of the contents of the vehicle. Both the police officer and the tow truck driver shall sign the driver's towing form.
9. Licensees and their drivers, agents, or representatives shall not address complaints, conflicts or disagreements in an antagonistic manner at the scene of the accident or tow.
10. If a licensee is called for a rotation tow and the licensee determines the tow requires a medium-duty or heavy-duty tow truck the licensee may call a medium-duty or heavy-duty vehicle tow service rotation licensee and request their assistance. Alternately the licensee may pass and retain its current position on the rotation list provided they have not attempted to complete the tow.

11. A licensee may only call additional tow trucks owned or operated by licensee to give assistance on a tow. If the licensee is unable to complete a tow it will be deemed a pass.
12. If a temporary City storage lot is used during a special event, the licensees that towed vehicles during the special event to the temporary storage facility shall remove such towed vehicles between 2:00 a.m. and 6:00 a.m. of the day following the tow. If a licensee fails to remove a vehicle that it towed to the City's temporary storage lot by 6:00 a.m., the City shall take possession of the vehicle and the licensee shall forfeit any claim against that vehicle.
13. If a licensee holder is contacted for a rotation tow, that specific licensee holder must respond. No other towing company may pick up another's designated tow. If a wrecker is unable to respond they must advise dispatch to "pass".

Sec. 4.04.020 Fees.

A. The following are the maximum fees that any licensee shall charge for a non-consent rotation tow in the city, subject to the exceptions set forth in subsection (B) below:

1. Abandoned vehicles, \$150.00
2. Abandoned vehicles requiring a medium-duty tow,\$300.00
3. Non-consent rotation..... \$250.00
4. In the water \$350.00
5. Medium-duty/Heavy-duty \$500.00 per hour

B. The following are exceptions to the above standard fees:

1. If a heavy duty vehicle tow service is called and the pick-up requires the unloading of a combination vehicle or multiple heavy duty wreckers to clear a scene, the licensee or tow truck driver shall immediately notify the police officer on the scene that the pick-up is exceptional. The on-scene officer shall ask dispatch to notify the Director, his designee or patrol sergeant to approve the exceptional tow status. Upon approval, the officer shall note "exceptional" on the driver's towing form.
2. If a medium-duty/heavy-duty tow truck is needed to tow an abandoned vehicle, the on scene police officer shall call the Director or his designee to the scene. If the Director, or designee, determines that a medium-duty/heavy-duty wrecker is required, the Director or designee shall call for the next-out medium-duty/heavy-duty.

3. Exceptional tow rates may apply in the following instances:
 - a. Winch outs;
 - b. Multiple wrecker required;
 - c. Mud/Water; and
 - d. In the event the vehicle owner or operator desires to have the vehicle towed to a destination outside the City municipal boundaries, the tow truck company, agent, representative or driver may negotiate a price with the vehicle owner or operator to tow to the destination.

C. Junk Vehicle Fees.

1. Licensee's participating in the junk vehicle rotation list will be requested by dispatch, city code enforcement, or a police officer to tow vehicles from public and private property once that vehicle has been determined to be "junk" in accordance with the City's Code of Ordinances.
2. The City shall pay licensee \$50 for each junk vehicle towed.
3. All junk vehicle tows will be towed to the City impound storage facility.

Sec. 4.04.021 Storage.

- A. The licensee shall store all City ordinance and/or police-generated tows at the City impound storage facility.
- B. The City or its designee may conduct at least two (2) auctions in a calendar year for vehicles stored in the City impound storage facility.
- C. Licensees shall be responsible for any and all damages, losses, or thefts of property or vehicles stored at their vehicle storage facilities.
- D. City rotation tow services must maintain a storage facility within five (5) miles of the City of Navasota or as otherwise authorized by this Article.

Sec. 4.04.022 Vehicle tow service license or medium-duty/heavy-duty vehicle tow service license, tow truck driver permit, or tow truck permit denial, suspension, or revocation appeal procedure.

- A. Within ten (10) days from the date of the incident, suspension, revocation or denial, a licensee or driver holding a tow truck driver permit may file a written sworn complaint with the Director stating:

1. The grounds for the complaint;

2. All persons with knowledge regarding the incident the complaint is based upon;
3. The time, date and location of the alleged offending action by the City; and
4. The relief requested.

B. The Director shall conduct an investigation into the licensee or driver's complaint. Within ten (10) days of the filing of the complaint, unless circumstances demand a longer response time, the Director shall provide a written response to the licensee or driver. If the licensee is not satisfied with the Director's response, the licensee or driver may request the review of the Director's actions to his immediate supervisor. Such request shall be in writing and submitted within ten (10) days of the date of the Director's response.

C. No licensee or driver shall contact dispatch and/or any officer in reference to a complaint.

- **Sec. 4.04.024 Indemnification.**

Any company or driver operating under this Article shall fully indemnify, hold harmless and defend the City, its officers, agents and employees from and against any and all claims, suits or causes of action of any nature whatsoever, brought for or on account of any injuries or damages to persons or property, including death or loss of property, arising out of or incident to the operation towing service under this Article and all other manner of operations arising under, or otherwise incident to, the towing or storage of motor vehicles.

Sec. 4.04.025 Penalties.

A. Any City of Navasota police officer may issue a citation or ticket to any tow truck company or tow truck operator who does not comply with or who violates any of the terms of this Article.

B. Any person, either by himself or through an agent, who, after having been cited for a violation or noncompliance with this Article, and who shall be found to have done any act or thing prohibited by the terms of this Article or to have in any way violated the provisions hereof, in addition to the possible suspension or revocation of that person's license/permit, shall be deemed to be guilty of a misdemeanor offense and may be fined a sum not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a provision of this Article is violated shall constitute a separate offense.

SECTION 2.
REPEALER AND SAVINGS CLAUSE

All provisions of any ordinance, resolution, or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions, or other actions shall remain in full force and effect.

SECTION 3.

SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 4. **EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication, as may be required by governing law.

SECTION 5. **PROPER NOTICE AND MEETINGS**

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

PASSED AND APPROVED THIS THE 9TH DAY OF NOVEMBER, 2020

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED AND APPROVED THIS THE 23RD DAY OF NOVEMBER, 2020

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

**CITY OF NAVASOTA
MISCELLANEOUS ITEMS**

1. PLANNING CALENDAR

AGENDA PLANNING CALENDAR

NOVEMBER 23, 2020 - DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 11/09/2020

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) COVID-19 update; (b) Staff recognition of Years of Service – Norberto Valediez; (c) Arts Council quarterly report; (d) Proclamation – Tree of angels; (e) Board and Commission update; and (e) Reports from staff and City Council
5. Sanction the “Sip and Shop” event on December 5, 2020
6. 1st reading of Ordinance No. 948-20, Entergy
7. Consent agenda: (a) 2nd reading of Ordinance No. 946-20, zoning change; and (b) 2nd reading of Ordinance No. 947-20, wrecker rules and regulations
8. Adjourn

DECEMBER 14, 2020 - DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 11/30/2020

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) COVID-19 update; (b) Board and Commission update; and (c) Reports from staff and City Council
5. Approval of employee handbook
6. Consent agenda: (a) Minutes for the month of November 2020; (b) Expenditures for the month of November 2020; and (c) 2nd reading of Ordinance No. 948-20, Entergy
7. Adjourn