

AGENDA

CITY OF TAYLOR, TEXAS SPECIAL CALLED CITY COUNCIL MEETING CITY HALL, COUNCIL CHAMBERS, 400 PORTER STREET

JULY 16, 2020, 6:00 P.M.

In order to assist in maintaining the health of Council Members, staff and the public, this meeting will be conducted by *video conference*.

You may view this meeting as it's happening through the City's website at
<http://www.ci.taylor.tx.us/660/Taylor-Videos>

For citizen comments, please contact the City Clerk's office at Dianna.barker@taylor.tx.gov prior to
5:30p.m. Thursday, July 16th

The agenda packet is available at <http://www.ci.taylor.tx.us/calendar>

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

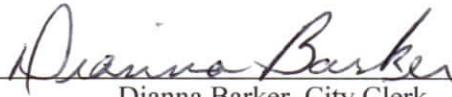
(The City Council welcomes public comments on items not listed on the agenda. However, the Council cannot respond until the item is posted on a future meeting agenda. Comments are limited to 3 minutes.)

REGULAR AGENDA; REVIEW/DISCUSS AND CONSIDER ACTION

1. Receive presentation and provide direction regarding the maintenance of landscaping in public rights-of-way. (Tom Yantis)
2. Discussion and possible direction to staff regarding carports within the required front setback in residential neighborhoods. (Councilmember Anderson)

ADJOURN

The Council may vote and/or act upon each of the items listed in this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act including: Section 551.071 (Consult with attorney); Section 551.072 (Real Property); Section 551.073 (Gifts and Donations); Section 551.074 (Personnel Matters); Section 551.076 (Security Devices); and Section 551.087 (Economic Development). I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 p.m. on July 13, 2020 and remained posted for at least 72 hours continuously before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Press.

Posted By:  Date 7-13-2020
Dianna Barker, City Clerk



City Council Meeting

July 16, 2020

Transmittal Letter

STRATEGIC PILLAR

- ☒ Streets/Infrastructure
- ☒ Quality of Life
- ☒ Economic Vitality

Agenda Item #: 1

Agenda Title: **Receive presentation and provide direction regarding the maintenance of landscaping in public rights-of-way**

Council Action to be taken: Receive presentation and provide direction

Department Submitted: Development Services/Public Works

Staff Contact: Tom Yantis, Assistant City Manager/Director of Development Services
Jim Gray, Public Works Director
Daniel Baum, Fire Chief

1. PURPOSE/DESCRIPTION

The purpose of this agenda item is to inform the Council on (1) the current ordinances relating to the maintenance and upkeep of landscaping and trees in the rights-of-way; (2) to review how the ordinances are currently being implemented; and (3) for City Council to provide some direction and prioritization regarding the maintenance of landscaping and trees within the rights-of-way within the City.

2. STAFF ANALYSIS / BACKGROUND / PRIOR COUNCIL ACTIONS

The current ordinances (2003-4 and 2012-20, which are codified as Chapters 18 and 28 of the Code of Ordinances) relating to the maintenance and upkeep of the rights-of-way requires property owners to maintain the parkway (the land between the property line and the edge of the pavement of the public street or alley).

In summary, the ordinance requires that:

- Grass does not exceed 12 inches in height
- Underbrush does not exceed 18 inches in height
- Trees are trimmed to ensure 7 feet between canopy and natural ground and
- Trees are trimmed to ensure 12 feet above top of curb or edge of pavement

The City has undertaken one-time courtesy tree trimming in 2007 and 2017 for property owners. Some property owners believe the maintenance of the parkway is a City function and not their responsibility. The City has increasingly been taking on this maintenance

responsibility, most recently beginning mowing along W. 2nd Street and Main Street, which may reinforce this perception by some property owners.

3. PROS and CONS

<u>PROS of this agenda item</u>	<u>CONS of current system</u>
• Review of the ordinances and current practices by Council will assist Staff in delivering a more effective and consistent operational plan	• Many property owners expect the City to maintain parkway • Low hanging trees cause access issues for fire apparatus • Code Enforcement on individual property owners is not effective or efficient • Financial constraints on City • Financial constraints on many property owners • Inconsistent application of the existing ordinances/codes

4. RECOMMENDATION

Staff is seeking direction on the following questions:

1. What is Council's vision for the maintenance of the rights-of-way in the City?
2. Who should be responsible for that maintenance?
3. If the City takes on more responsibility how will we pay for it?
4. How can we assist property owners without the means to maintain the right-of-way?

Staff is also seeking some clarity on the following questions:

- a) Is the current ordinance requirement that private property owners are responsible for the maintenance of the parkway portion of the rights-of-way still acceptable and applicable?
- b) Are there certain rights-of-way that the City should maintain instead of the private property owners?
- c) If yes, which rights-of-way are the priority areas to maintain and how is this codified?
- d) Should all landscaping including trees in the right-of-way be treated the same?
- e) Should the vertical height clearance between the curb and the lower canopy of trees be increased from the existing 12 feet due to taller fire apparatus?

5. FUNDING SOURCE

Funding is a major issue. There will be financial implications but will vary depending upon the decisions made by City Council.

6. TIMELINE

This is the first step of a process based upon Council direction, ordinance amendments may be required and budget amendments may be needed.

7. OTHER OPTIONS

Communication strategy – to all and regular reminders
Tree Advisory Board – public awareness, education, review ordinances
Baseline survey of urgent tree work based on health of tree/ dead and dying/high risk
Baseline survey of streets which hinder fire engines/school buses and ranking
Standard of maintenance work/ frequency of maintenance and schedule of maintenance
Volunteer groups to assist
Create a fund for property owners with genuine financial need
Compliance rather than enforcement
Abatement fund increased and actively place liens on property owners
Employ an arborist
Collaboration with Utility providers and Union Pacific

8. ATTACHMENTS

- 1a. [Right-of-Way Maintenance Report](#)
- 1b. [Ordinances 2003-4 and 2012-20](#)
- 1c. [Right-of-way maintenance PowerPoint presentation](#)
- 1d. [City of Taylor mowing map](#)



Right-of-way Maintenance Supplementary Report

1. PURPOSE/DESCRIPTION

The purpose of this agenda item is to inform the Council on (1) the current ordinances relating to the maintenance and upkeep of the rights-of-way (2) to review how the ordinances are currently being implemented and (3) for City Council to provide some direction and prioritization on the maintenance of the rights-of-way within the City.

2. BACKGROUND / PRIOR COUNCIL ACTIONS TAKEN

Most relevant Ordinances

The current ordinances relating to the maintenance and upkeep of the rights-of-way are as follows:

Ordinance 2003-4 was adopted in February 2003. This Ordinance was codified in Chapter 18 of the Code of Ordinances and introduced the current wording for Section 18.26 of the Code which addresses weeds, tall grasses, underbrush and trees.

Section 18.26 requires property owners to maintain the premises and parkway (defined as land between the property line and the edge of the pavement) so that the:

- Grass does not exceed 12 inches in height
- Underbrush does not exceed 18 inches in height
- Trees trimmed to ensure 7 feet between canopy and natural ground and
- Trees trimmed to ensure 12 feet above top of curb or edge of pavement.

In August 2012, Ordinance 2012-20 determined that the protection and care of trees was essential to present and future health of all citizens. That ordinance was codified in Chapter 28 of the Code of Ordinances.

Section 28.31 of the Code seeks to preserve and protect existing, healthy and desirable trees within the City. It defines protected trees as Pecan, American Elm, Cedar Elm, Texas Ash, Southern Magnolia, Cottonwood, all varieties of Oak and all varieties of Maple except Boxelder Maple and Silver Maple.

Maintenance Responsibility

Section F (a) of Ordinance 2012–20 states “property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the adjacent parkway area”.

Section F (b) states “ no property owner shall allow a tree, or other plant growing on his, her or its property or within the adjacent parkway to obstruct or interfere with pedestrians or the views of drivers, thereby creating an obstruction hazard”.

The City has the power to abate and issue a lien on the property owner to correct and eliminate any unsanitary, unhealthy or unsafe conditions (Section 18.28) and to treat or remove trees under Section H of the Ordinance 2012–20, at the expense of the property owner.

Many cities regulate the maintenance of City easements and right-of-way on private property to protect the safe use of the easement or right-of-way by the public. This includes the ability to enforce maintenance and nuisance ordinances in street and alley rights-of-way against private property owners providing the owners own the underlying fee title on which the easement or right-of-way is dedicated. The relevant sections of the Texas Local Government Code are 217.002, 217.022 and 217.042 and section 342.004 of the Texas Health and Safety Code.

Past City tree trimming initiatives.

In February 2007 and August-September 2017, the City undertook tree trimming along streets that were deemed impassable. The tree trimming in 2017, by the City, was presented as a one-time courtesy benefit to property owners.

In October 2019, The City produced a video entitled ‘Tree trimming-keep ‘em trimmed’ to help residents understand the need to keep tree limbs from impeding emergency vehicles.

Recent requests have been made for the City to be involved in tree removal in the right-of-way on behalf of private property owners and for the City to absorb the cost of the tree work.

Current City mowing practices

The City currently mows City owned rights-of-way (for which the City has fee ownership), City owned property, the cemetery, parks and some drainage ditches. The City also has inherited maintenance responsibility for some stretches of rights-of-way for which the City does not have fee ownership. The City currently mows the rights-of-way along parts of Mallard and the three detention ponds on Meadow, Jason, and Oaklawn Drive. The rights-of-way in town are mowed 6-8 times a year. The detention ponds are mowed 4-6 times a year. These are normally the responsibilities of the HOA in a new subdivision. It appears that the City has mowed these rights-of-way for over ten years. The current staff are not aware of the reasons behind these past decisions.

City crews currently mow 121 acres of rights-of-way. The acres mowed include 51 lane miles of roadway. There is also a municipal maintenance agreement with TXDOT for the State owned rights-of-way.

Recently, the City has been regularly mowing the rights-of-way along 2nd Street and Main Street and mowing and edging downtown streets and alleys to provide consistent maintenance and to enhance the appearance of the major entrances into town and the downtown area.

Summary

The ordinances as written clearly place the responsibility of maintenance of the vegetation, including trees, in the parkway on the adjacent property owner. In practice, the City has taken on ad hoc maintenance projects for property owners, which individually and cumulatively, creates inequalities and grievances for some and disrupts operational efficiencies and planned work schedules by staff.

To provide some clarity to staff on the operational requirements of implementing and enforcing the current ordinances - is the premise that private property owners are responsible for the maintenance of the rights-of-way still acceptable and applicable or does Council want to amend the ordinances related to right-of-way maintenance?

3. STAFF ANALYSIS (How and Why)

The maintenance of the rights-of-way is complex, complicated and expensive for multiple departments and agencies. There are no easy or perfect solutions. This report is intended as the first step in addressing this thorny issue and developing an effective strategy.

Any changes to the current ordinances could have major budget and manpower implications, as well as significant operational changes for staff. Maintaining the status quo with a more effective compliance and enforcement regime to provide safer streets and aesthetically pleasing neighborhoods also requires major changes to budgets and manpower.

What is the best use of staff resources vs. cost?

On the other hand, if property owners continue to be responsible for maintaining the rights-of-way improvements need to be made. The cost of maintenance for property owners, especially for tree work, can be very expensive and unaffordable for some property owners. What is the best way to enforce the ordinance while recognizing the financial barriers to maintenance faced by some property owners?

The appearance of the rights-of-way sets a clear image of the City to its residents and businesses. It also gives a valuable first impression to visitors and can be an important economic development driver. The rights-of-way have to be maintained to provide a safe passage for all roadway users. Road signs have to be clearly visible at intersections. There are currently many streets which have low tree canopies which hinder access for fire apparatus, school buses, trash collection vehicles and delivery vehicles.

The Fire Department has created an initial list of streets with trees that cause concern. This list is by no means comprehensive but contains 36 different streets.

The tallest fire truck is 11'8". The current 12' clearance height does not allow much of a safety margin for the tallest fire apparatus. The 2015 International Fire Code requires "an unobstructed vertical clearance of not less than 13 feet 6 inches". Does Council want to consider changing the ordinance to increase the vertical clearance height for trees to comply with the International Fire Code?

Any increase in the clearance height to allow for improved access for fire apparatus will add more trees and property owners requiring tree maintenance and additional tree trimming costs.

Tree maintenance

Established trees with large canopies are an important visual amenity and often help to define the character of a neighborhood. The more verdant neighborhoods are the ones most likely to have low hanging tree limbs which hinder fire apparatus, school buses, etc.

Undertaking tree work is specialized and best carried out by following arboricultural best practices for safety and the long-term health of the tree. DIY tree work is not recommended for all but the smallest jobs. Tree work not done correctly or at the wrong time of the year may result in serious damage to the health of protected trees and lead to a detrimental impact on the visual amenity of the City and potentially, roadway safety. A lack of regular tree maintenance, especially not removing dead and dying trees, has potentially serious roadway safety implications.

If the City wanted to take a more active role in the maintenance of trees in the right-of-way, we do not have the budget to take on all the remedial tree work that is currently required. Previous initiatives by the City, such as in 2017, as a one-off, goodwill gesture have not prompted most property owners to regularly maintain the trees in the right-of-way. The code enforcement abatement budget is not sufficient to include much tree mitigation work. There are insufficient code enforcement staff resources to deal with the hundreds of properties which require tree mitigation work on an individual property owner basis. The code enforcement process is the slowest and least efficient process for dealing with city-wide regular maintenance issues. The individual enforcement of most properties in each neighborhood would be extremely time consuming and likely to produce inconsistent outcomes with some owners complying and others not. This would lead to an increase in court cases for routine maintenance issues.

When the City has previously trimmed trees for property owners, some owners believe that the City should pay for an arborist to make sure the trees are cut properly. The owners also felt the City should pay for any trees that died during the next year after trimming. This would be a problem for the Public Works Department to find someone who would work full time with the crews as an arborist and require the City accepting liability for all the tree work undertaken.

Mowing program

How to prioritize maintenance practices – higher classified roadways with most visibility & usage?

If the City elects to increase service levels in certain areas of town due to higher visibility or traffic counts, the Public Works Department would have to reduce service levels in other areas or increase its work force. This would require at least a three-man crew to handle mowing and tree trimming. Staff would have to evaluate the equipment this crew would need to complete this task. Tree trimming could occur in the winter months with mowing taking place in the spring and summer months.

Fairness, consistency and equity

The current maintenance practices undertaken by the City do not fully comply with the adopted ordinances. As the City regularly maintains some rights-of-ways but not others. Some of these irregularities are historic from previous administrations and some requests are more recent.

The consequences of the current practices are the same. There are winners and losers. Currently, 2nd Street and Main Street property owners benefit from the City mowing the right-of-way along those streets, but property owners on other streets do not get assistance. At the other end of the spectrum, a tree falls in an alley the City may clear the tree for one property owner on one occasion but not for all property owners.

This current way of working causes difficulties for staff when requests are not in accordance with the ordinance. It can change the operational priorities, create complaints like ‘why do you cut their grass and not mine’ and reinforces the impression that the City is responsible for maintaining the rights-of-way when it is not. This frustration and confusion spills over into code enforcement making compliance more difficult.

4. RECOMMENDATION

Staff is seeking direction on the following questions:

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7. OTHER OPTIONS (In order of preference)

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ORDINANCE NO. 2003-4

**ORDINANCE AMENDING ORDINANCE 74-10 REGARDING
NUISANCES CREATED BY WEEDS, TALL GRASS,
UNDERBRUSH, MUNICIPAL POWER CONCERNING
STAGNANT WATER AND OTHER UNSANITARY CONDITIONS,
AND PROVIDING A SAVINGS CLAUSE.**

WHEREAS, the Taylor City Commission passed Ordinance 74-10 that adopted the provisions of Article 4436 of Vernon's Annotated Texas Statutes as it existed then and as thereafter amended, that is now Section 342.001 to 342.007 of the Health and Safety Code; and

WHEREAS Ordinance 74-10 authorized municipal powers to the City to regulate stagnant water, and other unsanitary conditions, and require the owners of a lot in the City to keep the lot free from weeds, rubbish, brush and other objectionable, unsightly and unsanitary matters; and

WHEREAS, the City Council desires to add definitions to the Ordinance, exempt property from the Ordinance under certain circumstances; and

WHEREAS, the amendment will be in the best interest of public health, safety and general welfare of the citizens of Taylor.

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

SECTION 1. PREAMBLE

All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Taylor, Texas, to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. DEFINITIONS.

Whenever in this Ordinance the following terms are used, they shall have the following meanings:

"Agricultural Purpose" shall mean any tract of land that is used primarily for the growing of crops and the grazing of livestock but does not include any retail sales on the premise.

“Parkway” shall mean the property located between the property line and the edge of the pavement of a public thoroughfare.

“Underbrush” shall mean any tree, bush, or shrubbery that is either native or introduced to the area, but excluding any brush that has a central trunk with a diameter of six (6) inches or more measured twenty-four (24) inches from the ground.

SECTION 3. PROHIBITED.

Sections One and Two of Ordinance 74-10, which Sections are Section 18-26 in “The Taylor City Code”, are amended to read as follows:

All persons who own, occupy or possess any real property and premises shall keep the premises mowed, and shall keep such property reasonably free of noxious weeds, tall grasses and underbrush. No grass can exceed twelve (12) inches in height and underbrush cannot exceed eighteen (18) inches in height. Trees must be trimmed so that the canopy is no closer than seven (7) feet to the natural ground, and no closer than twelve (12) feet above the top of the curb or edge of pavement. It shall be unlawful for the owner or occupant of any real estate or improvements thereon situated to permit stagnant water to remain upon said property or to permit any condition thereon as may be liable to produce disease or to permit any filth, carrion or other impure or unwholesome matter of any kind to accumulate, collect or remain in any house, building, establishment, lot, yard, parkway, or ground within this city or to permit any other objectionable unsightly or unsanitary matter of whatever nature to grow, collect, accumulate or to remain on any lot or parkway in the city except as provided by Section 18-30 and 31.

SECTION 4. EXEMPT PROPERTY.

Ordinance 74-10 is amended to add the following provision as 18-30 in the Ordinance and the Taylor City Code:

Property is exempt from the provisions of this Ordinance if (i) the lot is greater than 5 acres or the sum of the contiguously owned lots are greater than five (5) acres or (ii) if the property is used for agricultural purposes (crop products or livestock grazing) or (iii) the grass is being cultivated for agricultural purposes, provided that in (ii) and (iii) an agriculture property tax exemption exists for the property.

SECTION 5. ADDITIONAL CRITERIA FOR EXEMPT PROPERTY.

Ordinance 74-10 is amended to add the following provision as 18-31 in the Ordinance and in the Taylor City Code:

In addition to the requirements necessary for exempt property setout in Section 18-30, the owners of any exempt lot or property must maintain a strip of land at least 10 feet wide in compliance with section 18-26 from any property line adjacent to any property developed

with single family dwellings; and a minimum of twenty-five (25') feet from the edge of any street or pavement of a public thoroughfare.

SECTION 6. AMENDMENTS.

Ordinance No. 74-10 amended as previously passed is hereby amended by this Ordinance. Except as amended, Ordinance 74-10 shall remain as written and in full force and effect.

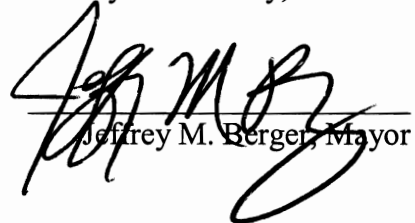
SECTION 7. SAVINGS.

If any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

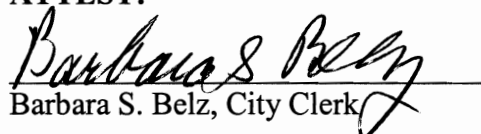
SECTION 8. INTRODUCTION.

In accordance with Article 8 of the City Charter, this Ordinance was introduced before the City Council of the City of Taylor, Texas, on the 28th day of January, 2003.

PASSED, APPROVED and ADOPTED on this the 13th day of February, 2003.


Jeffrey M. Berger, Mayor

ATTEST:


Barbara S. Belz, City Clerk

APPROVED AS TO FORM:


Ted W. Hejl, City Attorney

ORDINANCE NO. 2012-20

AN ORDINANCE OF THE CITY OF TAYLOR TEXAS, AMENDING ORDINANCE 2010-12 BY ADDING A NEW PARAGRAPH 6.5 "PUBLIC TREE CARE"; TO PROVIDE FOR THE CARE OF PUBLIC TREES; TO CREATE A TREE ADVISORY BOARD; TO ESTABLISH PRACTICES GOVERNING THE PLANTING, CARE, AND REMOVAL OF TREES ON PUBLIC PROPERTY; TO MAKE PROVISION FOR THE REMOVAL OF DISEASED TREES ON PRIVATE PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Taylor Texas, recognizes that trees generally protect and enhance the quality of life and general welfare of the town; and

WHEREAS, the citizens of Taylor have long valued trees as a natural and often irreplaceable community resource and recognize them as assets for their beauty and service; and

WHEREAS, the City Council of Taylor Texas, has further determined that the protection and care of trees located on city property is essential to the present and future health, safety, and welfare of all citizens, and accordingly, have determined that the adoption and implementation of this "Public Tree Care" provision as part of Ordinance 2010-12 is meritorious and necessary.

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. The following Paragraph 6.5 "Public Tree Care is added to Section 6 of Ordinance 2010-12:

6.5. PUBLIC TREE CARE

A. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree

Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

B. Definitions.

As used in this Article 6.5, the following words and phrases shall have the meanings indicated:

Damage - any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance - any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

Parkway - the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property - all grounds and rights-of-way (ROWS) owned or maintained by the City.

Public tree - any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or Topping - the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

C. Authority and power.

(a) *Delegation of authority and responsibility.* The City Manager and/or his designee, hereinafter referred to as the "Director", shall have the authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all city streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

(b) *Coordination among city departments.* All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Director.

(c) *Interference.* No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

D. Tree advisory board.

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

(a) *Membership.* The Board shall consist of five (5) members approved by City Council. Members of the Board will serve without compensation.

(b) *Term of office.* Board members shall be appointed for two (2) year staggered terms. In the event hat a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.

(c) *Officers.* The Board shall annually select one (1) of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

(d) *Meetings.* The Board shall meet a minimum of four (4) times each year (quarterly). All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

(e) *Duties.* The Board shall act in an advisory capacity to the Director and shall:

- (1) Coordinate and promote Arbor Day activities;
- (2) Review and update a five-year plan to plant and maintain trees on city property;
- (3) Support public awareness and education programs relating to trees;
- (4) Review city department concerns relating to tree care;
- (5) Submit an annual report of its activities to the city council;
- (6) Assist with the annual application to renew the Tree City USA designation;
- (7) Develop of a list of recommended trees for planting on city property; and
- (8) Other duties that may be assigned by City Council.

E. Tree planting and care standards.

(a) *Standards.* All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall

follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

(b) *Requirements of franchise utility companies.* Franchise utility companies shall provide advance notice to the City of their intended non-emergency tree pruning schedule and location of impacted area. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

(c) *Tree species list.* The Director shall develop and maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Only trees from this approved list may be planted without written approval from the Director.

(d) *Planting distances.* The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within ten (10) feet of a fire hydrant.

(e) *Planting trees under electric utility lines.* Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.

(f) *Protection of public trees during construction.* Any person, firm, corporation, or city department performing construction in the area of any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent any damage.

F. Adjacent owner responsibility.

(a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the adjacent parkway area.

(b) No property owner shall allow a tree, or other plant growing on his, her or its property or within the adjacent parkway to obstruct or interfere with pedestrians or the view of drivers, thereby creating an obstruction hazard. If an obstruction hazard exists on the property, the Director shall mail the property owner a certified return receipt requested letter requiring the owner to abate the obstruction hazard within fifteen days from the date of the letter. If the property owner fails to comply with the notice and abate the obstruction hazard, the City may undertake the work necessary to remove the obstruction hazard, charge the cost to the property owner, and secure the City cost

on the property by a lien filed of record. In addition, the City may pursue any other remedy provided by this Ordinance, law, or in equity against the property owner for causing the obstruction hazard.

G. Prohibition against harming public trees.

(a) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.

(b) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree.

(c) It shall be unlawful for any person, firm or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

H. Certain trees declared a nuisance.

Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

I. Appeals.

All appeals to a violation shall be heard by City Council."

SECTION 3. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by State law for such offense in which event the penalty shall be fixed by state law and if deemed a violation of any provision which governs fire safety, zoning or public health or sanitation shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the

same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Taylor, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 5. Ordinance No. 2010-12 as passed, previously amended, and as amended by this Ordinance shall otherwise remain in full force and effect.

SECTION 6. This Ordinance shall become effective after its passage and publication according to law.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Taylor, Texas, on the 9th day of ~~July~~ ^{August}, 2012.

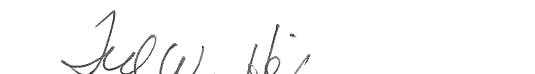
PASSED, APPROVED and ADOPTED on this the 23rd day of ~~July~~ ^{August}, 2012.


Don R. Hill
Mayor

ATTEST:


Susan Brock, City Clerk

APPROVED AS TO FORM:


Ted W. Hejl, City Attorney



Rights-of-Way Maintenance Report

City Council Meeting – July 16, 2020

Background & Staff Analysis

Maintenance of the rights-of-way or parkway.

- The current ordinances require the property owner to maintain the landscaping in the parkway
- The parkway is the area between the property line and the edge of pavement
- Not all property owners seem to know that they are responsible for maintaining this area
- Some owners are not able to afford the regular maintenance costs especially for trees

Currently, exceptions to the above ordinances which are not codified, include:

- Public Works inherited the maintenance of some rights-of-way
- Public Works is currently mowing the parkway along W. 2nd St and Main St
- The City is currently mowing and edging downtown streets and alleys
- One-off requests by property owners for the City to assist with tree maintenance on private properties
- City has undertaken city-wide tree trimming initiatives in 2007 and 2017
- City has undertaken alley maintenance during neighborhood cleanups

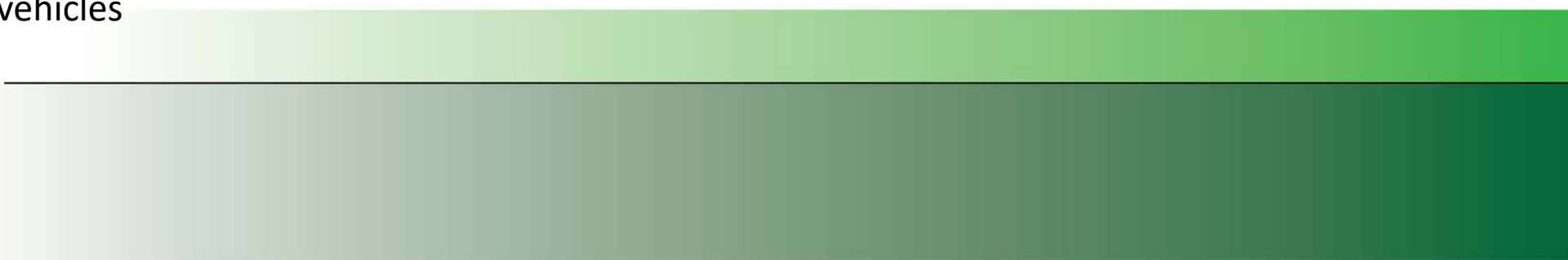
Tree Maintenance

Issues to balance:

The visual appearance of the City's neighborhoods

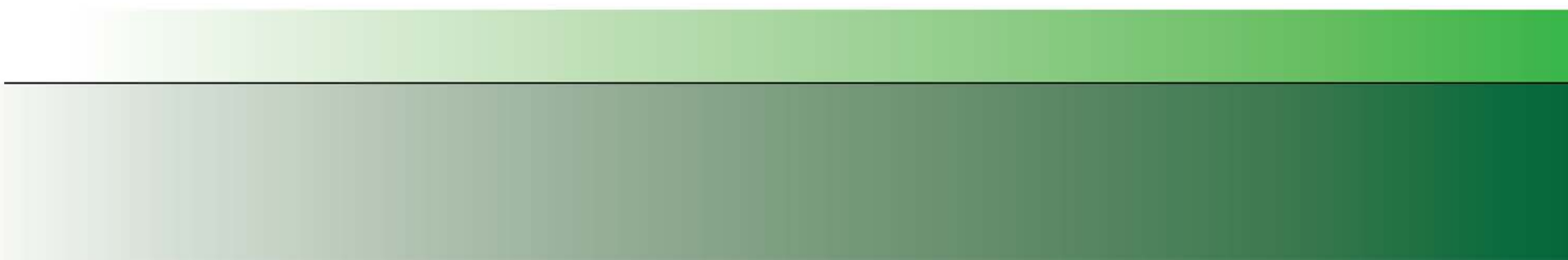
- Aesthetically pleasing/protection of protected trees **vs.** safety for all roadway users and access by emergency vehicles
- Increasing unobstructed clearance height improves the access for emergency vehicles **vs.** more owners affected, increased costs and detrimental impact to the visual amenity of the tree canopy

Quality of tree work

- Qualified arborist **vs.** D.I.Y. tree work
 - Long term health and appearance of trees **vs.** cost of tree work to owner/City
 - Liability for City for any tree work undertaken **vs.** no tree work on dead/ dangerous trees, impassable streets for emergency vehicles
- 
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Tree Maintenance cont.

Manpower

- Code Enforcement currently contacts owners individually. Slow and inefficient. Going to Court and issuing fines does not automatically resolve outstanding tree trimming concerns.
 - Reactive process determined by who complains **vs.** database of most serious cases/ dead/ dying/ impassable trees
- 
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Visually appealing trees



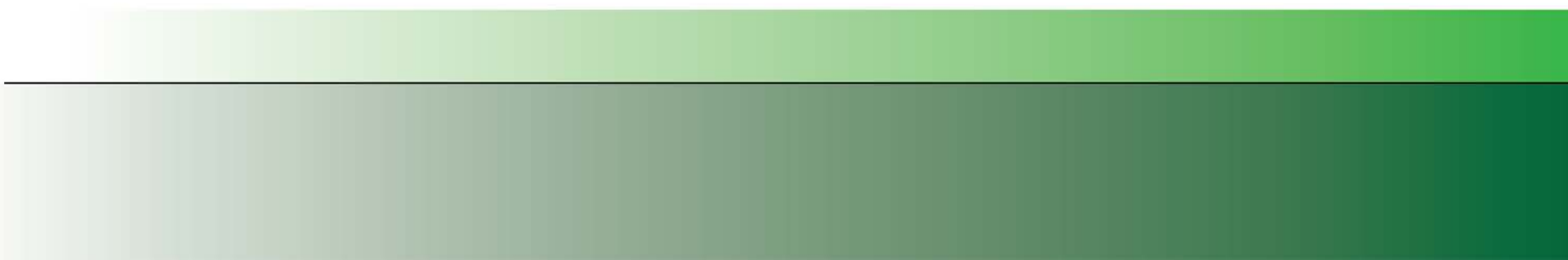
Extremes of tree maintenance



Grass Mowing

Issues to balance:

The visual appearance of the City's neighborhoods

- Aesthetically pleasing streets/economic development benefits **vs.** fairness and consistency to all private property owners
 - How to prioritize which parkways are mowed by the City?
 - Cost of a mowing and tree trimming crew to maintain the parkways?
- 
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Grass mowing



Alleys



Direction Needed

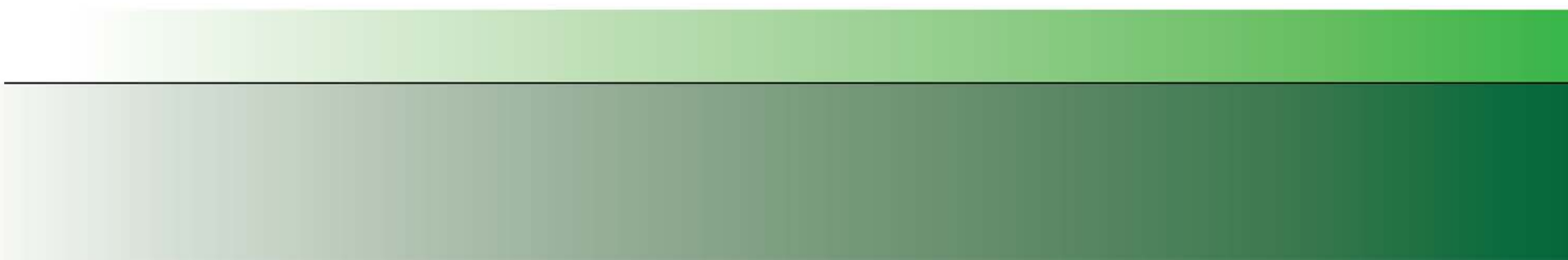
Staff is seeking direction on the following questions:

- What is Council's vision for the maintenance of the rights-of-way in the City?
- Who should be responsible for that maintenance?
- If the City takes on more responsibility, how will we pay for it?
- How can we assist property owners without the means to maintain the right-of-way?
- Are the current ordinance requirements still acceptable?
- Are there certain rights-of-way that the City should maintain instead of the private property owner?
 - If yes, which rights-of-way are the priority areas to maintain and how is this codified?
- Should all landscaping, including trees in the right-of-way be treated the same?
- Should the vertical unobstructed height clearance between the curb and the lower canopy of trees be increased from 12 feet due to taller fire apparatus?

Funding / Cost

- Any changes to the current ordinances could have major budget and manpower implications.
- More effective implementation of the current ordinances also has major budget and manpower implications for staff and some property owners.

Other Options

- Communication strategy – to all property owners and regular reminders
 - Tree Advisory Board – public awareness, education, review ordinances
 - Baseline survey of urgent tree work based on health of tree/ dead and dying/high risk
 - Baseline survey of streets which hinder fire engines/school buses and ranking
 - Volunteer groups to assist
 - Create a fund for property owners with genuine financial need
 - Compliance rather than enforcement
 - Abatement fund increased and actively place liens on properties that don't comply
 - Employ an arborist
 - Collaboration with utility providers and Union Pacific
- 
- A decorative horizontal bar at the bottom of the slide, consisting of a light green gradient bar on top and a darker green gradient bar on the bottom, separated by a thin black line.

Questions/Discussion

CITY OF TAYLOR
MOWING



LEGEND

Type

- Public Lands (511.78 ac.)
- Dead End (0.19 ac.)
- ROW (24.37 ac.)
- Railroad ROW (8.99 ac.)
- Retention Pond (2.84 ac.)
- Streetscapes/Tree Planters (14.35 ac.)
- Trustee Lots (3.36 ac.)
- City Limits

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Feet
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The City of Taylor makes no representations or warranties regarding accuracy or completeness of the information depicted on this map or the data from which it was produced. The map is NOT suitable for survey purposes and does not purport to depict or establish boundaries between land owners or locations of utility infrastructure where survey data is available and field locations have been established.



City Council Meeting July 16, 2020 Transmittal Letter

STRATEGIC PILLAR

- ☐ Streets/Infrastructure
- ☒ Quality of Life
- ☐ Economic Vitality

Agenda Item #: 2
Agenda Title: Discussion and possible direction to staff regarding carports within the required front setback in residential neighborhoods.

Council Action to be taken: Discussion and possible direction to staff

Department Submitted: City Council

Contact: Gerald Anderson, Councilmember District 1

1. PURPOSE/DESCRIPTION

This agenda item is presented to allow City Council to discuss the City's current regulations regarding the placement of carports in residential neighborhoods.

2. STAFF ANALYSIS / BACKGROUND / PRIOR COUNCIL ACTIONS

Earlier this year, the City received a code enforcement complaint regarding a carport that was being constructed and enclosed in the Crestview neighborhood. After investigating the complaint, city staff determined that the carport was located within the required 25 foot front setback and directed the property owner to remove the carport. The owner of the property complied. The Code Enforcement Officer identified other similar carports within the neighborhood.

After further investigation, staff initiated several additional enforcement cases in the neighborhood. One of the property owners contacted me as their councilmember to see if there is anything the City can do to allow these carports to remain. After discussing the issue with staff, I was told that an amendment to the Zoning Ordinance would be required to allow carports to be placed in the front setback. This agenda item is intended to allow Council to consider directing staff to begin the process of amending the Zoning Ordinance to provide more flexibility for the location of carports.

3. PROS and CONS

<u>PROS</u>	<u>CONS</u>
Amending the Zoning Ordinance could provide property owners with additional options for protecting their vehicles.	Too many carports in a neighborhood could impact property values.

4. RECOMMENDATION

I recommend that Council direct staff to initiate a Zoning Ordinance amendment to allow more flexibility for the placement of carports in residential neighborhoods and suspend enforcement of cases related to carports until the amendment is acted on by City Council.

5. FUNDING SOURCE

N/A

6. TIMELINE

N/A

7. OTHER OPTIONS (In order of preference)

N/A

8. ATTACHMENTS

2a. [Images of carports in the Crestview neighborhood](#)

Carports in Crestview Neighborhood

700 Mariposa REMOVED



405 Mariposa REMOVED



605 Mariposa EXISTED PRIOR TO 2001 (Legal Non-conforming per the Zoning Ordinance).



709 Mockingbird RECENTLY ERECTED



606 Mockingbird EXISTED WHEN OWNERS BROUGHT HOUSE IN 2003



604 Mockingbird BUILT 2014 OR 2015, NEW OWNERS 2018

