AGENDA

CITY OF TAYLOR, TEXAS

CITY COUNCIL MEETING

CITY HALL, COUNCIL CHAMBERS, 400 PORTER STREET

FEBRUARY 14, 2013, 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

INVOCATION

PLEDGE OF ALLEGIANCE

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. Registration forms are available at the sign in table.)

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Council may act on with one single vote. The Mayor or any Council member may pull any item from the Consent Agenda to discuss and act upon individually on the Regular Agenda.)

1. Approve minutes for January 24, 2013. (Susan Brock)
2. Award bids for the Amy Young Barrier Removal program (second round). (Bob vanTil)

PROCLAMATIONS and RECOGNITIONS

3. Proclamation: February is Black History Month. (Mayor)
4. Recognition: City of Taylor named a National Main Street City. (Jim Dunaway)

EXECUTIVE SESSION

5. Executive Session. The Taylor City Council will hold a closed executive meeting pursuant to the provisions of the Open Meetings Law, Chapter 551, Government Code, in accordance with the authority contained in Section 551.074 to discuss personnel matters.
   - Discuss Chief of Police position
6. Consider action from Executive Session to confirm City Manager appointment of Chief of Police.

ORDINANCES

7. Continue discussion and consider introducing Ordinance 2013-01 amending Ordinance 98-18 regarding the Parks and Recreation Advisory Board. (Jeff Straub)
8. Consider introducing Ordinance 2013-02 amending Ordinance 2002-43 regarding the allocation of proceeds from the sale of cemetery spaces. (Jeff Straub; Esther Walton)

REGULAR AGENDA; REVIEW/DISCUSS AND CONSIDER ACTION

9. Discuss and consider action related to the community recreation center. (Jim Dunaway)
10. Discuss and consider calling an election on May 11, 2013 regarding amendments to the city charter. (Jim Dunaway)
11. Discuss and consider calling an election for the reauthorization of the local sales and use tax for the City of Taylor at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets. (Jim Dunaway)

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. I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 pm on February 11, 2013 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 Daily Press.

In compliance with the ADA the City Hall and Council Chambers are wheelchair accessible. Reasonable accommodations will be provided for persons attending city council meetings in need of special assistance. Please contact Susan Brock, City Clerk, at least 24 hours prior to the meeting for special assistance.

Posted By: Susan Brock Date 2/11/13

Susan Brock, City Clerk

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #:	**1**
Agenda Title:	Approve minutes for January 24, 2013.
Council Action:	Motion to approve or approve with corrections
Initiating Department:	City Management/City Clerk
Staff Contact:	**Susan Brock, City Clerk**

1. INTRODUCTION/PURPOSE

Pursuant to the Open Meetings Law, Chapter 551, Local Government Code and in accordance with the authority contained in Section 551.021 and the City Charter, the "Minutes" of each City Council must be recorded, compiled and approved by the City Council in subsequent meetings. The purpose of this item is to conform to these legal requirements.

2. DESCRIPTION/ JUSTIFICATION

N/A

3. FINANCIAL/BUDGET

N/A

4. RECOMMENDATION

Approve as submitted or amend with changes noted.

5. REFERENCE FILES

1a. Minutes, January 24, 2013.

The City Council of the City of Taylor met on January 24, 2013, at City Hall, 400 Porter St., Taylor, Texas. Mayor Donald Hill declared a quorum and called the meeting to order at 6:01 p.m. with the following present:

Mayor Pro Tem Chris Gonzales	Jim Dunaway, City Manager
Council Member Chris Osborn	Jeff Straub, Assistant City Manager
Council Member Brandt Rydell	Ted Hejl, City Attorney
Council Member Jesse Ancira	Susan Brock, City Clerk

INVOCATION
Danny Thomas led the group in prayer.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION
No citizens came forward during this time.

CONSENT AGENDA

1. APPROVE MINUTES JANUARY 10, 2013.
2. APPROVE RESOLUTION R13-02 RENEWING INVESTMENT POLICY.
3. APPROVE LICENSE AGREEMENT L13-01 FOR PROPERTY LOCATED AT 1702 WEST LAKE DRIVE.
4. APPROVE RESOLUTION R3-03 AUTHORIZING THE RECERTIFICATION OF A TEXAS HOME INVESTMENT PARTNERSHIPS PROGRAM RESERVATION SYSTEM PARTICIPATION AGREEMENT TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR PARTICIPATION IN THE HOME PROGRAM RESERVATION SYSTEM.
5. CONCUR WITH PRELIMINARY FINANCIALS FOR DECEMBER 2012.
   Council Member Rydell asked to remove item number 3 for further consideration. Mayor Pro Tem Gonzales moved to approve the consent agenda items 1, 2, 4 and 5 as presented and Council Member Ancira seconded the motion. VOTE: Five voted AYE. Motion passed.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

3. APPROVE LICENSE AGREEMENT L13-01 FOR PROPERTY LOCATED AT 1702 WEST LAKE DRIVE.
   Council Member Rydell asked for further clarification on the decision to provide a license agreement in lieu of abandoning this piece of property or alleyway. Mr. Bob vanTil, Director of Planning Development, and Mr. Hejl explained the general philosophy of the city with regards to abandoning alleys and that an actual structure is encroaching on this city owned alleyway. With no further questions, Council Member Rydell moved to approve the license agreement as presented and Mayor Pro Tem Gonzales seconded the

motion. VOTE: Five voted AYE. Motion passed.

6. CONSIDER RECEIVING QUARTERLY REPORT FROM THE TAYLOR CHAMBER OF COMMERCE. Mr. Thomas Martinez, President, Taylor Chamber of Commerce, presented his quarterly report on chamber activities between October 1 and December 31, 2012.

7. CONSIDER INTRODUCING ORDINANCE 2013-01 AMENDING ORDINANCE 98-18 REGARDING THE PARKS AND RECREATION ADVISORY BOARD.
Mr. Straub presented a revised ordinance incorporating changes suggested by Council at the previous meeting. Council continued discussion regarding the number of members and came to a consensus that there should be eleven members, with one being a student who will serve a one year term. Staff agreed to bring back a revised ordinance for further consideration.

8. CONSIDER APPOINTMENTS TO CITY BOARDS AND COMMISSIONS.
Mr. Dunaway reviewed the recommendations for board and commission appointments. He noted that two of the boards had requested additional time to seek new applicants. Council agreed to bring back all appointments at a later meeting with additional information on each board and requested that attendance sheets be provided in a more readable format.

9. CONSIDER RESOLUTION R13-01 CALLING AN ELECTION MAY 11, 2013 FOR THE PURPOSE OF ELECTING ONE PERSON FROM DISTRICT 1 AND ONE PERSON FROM DISTRICT 4.
Ms. Brock presented a request for Council to approve a Resolution officially ordering an election on May 11, 2013 to elect one council member from District 1 and one from District 4. Candidate applications will be accepted between January 30 and March 1 at the office of the City Clerk.

Mayor Pro Tem Gonzales moved to approve Resolution R13-01 and Council Member Rydell seconded the motion. VOTE: Five voted AYE. Motion passed.

10. RECEIVE MONTHLY CAPITAL IMPROVEMENT PROJECT REPORTS FOR NOVEMBER AND DECEMBER, 2012.
Mr. Casey Sledge, consulting city engineer, presented an update on current capital improvement projects in the city. Council Member Osborn moved to accept the reports as presented and Mayor Pro Tem Gonzales second the motion. VOTE: Five voted AYE. Motion passed.

11. RECEIVE PRESENTATION REGARDING THE VISION FOR WEST 2ND STREET.
Mr. Bob vanTil presented a proposal on issues to be addressed when the 2nd Street project is complete. Information presented included an increased focus on code enforcement, financial incentives for beautification, and other options to be considered to improve the overall appearance of the street that basically serves as a gateway to the city from the west.

Council Member Osborn moved to accept the report and Council Member Ancira seconded the motion. VOTE: Four voted AYE. Motion passed. (Mayor Pro Tem Gonzales left the meeting prior to this vote.)

12. EXECUTIVE SESSION I. The Taylor City Council will conduct a closed executive meeting pursuant to the provisions of the Open Meetings Law, Chapter 551, Texas Local Government Code, and the authority contained in Section 551.087 to discuss or deliberate regarding commercial and/or financial information on a business prospect that the City of Taylor, Texas, seeks to have locate, stay, or expand in or near the City of Taylor, Texas, and with which the City of Taylor, Texas, is conducting economic development negotiations and/or deliberate the offer of financial or other incentives to the business prospect.
    - Project Generator

Mayor Hill and council members retired to closed session at 7:58 pm.

13. CONSIDER ACTION FROM EITHER EXECUTIVE SESSION.
    Mayor Hill resumed the open meeting at 8:20 p.m. and stated that there was no action taken on any issue during Executive Session.

ADJOURN

With no further business; Mayor Hill adjourned the meeting at 8:20 p.m.

Don Hill, Mayor

ATTEST:

Susan Brock, City Clerk

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #:	**2**
Agenda Title:	Consider awarding bids for the Amy Young Barrier Removal Program (second round)
Council Action to be taken:	Award bids as recommended by consent
Initiating Department:	Planning and Development
Staff Contact:	**Bob van Til, Director of Planning & Development**

1. INTRODUCTION/PURPOSE

The Amy Young Barrier Removal (AYBR) Program provides grants of up to $20,000, in combined hard and soft (administrative) costs, for Persons with Disabilities, whose household income does not exceed 80% of the Area Median Family Income (AMFI). The grants provide modifications necessary for accessibility and the elimination of substandard or hazardous conditions within the homes to be assisted.

The purpose of this item is to consider the award of three individual contracts in the not to exceed amount of $18,200 each to Precision Construction, LLC under the Amy Young Barrier Removal Program Contract No. 1001593 with the Texas Department of Housing and Community Affairs.

2. DESCRIPTION/ JUSTIFICATION

A bid opening was held on January 31, 2013 at the City of Taylor City Hall. Due to the likelihood that all items identified during the inspection and work write-up process would not be able to be addressed with the limited amount of funding, the work to be performed on each of the homes was divided into base bid items, those deemed essential to the scope of work, and alternate bid items to be added in order of ranked priority pending available funding.

The amount of available funding was announced at the bid opening as $18,200. The low bidder for purposes of an individual contract award is the responsible bidder offering the lowest aggregate price for the base bid plus those alternatives for a given home that provide the most features of work within the funds available for each home at the bid opening. Therefore, should the total bid for a given home (base bid plus all alternate bids) exceed the amount of funding available at bid opening, the actual award will not be based on the total bid for the individual home, but rather the greatest amount of features of work that can be provided for the amount of available funds.

Please see the attached spreadsheet detailing the projected awards highlighted in yellow that include the base bid items plus those alternate bid items which were able to be included in the amount of available funding.

3. FINANCIAL/BUDGET

The project is entirely grant funded.

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends award of three individual contracts in the not to exceed amount of $18,200 each to Precision Construction, LLC under the Amy Young Barrier Removal Program Contract No. 1001593 with the Texas Department of Housing and Community Affairs.

6. REFERENCE FILES

2a. Bid Tabulations

Contractor: **Precision Construction, LLC**

HOMEOWNER	ADDRESS	BASE BID	ALT #1	ALT #2	ALT #3	TOTAL	PROJ. AWARD
Hazelwood	**600 Westchester**	$16,900.00	$300.00	n/a	n/a	$17,200.00	$17,200.00
Reyes	**603 Annie**	$16,900.00	$100.00	$150.00	$300.00	$17,450.00	$17,450.00
Garza	**1009 Vance**	$16,700.00	$200.00	$300.00	$700.00	$17,900.00	$17,900.00
		$50,500.00				$52,550.00	$52,550.00

Contractor: **Piatra, Inc.**

HOMEOWNER	ADDRESS	BASE BID	ALT #1	ALT #2	ALT #3	TOTAL	PROJ. AWARD
Hazelwood	**600 Westchester**	$17,750.00	$1,420.00	n/a	n/a	$19,170.00	
Reyes	**603 Annie**	$25,450.00	$3,200.00	$740.00	$1,860.00	$31,250.00	
Garza	**1009 Vance**	$31,710.00	$3,150.00	$580.00	$1,100.00	$36,540.00	
		$74,910.00				$86,960.00	

Note: Piatra, Inc. was not able to attend the walkthroughs of Reyes or Garza and bid those two homes sight u

Contractor: **Quality Surface Solutions, Inc.**

HOMEOWNER	ADDRESS	BASE BID	ALT #1	ALT #2	ALT #3	TOTAL	PROJ. AWARD
Hazelwood	**600 Westchester**	$16,646.00	$1,325.00	n/a	n/a	$17,971.00	
Reyes	**603 Annie**	$17,235.00	$1,400.00	$800.00	$1,250.00	$20,685.00	
Garza	**1009 Vance**	$20,289.00	$995.00	$625.00	$450.00	$22,359.00	
		$54,170.00				$61,015.00	

ıseen.

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #: **3**

Agenda Title: Proclamation: Recognizing February as Black History Month

Council Action to be taken: Read and Present Proclamation

Initiating Department: Community Development
City Management

Staff Contact: Susan Brock, City Clerk

1. INTRODUCTION/PURPOSE

The purpose of this item is to read and present a proclamation celebrating February as Black History Month.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

3a. Proclamation for Black History Month

Proclamation

Black History Month

WHEREAS, since 1976, February has been designated as Black History Month to recognize the valuable contributions of African Americans throughout American history; and

WHEREAS, the local history of the City of Taylor is celebrated by the rich diversity, different cultures and family traditions of all of its residents; and

WHEREAS, contributions made by African Americans have enriched the heritage of our City; and

WHEREAS, during Black History Month everyone is encouraged to recognize the common American ideals of freedom, equality and justice for everyone.

NOW, THEREFORE, on this 14th day of February, and on behalf of the City Council of the City of Taylor, I do hereby proclaim the month of February, 2013 as

Black History Month

____

Donald R. Hill, Mayor

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #:	**4**
Agenda Title:	Recognize award to the City of Taylor as a National Main Street City.
Council Action to be taken:	Present award to Main Street Manager, Deby Lannen
Initiating Department:	City Administration; Main Street Program
Staff Contact:	**Jim Dunaway, City Manager** **Deby Lannen, Main Street Manager**

1. INTRODUCTION/PURPOSE

The Historical Commission and the National Trust for Historic Preservation have recognized the City of Taylor as one of 67 National Main Street cities from Texas. This is the seventh consecutive year for Taylor to receive this award.

2. DESCRIPTION/ JUSTIFICATION

The 2013 Award recognizes those Main Street programs that have stood the test of time and honors the progress each program has made. The Taylor Main Street Program was established in 1998 and continues to serve as a critical component in the promotion and redevelopment of the downtown district.

The overall purpose of the National Main Street City recognition is to provide national visibility to local Main Street programs that understand and fully utilize the Four Point Main Street Approach: organization, design, promotion and economic restructuring, all within the context of historic preservation. This honor is very prestigious and well deserved.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Mayor will present Award to Deby Lannen, Main Street Manager.

6. REFERENCE FILES

4a. Award

TEXAS MAIN STREET

1981

THE CITY OF

TAYLOR

IS RECOGNIZED AS A

2013 NATIONAL MAIN STREET CITY

STATE COORDINATOR
TEXAS MAIN STREET PROGRAM

ASSISTANT STATE COORDINATOR
TEXAS MAIN STREET PROGRAM

TEXAS HISTORICAL COMMISSION
real places telling real stories

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #: **5**

Agenda Title: Executive Session.

Council Action to be taken: Chief of Police Appointment

Initiating Department: City Council

Staff Contact: **Don Hill, Mayor**

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/ JUSTIFICATION

The Taylor City Council will conduct a closed meeting under Section 551.074 of the Texas Government Code in order to discuss the appointment of the Chief of Police position.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

5a. Executive Session form

TAYLOR CITY COUNCIL
CERTIFIED AGENDA - EXECUTIVE SESSION

1. OPEN MEETING ANNOUNCEMENT

The City of Taylor City Council convened in Open Session, declared a quorum on February 14, 2013 and has posted an Official Agenda indicating the need for an Executive Session. The Council will now adjourn into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section:

☐	551.071	To consult with its attorney regarding a matter in which the duty of the attorney to the City conflicts with the Open Meetings Act.
☐	551.072	To conduct deliberations regarding the purchase, exchange, lease, or value of real property.
x	551.074	Regarding personnel matters
☐	551.087	Regarding economic development negotiations and considering financial or other incentives to a business prospect that the City seeks to have locate in or near the City of Taylor.

Any action resulting from the Executive Session will be taken in Open Session immediately following the Executive Session.

2. BACK TO OPEN SESSION

The time is now __________ and we will reconvene into Open Session. No action or vote was taken on any matter discussed in Executive Session.

CERTIFICATION

I, Donald Hill, Mayor of the City of Taylor, do hereby certify that this Agenda of an Executive Session of the City Council is a true and correct record of the proceedings.

WITNESS my hand this the _______ day of ____________, 2013.

____
Donald Hill, Mayor

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #: **6**

Agenda Title: Consider action from Executive Session to confirm City Manager appointment of Chief of Police.

Council Action to be taken: Confirm City Manager's appointment

Initiating Department: City Administration

Staff Contact: **Jim D. Dunaway, City Manager**

1. INTRODUCTION/PURPOSE

As you know, we have completed a rather exhaustive search for a new Chief of Police and are ready to ask you, the Council, to ratify or confirm my appointment of Henry Fluck as the new Taylor Police Chief.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

Mr. Fluck will be able to begin employment the first week of March, 2013.

5. RECOMMENDATION

I would recommend that the Council confirm my appointment of Mr. Henry Fluck as Chief of Police for the City of Taylor.

6. REFERENCE FILES

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #: **7**

Agenda Title: Consider introducing Ordinance 2-13-01 amending Ordinance 98-18 regarding the Parks and Recreation Advisory Board.

Council Action to be taken: Discuss and consider introducing Ordinance.

Initiating Department: City Administration

Staff Contact: **Jeff Straub, Assistant City Manager**

1. INTRODUCTION/PURPOSE

As per Council discussion at the January 24th meeting, Mr. Hejl has drafted the attached ordinance for introduction.

2. DESCRIPTION/ JUSTIFICATION

This new ordinance accomplishes a few stated goals:

1) Keeps intact the board's composition at 11 total members, consisting of 7 adult members residing in the City Limits, 3 that may reside in the ETJ and 1 student from a high school whose district is within the City Limits of the City of Taylor. The adult members will serve 3 year terms at the pleasure of the Council and the student a 1 year term; Current Board Members are retained without having to reapply for their positions.

2) The mission of this Board is simplified to read as:

"...shall advise the City Council and Parks and Recreation Director on matters pertaining to the acquisition, development, sound management, maintenance and use of parks and recreation facilities owned or controlled by the City and as directed by the City Council."

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

At the Council's pleasure.

5. RECOMMENDATION

Staff recommends introduction and subsequent approval.

6. REFERENCE FILES

7a. Ordinance 2013-01 draft revised
7b. Ordinance 98-18 Establishing Parks and Recreation Board

ORDINANCE 2013-01

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, ESTABLISHING A PARKS AND RECREATION ADVISORY BOARD; ESTABLISHING THE PURPOSE, COMPOSITION AND TERM OF THE BOARD; PROVIDING SAVINGS AND REPEALER CLAUSES.

PREAMBLE

WHEREAS, the City Council deems it to be in the best interest of the City that an advisory board be established to advise the City Council on matters pertaining to the City parks and recreational facilities as set forth in this Ordinance; and

WHEREAS, the City Council desires to establish a Parks and Recreation Advisory Board with the purpose, composition of members, and term hereinafter set forth.

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 Parks and Recreation Advisory Board is created by this Ordinance.

SECTION 3. The Parks and Recreation Advisory Board ("Board") shall advise the City Council and Parks and Recreation Director on matters pertaining to the acquisition, development, sound management, maintenance and use of parks and recreation facilities owned or controlled by the City and as directed by the City Council.

SECTION 4. The Board shall consist of eleven members of whom seven shall be residents of the City, three of whom shall be residents within the City extraterritorial jurisdiction or the City, and one shall be a junior or senior student in good standing attending a High School or Legacy Early College High School having its Independent School District within the City. All members, except the student member, shall have attained the age of eighteen and the student member shall have attained the age of sixteen.

SECTION 5. The Board shall be appointed by the City Council. The Board members, except the Board student member, may serve a three year term. The Board student member may serve a one year term and may serve only one term. Each member serves at the pleasure of the City Council and may be removed at the sole discretion of the City Council. The City Council shall fill the initial Board appointed under this Ordinance with members of the Parks and Recreation Board repealed by this Ordinance and then fill the remaining vacancies. The City Council shall establish staggered terms of the Board initially appointed so that four members shall serve a term of three years, three members shall serve a term of two years, three members shall serve a term of one year, and the student member shall serve a term of one year. After the initial appointment, members shall be appointed for terms allowed by this Ordinance.

SECTION 6. The Board shall conduct its business according to the Open Meetings Act under the Texas Government Code. A quorum of members shall be required to conduct a meeting. Meetings shall be held no less than quarter annually and at the call of the City Council. The Board shall also comply with City requirements applicable to the Board not set forth in this Ordinance. The Board may organize with procedures allowing it to efficiently handle Board business which procedures may be altered or removed by the City Council if deemed appropriate or necessary.

SECTION 7. If any paragraph, sentence, phrase or other portion of this Ordinance should be declared to be unconstitutional by a court of competent jurisdiction, the holding shall not affect the remainder of this Ordinance and all portions of the Ordinance not held to be invalid shall continue and remain in full force and effect.

SECTION 8. All provisions of any Ordinance of the City of Taylor, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

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 14th day of February, 2013.

PASSED, APPROVED and ADOPTED on this the ______ day of ____________, 2013.

____
Don Hill,
Mayor

ATTEST:

____
Susan Brock, City Clerk

APPROVED AS TO FORM:

____
Ted W. Hejl, City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2013-01 , passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of ____________, 2013, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this, the _____ day of ____________, 2013.

____
Susan Brock
City Clerk

COPY

ORDINANCE NO. 98-18

AN ORDINANCE CREATING A PARKS & RECREATION BOARD FOR THE CITY OF TAYLOR TO BE COMPOSED OF ELEVEN MEMBERS, SETTING THE TERMS OF SUCH BOARD AND DEFINING THE PURPOSE AND DUTIES OF SAME, REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH, SPECIFICALLY AMENDING ORDINANCE # 65.1, AND PROVIDING A SAVINGS CLAUSE.

BE IT ORDAINED BY THE CITY OF TAYLOR:

Section 1. There is hereby created and established by the City of Taylor an advisory board to be known as the "Parks & Recreation Board."

Section 2. Such Board shall consist of eleven members, all of whom shall be resident citizens of the City of Taylor.

Section 3. The members of the Parks & Recreation Board shall be appointed by the Board of Commissioners of the City of Taylor and the names of those appointed from time to time shall be reflected in the minutes of the Board at which said appointments were made.

Section 4. Of the first Parks & Recreation Board appointed, four members shall be appointed for a term of two years, four members shall be appointed for a term of three years, and the remaining three members shall be appointed for a term of four years. Thereafter, all appointments thereto shall be for a period or term of three years or until the successors are duly appointed.

Section 5. The Parks & Recreation Board shall elect from its membership annually a chairman, at least one vice-chairman, and a secretary whose duty it shall be to record the minutes of the meeting of said Board. The Parks & Recreation Board shall have the power to make rules, regulations and by-laws for its own government and same shall be subject to the approval of the Board of Commissioners. Such by-laws shall include, among other items, provisions for:

a) Regular and special meetings, open to the public.
b) Record of its proceedings to be opened for inspection by the public.
c) Reporting to the Board of Commissioners and the public, from time to time and annually; and
d) For the holding of public hearings, if necessary, on its recommendations.

In no instance shall the by-laws of the Parks & Recreation Board be in conflict with the Boards & Commissions Handbook adopted by the Board of Commissioners.

Section 6. The purpose and duties of the Parks & Recreation Board shall be to advise the Board of Commissioners of the City of Taylor on various matters pertaining to the good and betterment of the City in the areas of parks, leisure, and recreation. Without any manner intending to limit the foregoing, said Parks & Recreation Board shall have all powers provided by statute for a city parks board. Further, the Parks and Recreation Board shall have the power and it shall be its duty to make or cause to be made and recommend for adoption the following, to include, but not limited to:

a) To make studies and project plans for the improvements of the City of Taylor's park and recreation facilities with a view of its development and extensions, and to recommend to the City Commission all matters for the development and advancement of the city park and recreation facilities, layouts and appearance.

b) To act with and assist all other municipal and governmental agencies and especially the City commission in formulation and executing proper plans for park development.

c) To plan and recommend the location, plan and extent of parks, playgrounds, and other public ground and public park improvements.

d) To recommend to the City Commission for improving, developing, expanding and beautifying the parks, lakes, and public buildings in or adjacent to the City and to cooperate with the City Commission and other agencies of the City in devising, establishing, locating, improving, selecting, expanding and maintaining the public parks, playgrounds and lakes for public recreation.

e) To aid and assist the City Commission by recommending plans for the development of Civic Centers and exposition centers.

f) To aid and assist the City Staff by recommending recreation and leisure activities, including but not limited to, inception of programs, implementation, and determination of success of such programs.

Section 7. All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent that same are in conflict only and it is understood that the ordinance adopted on January 26, 1965 creating a Planning Commission is repealed only insofar as it applies to a Parks & Recreation Board but shall continue and remain in full force and effect as to the Planning Commission.

Section 8. If any section or provision or part thereof in this ordinance shall be judged invalid or unconstitutional by any court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance as a whole or any section or provision thereof not adjudged invalid or unconstitutional.

INTRODUCED, PASSED, APPROVED and **ADOPTED** on first reading this the 23rd day of June, 1998.

Donald Hill

Donald Hill
Chairman, Board of Commissioners

ATTEST:

Barbara Belz

Barbara Belz, City Clerk

PASSED, APPROVED and **ADOPTED** on second reading this the 6th day of July 1998.

Donald Hill

Donald Hill
Chairman, Board of Commissioners

ATTEST:

Barbara Belz

Barbara Belz, City Clerk

PASSED, APPROVED and **ADOPTED** on third and final reading this the 28 day of July 1998.

Donald Hill

Donald Hill
Chairman, Board of Commissioners

ATTEST:

Barbara Belz

Barbara Belz, City Clerk

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #:	**8**
Agenda Title:	Consider introducing Ordinance 2013-02 amending Ordinance 2002-43 regarding the allocation of proceeds from the sale of cemetery spaces.
Council Action to be taken:	Consider introducing Ordinance 2013-02.
Initiating Department:	City Administration
Staff Contact:	**Jeff Straub, Assistant, City Manager** **Esther A. Walton, Assistant to the City Manager**

1. INTRODUCTION/PURPOSE

As discussed in a previous Council Meeting:

Currently, when a cemetery space is sold, the City generates $700 in fees for the space alone. As our ordinance currently exists, the $700 is distributed among three separate funds: the Cemetery Permanent Fund (25%), the Cemetery Future Land Purchase Fund (5%) and the Cemetery Operating Fund (70%).

The proposed amendment to this ordinance will amend distribution of fund as follows: the Cemetery Permanent Fund (10%), the Cemetery Future Land Purchase Fund (0%) and the Cemetery Operating Fund (90%). This request is being made in order to begin generating sufficient funds to review the possibility of hiring permanent laborers to maintain the cemetery.

As things currently exist, Esther hires two temporary laborers for whatever period of time her temp monies last and Lance's crews have to cover the remaining time. Since Lance is still operating on half staff, it has become extremely difficult for him to dedicate his crews to assist at the cemetery. Our current funding for temps will not cover the full year and these additional funds will assist in keeping temps at the cemetery for the entire year with the ultimate goal of hiring full time labor for the cemetery exclusively.

2. DESCRIPTION/ JUSTIFICATION

The Cemetery Permanent Fund currently has more than $800,000 accumulated in it and all interest earnings from this fund are transferred to the operating fund. We are not allowed by current ordinance to take or transfer monies from this fund other than the interest earnings. As you may also know, interest earnings are at a minimum at the present time and I don't foresee this changing in the near future. We also have more than 50 acres of additional land dedicated for expansion of the cemetery, so I don't see a need at the present time to dedicate more monies for acquisition of property.

3. FINANCIAL/BUDGET

Through August 30th of last fiscal year, we had generated $51,855 from the sale of spaces; however, only $36,298.50 went to the Cemetery Operating Fund. Under the new proposal, we would have generated an additional $10,371 or a total of $46,669.50 for operations. While this may seem trivial in terms of amount, it does move us closer to generating enough funds to consider at least one full time employee to maintain the cemetery.

4. TIMELINE CONSIDERATIONS

The sooner we can begin this redirection, the more money we can generate to utilize for labor to be used exclusively at the cemetery.

5. RECOMMENDATION

Staff recommend introduction and subsequent approval of these amendments.

6. REFERENCE FILES

8a. Ordinance 2002-43
8b. Ordinance 2013-02

ORDINANCE NO. 2002-43

CITY CEMETERY

"AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS ADOPTING RULES AND REGULATIONS FOR THE CITY CEMETERY, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A REPEALER CLAUSE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish clear and unambiguous rules and regulations pertaining to the City Cemetery.

SECTION 2.0 DEFINITIONS

Words and terms used in this Cemetery Ordinance shall be given the meanings set forth in this Section. All words not defined shall be given their common, ordinary meanings, as the context may reasonably suggest. In case of a dispute over the meaning of a term not defined in this Ordinance, or over the application of a definition that is set forth, the City Attorney shall give a written interpretation of such term(s) and application(s).

Cemetery - place that is used or intended to be used for interment, and includes a graveyard, burial park, or mausoleum.

Cemetery Purpose - a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery property.

Funeral Establishment - a place of business used in the care and preparation for interment or transportation of human remains, or any place where one or more persons, either as sole owner, in co-partnership, or through corporate status, are engaged or represent themselves to be engaged in the business of embalming or funeral directing.

Grave - a space of ground that is in a burial park and that is used or intended to be used for interment in the ground.

Human Remains - the body of a decedent.

Interment - the permanent disposition of remains by burial.

Interment Right - the right to inter the remains of a decedent in a space.

Lot – spaces in a cemetery owned by an individual that is used or intended for use for interment, eight (8) adjoining graves or spaces.

Perpetual Care - the maintenance, repair and care of all places in the cemetery.

Perpetual Care Cemetery - a cemetery for the benefit of which a perpetual care trust fund is established as provided by State law.

Plot Owner - a person:

a. in whose name a space or lot is listed in a cemetery organizations office as the owner of the exclusive right of sepulture; or

b. who holds, from a cemetery organization, a certificate of ownership or other instrument of conveyance of exclusive right of sepulture in a particular space or lot in the organizations cemetery.

Remains - either human remains or cremated remains.

Sepulture - burial of remains or interment of remains, or a burial place.

Sexton, Authority of -:

a. Person in charge of a cemetery who has the same powers, duties, and immunities granted by law to:

- a police officer in the municipality in which the cemetery is located; or
- a constable or sheriff of the county in which the cemetery is located if the cemetery is outside a municipality.

b. A person who is granted authority under Subsection (a) shall maintain order and enforce the cemetery organization's rules, state law, and municipal ordinances in the cemetery over which that person has charge and near the cemetery as necessary to protect cemetery property.

Space - a single grave for burial of remains, but no more then two sets of remains when one set of remains is ashes.

Standard Grave – the standard size of a grave in this ordinance is thirty-six (36) inches wide, ninety-six (96) inches long and sixty (60) inches deep.

SECTION 3.0 MANAGEMENT OF THE CEMETERY

The City Manager shall have general charge and supervision of the city cemetery and shall have full authority to employ, hire and fire any of said employees that he may deem necessary. The

City Manager shall have authority to employ a Sexton who shall have charge of the day-to-day operation of said cemetery under the control and direction of the City Manager. The City Manager shall cause to be kept duplicate records of all lots and spaces sold so that the same can be found and properly identified and he shall see that all maps and plans of the grounds are preserved.

SECTION 4.0 CONVEYANCE OF LOTS AND SPACES

All lots and spaces in the city cemetery shall be conveyed to the purchaser by warranty deed duly executed by the Mayor and attested to by the City Clerk with the city seal impressed thereon. Said deed shall contain a provision making said sale subject to the terms and conditions of this ordinance applicable to the cemetery rules the same as if they were written in the ordinance word by word; the said purchaser of the lot or space shall take same subject to the applicable terms and condition of this ordinance.

SECTION 5.0 TRANSFER OR SALE OF LOTS AND SPACES BY GRANTEE

Owners of a lot in the city cemetery shall not allow interments to be made in their lot for remuneration nor shall any transfer or assignment or sale of any lots or spaces or an interest therein be valid without the consent in writing of the Mayor of the city of Taylor endorsed upon such transfer or assignment. A fee of ten dollars ($10.00) shall be charged for the making of said transfer.

SECTION 6.0 INTERMENTS AND DISINTERMENTS

6.1 No disinterment shall be allowed in the city cemetery except by the written consent of the City Manager upon written order of the owners of said lot. Disinterment shall only be made under the direction of the cemetery authorities and in conformity with state laws. Before any grave in the cemetery is permitted to be opened, a written order shall be required from the owner of said lot or space on which said grave is situated and the same shall only be opened after receiving written permission to open same from the City Manager. No interment of remains shall be made in the city cemetery until the city Sexton has issued a permit. Application for interring a body shall be made to the city Sexton, and he shall issue a permit for such interment, providing such application by proper certificates, as required by state law. In said application for interment there shall be stated the exact location of the lot on which the remains are to be interred and the time that said burial will take place and such evidence, as may be necessary, to show that the owner of said lot or space has consented to the burial of said remains on said lot or space. Application for interment must be made at the Sexton's office, as follows:

1. When interment is to be made before 1:00 p.m., the application must be made before 3:00 p.m. on the preceding day;

2. When interment is to be made after 1:00 p.m., the application must be made by 9:00 a.m. of the same day.

6.2 At the time of making of said application for interments the party making such application shall pay to the Sexton the cost of digging the grave.

6.3 In case of disinterment from a single grave or re-interment in spaces of other owners no allowance will be made for the grave vacated and a relinquishment of such grave to the city shall be required before an order is issued for disinterment.

6.4 When single graves described in paragraph 6.3 are vacated by disinterment by the view of re-interring in a higher priced grave or space the price originally paid for such grave or space shall be allowed in part payment on the new purchase price, the usual charge for disinterring and interring to be made in both cases.

SECTION 7.0 CHARGES GENERALLY

The City Council may from time to time fix the prices at which lots or single spaces may be sold and may from time to time establish fixed charges for digging the graves and other services to be performed by the sexton.

7.1 Prices for spaces

The price to be paid to the city for one (1) cemetery space in the city cemetery is hereby fixed at four hundred dollars ($400.00). Time payments are allowed at ten percent (10%) interest on balance for one year, eight percent (8/%) for two years, and seven percent (7%) for three years.

7.2 Prices for Grave Openings

The prices to be paid to the city for opening and closing of a standard size grave in the city cemetery shall depend on the time and date on which the services begin and which charges are as follows:

1. Monday through Friday between the hours of 8:00 a.m. and 3:30 p.m., three hundred fifty dollars ($350.00);

2. After 3:30 p.m. on weekdays, four hundred dollars ($400.00);

3. Saturday, Sunday and Holidays, four hundred dollars ($400.00);

4. Opening of a grave for infants and burial of ashes, seventy five dollars ($75.00); and

5. Disinterment Monday through Friday between the hours of 8:00 a.m. and 3:30 p.m., five hundred fifty dollars ($550.00).

6. The price for any grave opening larger than the standard size grave will be ($50.00) dollars above standard prices.

SECTION 8.0 CITY CEMETERY FUNDS

There are hereby established three funds consisting of the "cemetery operating fund", "cemetery permanent fund" and the "cemetery land purchase fund" whose uses and sources of revenue are prescribed as follows:

8.1 The "cemetery operating fund" shall be established as an "enterprise fund" and used to finance day-to-day operating expenses of the cemetery including but not limited to payment for services of the sextons, utility costs, capital outlay items, equipment maintenance, grounds maintenance activities and minor improvements for the cemetery as may be needed. Revenue from all fees and charges for services identified in Section 7.0 with the exception of portions of the principal amounts derived from sale of cemetery spaces as defined below, shall be deposited into and accounted for in the "cemetery operating fund". Likewise, all interest or income derived from investment of the balances of any of the three cemetery funds and all rents or lease income derived from cemetery land, shall be deposited for use in the "cemetery operating fund". Initially 70% of the proceeds from the sale of cemetery spaces shall be allocated to the "cemetery operating fund".

8.2 The "cemetery permanent fund" shall be established as a "trust and agency fund" and held in trust by the city, subject to control by the City Council. The principal of such fund shall be invested in securities of the same class and character as permitted by the City's Investment Policy that is adopted annually. Initially 25% of the proceeds from the sale of cemetery spaces shall be allocated to the "cemetery permanent fund". Revenue and interest received from such cemetery trust fund investments shall be transferred to the cemetery operating fund and devoted to the perpetual care, upkeep, preservation and beautification of the grounds, lots, graves, monuments and markers in the city cemetery.

8.3 The 'cemetery land purchase fund" shall be established as a 'special revenue fund" and used only for the purchase of additional land for the city cemetery. Initially 5% of the proceeds from the sale of cemetery spaces shall be allocated to the "cemetery land purchase fund".

8.4 The percentage allocation of amounts derived from the sale of cemetery spaces to each of the authorized funds as set forth herein may be changed by motion of the City Council from time to time.

SECTION 9.0 PROTECTIVE MEMORIALS OR SLABS

Protective memorials or slabs may be placed on owner's lot in the cemetery, provided such protective memorial or slab, the foundation for same and the supports thereof meet the following requirements:

1. Such protective memorial or slab shall not exceed forty (40) inches in width and ninety (90) inches in length and no part thereof, with the exception of marker thereon or elevated portion with tablet for inscriptions, shall extend more then four (4) inches above the level of the surface of the ground as determined in each instance by the city Sexton. In the event any marker or elevated portion with tablet for inscriptions is embodied in or

placed upon such protective memorial or slab, such marker or elevated portion shall not be more then fifteen (15) inches in width, thirty (30) inches in length, four and one-half (4 ½) inches in height on its low side and six (6) inches in height at its highest point, height as used in this sentence meaning height above the main surface of the protective memorial or slab.

2. Such protective memorial or slab shall be set at least one inch in a concrete foundation and such foundation shall extend at least three (3) inches under the full length of both ends and both sides of the protective memorial or slab. Both ends and both sides of the foundation shall not be less then ten (10) inches in width and twelve (12) inches in depth, and shall be reinforced with not less than two (2) half-inch steel rods in each end and shall extend the full length of each end and each side and shall be located two (2) inches from the bottom of the foundation and five (5) inches apart. No part of such foundation shall be less than two (2) inches below the level of the surface of the ground as determined in each instance by the city Sexton.

3. Said foundation shall be supported by six (6) perpendicular concrete piers, one at each corner of the foundation and one in the center of each side of same. Each such pier shall be at least eight (8) inches in diameter, shall extend to a depth of not less than two (2) feet below the bottom of the grave and shall be reinforced with one-half-inch steel rod which shall extend from the bottom of such pier up into the foundation and shall have a hook at its top which hooks over one of the reinforcing rods in the foundation.

4. All concrete used in such foundation and piers supporting same shall be made of Portland cement, washed sand and washed gravel in the following proportions, to wit: One (1) part cement, two (2) parts sand and four (4) parts gravel. No cement shall be poured for such foundation or piers until the forms, reinforcing rods and their placement and security thereof have been inspected and approved by the city Sexton. When the pouring of concrete is commenced, it shall continue without intermission, as near as practicable, until all concrete used in such foundation and piers is poured.

SECTION 10.0 RULES AND REGULATIONS FOR BEAUTIFICATION AND IMPROVEMENTS

In the beautification and improvements of the city cemetery the plan as outlined on the maps and plats of the third and fourth additions are made a part hereof shall be followed as far as practical and in order to prevent any interference with said plan of beautification and improvement of said premises the following rules and regulations shall be followed:

1. All lots and spaces shall be maintained on a uniform level and no lot shall be raised or terraced.

2. No lot or space enclosure of any kind whatsoever shall be permitted.

3. No sign or other indication that a lot or space is "For Sale" shall be permitted within the cemetery.

4. No metallic urns, monuments, headstones or anything of any shape in metal will be permitted upon the lots or spaces in said cemetery except pure bronze, statuary or stone, cement or cement pedestals.

5. Only one monument shall be placed on each lot and said monument shall not exceed six (6) feet in height above the surface of the ground and said monument shall be placed on the center of said lot and shall only be erected when proper foundation is built to support the weight of same; provided, however, in cases of owners owning one-half lots only, a written agreement shall be made between the owners of such one-half lots to the effect that the location shall be in the center of the whole lot. Where there is an underground concrete vault, the owner may place a monument off-center of the lot, subject, however, to the approval of the Sexton.

6. The headstone for graves or any structure to mark a grave shall:

   a. In the "Third Addition" of the 'city cemetery', and for the "Third Addition" only, not exceed six (6) inches in height above the surface of the ground nor more than fifteen (15) inches in width and must not exceed thirty (30) inches in length for single graves and seventy-eight (78) inches in length where one headstone is to serve for two (2) graves same must be placed upon a foundation as prescribed by the Sexton;

   b. In the "Fourth Addition" of the 'city cemetery', and for the "Fourth Addition" only, be flush with the ground and shall not exceed fifteen (15) inches in width and must not exceed thirty (30) inches in length for single graves and seventy-eight (78) inches in length where one headstone is to serve for two (2) graves and same must be placed upon a foundation as prescribed by the Sexton.

7. The footstone for a grave shall not exceed twelve (12) inches in width and twenty-four (24) inches in length and must be installed flush with the ground. Footstones must be placed on a foundation as prescribed by the Sexton. Only one footstone shall be allowed per grave site.

8. No steps to lots will be permitted in said cemetery. Stone slabs shall be permitted so long as slabs do not extend or protrude above the natural ground level of the cemetery lot or space in question, being understood that it is necessary from a maintenance standpoint that the city be able to mow over and across any slab without damage to the slab or city equipment.

9. No vaults shall be built entirely or partially above the ground without permission of the City Manager. All vaults must be furnished with shelves allowing interments to be made and perpetually sealed; all monuments and all parts of vaults above ground shall be marble, bronze, cement or other cut stone.

10. No iron or wirework seats or vases shall be placed on lots or spaces.

11. Before any monument, headstone or marker shall be placed in said cemetery, the person desiring to place same in the cemetery shall submit to the Sexton a description of said monument, headstone or marker and in the event said monument, headstone or marker is in conformity with the rules and regulations herein provided the Sexton shall issue a permit for the erection of said monument, headstone or marker; but in the event that same is not in conformity with the rules and regulations herein described the Sexton shall not issue a permit and said monument, headstone or marker shall not be erected or placed in the cemetery.

12. The erection and placing of all monuments, headstones and markers shall be under the direction and supervision of the Sexton and no monument, headstone or marker shall be placed in the cemetery unless placed upon a proper foundation as prescribed by the Sexton which will be adequate to sustain the weight of a monument, headstone or marker.

13. Owners of the lots or spaces shall not plant flowers, shrubs or trees on said lots or spaces which will interfere with the adjacent lots or avenues or be unsightly or inconvenient to those passing and shall interfere or be contrary to the general scheme of improvements or beautification of the cemetery and shall not plant any flowers, shrubs or trees in the cemetery without receiving a written permit from the Sexton.

14. No workmen or laborers shall be admitted to the cemetery for the purpose of doing any work therein without the permission of the Sexton. All work of every nature done and to be done in said cemetery shall be done under supervision of the Sexton.

15. All work performed in the cemetery by any person, firm, partnership, corporation or other entity not connected with the city shall be conducted and performed during the hours from 8:00 a.m. to 5:00 p.m. on Mondays through Fridays and 8:00 a.m. to 12:00 noon on Saturdays. No work shall be performed by such outside laborers on Saturday afternoons or Sundays or during any other time not expressly authorized herein. It is understood that this shall not apply to the city or its employees, agents or servants.

16. The City Council shall have the right to authorize removal of any monument(s), effigy's, structures, shrubs, trees or flowers placed in or upon any lot or space in the cemetery which shall be determined by the City Council to be offensive, improper or injurious to the appearance of the surrounding lots or grounds; and in order to remove same, the City Manager shall authorize city staff to enter upon such lots or spaces.

SECTION 11.0 SALE OF SPACES ON TIME AND OTHER FEES

The City of Taylor shall sell cemetery spaces on a time payment schedule based upon payments for three months for each space. A 'contract of sale' shall be entered into between the City Manager and the purchaser of said cemetery spaces. A fee of fifteen ($15.00) dollars shall be charged for recording of the cemetery deed issued to cover the cost of filing with the Williamson County Clerks Office.

SECTION 12.0 SEVERABILITY CLAUSE

That if any provision of this ordinance or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this extent the provisions of this ordinance are declared to be severable.

SECTION 13.0 REPEALER CLAUSE

All other ordinances, parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of any such conflict.

SECTION 14.0 INTRODUCTION

In accordance with Article 8, of the City Charter, this ordinance was introduced before the City Council on the 17th day of December, 2002.

PASSED, APPROVED and ADOPTED on the 9th day of January, 2003.

Jeffrey M. Berger, Mayor
Taylor City Council

ATTEST:

Barbara S. Belz, City Clerk

ORDINANCE NO. 2013-02

AN ORDINANCE AMENDING ORDINANCE 2002-43, SECTIONS 8.1, 8.2, AND 8.3 BY REALLOCATING THE AMOUNTS RECEIVED FROM THE SALE OF CEMETERY SPACES TO THE AUTHORIZED CITY CEMETERY FUNDS; PROVIDING A SAVINGS CLAUSE.

Whereas, the Taylor City Council adopted Ordinance no. 2002-43 establishing procedures necessary for operation of the Taylor City Cemetery; and

Whereas, Section 8.4 of Ordinance 2002-43 allows the City Council to allocate the percentage of amounts derived from the sale of Cemetery spaces to each of the authorized funds as set forth by motion of the City Council from time to time; and

Whereas, the Cemetery has acquired sufficient land and no funds for additional land purchase is necessary requiring a reallocation of funds from sale of Cemetery spaces; and

Whereas, it is in the best interest of the City that funds from sales of Cemetery spaces be allocated as hereinafter established by this Ordinance.

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

SECTION 1. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct, and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. Section 8.1 of Ordinance 2002-43 is amended to allow ninety per cent of the proceeds from the sale of Cemetery spaces to be allocated to the “Cemetery operation funds”.

SECTION 3. Section 8.2 of Ordinance 2002-43 is amended to allow ten per cent of the proceeds from the sale of Cemetery spaces to be allocated to the “Cemetery permanent fund”.

SECTION 4. Section 8.3 of Ordinance 2002-43 is amended so that no funds from the proceeds of sales of Cemetery spaces are allocated to the “Cemetery land purchase fund”.

SECTION 5. All other terms and conditions contained in Ordinance 2002-43, except as amended herein or as previously amended, shall continue and remain in full force and effect.

SECTION 6. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 7. In accordance with Article 8 of the City Charter, Ordinance 2013-02 was introduced before the Taylor City Council on the 14th day of February, 2013.

PASSED, APPROVED, and ADOPTED on the__ day of February, 2013.

____

Don Hill, Mayor

ATTEST:

____
Susan Brock, City Clerk

APPROVED AS TO FORM:

____
Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2013-02, passed and approved by the City Council of the City of Taylor, Texas, on the __ th day of February, 2013, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this ---th day of February, 2013.

____
Susan Brock
City Clerk

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #: **9**

Agenda Title: Discuss and consider action related to the community recreation center.

Council Action to be taken: Provide formal direction to City Staff

Initiating Department: City Administration

Staff Contact: **Jim D. Dunaway, City Manager**

1. INTRODUCTION/PURPOSE

Now that you have received a formal response from the YMCA, we need to decide whether or not to proceed with this project, in some form or fashion. As you know, the YMCA declined our offer to provide prepaid rent in exchange for them funding a small portion of the project. In addition to this, the YMCA has asked that we meet with them to discuss another form of recreation center that would be constructed in a different location.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Since this project has basically run its course, I would recommend that you officially end this project and redirect the remaining funds that would have been spent on the recreation center to a more pressing issue, such as streets. I do think that we should continue discussions with the YMCA regarding a future project; however, this project has been criticized from the beginning and it would prove prudent to redirect the funds to a more palatable project(s) such as street work. We currently have invested $364,000 in this project which would leave approximately $3.1 million in surplus Certificates of Obligation proceeds. As you may remember, Casey has presented a proposal on street repairs that would make repairs to all streets considered as “Fair” and upon completion, move those streets to a condition considered to be “Good”. His proposal also included some sealcoat work on those streets considered to be “Good”. In order to complete this project, we would need to initiate engineering and surveying and then determine the funds available for actual construction. I envision asking that the Council then consider issuing Certificates of Obligation in whatever amount is needed above the remaining redirected funds.

This being said, we would now need to discuss the proposed Charter amendments that include the creation of a street utility. I would strongly recommend that **ALL** of the Charter amendments be considered in the upcoming November, 2013 election or even the May, 2014 election. Staff would simply not have enough time to provide you and the public with enough information prior to this May election to allow for an informed vote on this matter. Of course, all of the other proposed Charter amendments could also wait until a subsequent election.

6. REFERENCE FILES

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #:	**10**
Agenda Title:	Discuss and consider possible charter amendments for May 11, 2013 municipal election.
Council Action to be taken:	Discuss amendments and the possibility of calling a charter amendment election.
Initiating Department:	City Administration
Staff Contact:	**Jim D. Dunaway, City Manager**

1. INTRODUCTION/PURPOSE

In order to move towards a decision as to whether or not we will need items other than the election of Councilmembers on the May, 2013 ballot, we need to have a discussion about a few items that we have discussed in the past.

2. DESCRIPTION/ JUSTIFICATION

On August 14, 2012, John McDonald and Jeff Straub presented a report to you from the Charter Review Committee and a subsequent Ordinance that listed seven (7) items that were recommended for inclusion on the May, 2013 ballot. Attached for your review are both of these documents. These proposed amendments include the proposed creation of the City Street Maintenance Committee.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

In order for any of these items to be included in the May, 2013 election, a decision on what specifically, including the appropriate wording, must be made by the end of February.

5. RECOMMENDATION

Staff is seeking your direction on this matter.

6. REFERENCE FILES

10a. Charter Review Committee report
10b. Charter Ordinance Stipulating Amendments

Charter Review Committee Report - 8/14/12

Honorable Mayor, City Council Members, Senior Staff,

This is the final report of the 2012 Taylor Charter Review Committee.

Process

The City Council appointed 13 members to the review committee, one member resigned following the organizational meeting and another resigned after attending two meetings. Every meeting was composed of a super majority and those who were absent had valid excuses. There were four committee meetings in addition to the organizational meeting.

Staff provided benchmark city charters as reference material. The benchmark cities were: Georgetown, Temple, Cedar Park, Hutto, Belton, Harker Heights, Leander, Brenham, and Round Rock.

Assistant City Manager Jeff Straub and City Attorney Ted Hejl attended each meeting providing background information and insight into each topic discussed. Senior staff presented each issue to the committee delineating the issue, background information, and a Taylor staff recommendation. The committee subsequently discussed each issue, asking questions of both staff and committee members. ALL committee members were engaged and each member of the committee was asked for comments on every issue. Discussion was completely open and enthusiastic with each member displaying a dedication, understanding, and attention to the entire Taylor community.

At the first committee meeting, a concern was voiced about the expediency of the proceedings and the deadline imposed by the City Council. The feeling was the committee was being rushed in order to meet the deadline for calling a charter election in November. One Nay vote on the final amendments was due to the Council’s deadline and the feeling of lack of time for due diligence.

Once each issue had been thoroughly discussed, a committee vote was taken on each issue. Decisions were based upon a plurality vote as had been specified at the committee organizational meeting. Minutes, taken at each meeting, were subsequently distributed and reviewed by the entire committee.

“Housing keeping”, items which violate state law or are inconsistent, were considered first. Potential charter amendments, identified by the Taylor City Council, were discussed next. Finally, charter items which had been sent to City staff by Taylor citizens and items brought up by committee members were discussed and acted upon.

Recommended Taylor City Charter Amendments

1. **Majority Vote**. Sec. 4.1 specifies council members will be elected by plurality vote which violates the Texas Constitution Article 11, Sec.11 (b) <u>IF</u> the term exceeds 2 years. Committee recommendation to change to majority vote was unanimous.
2. Vacancies. Sec. 4.4 is consistent with the State Constitution requiring vacancies to be filled BY ELECTION within 120 days and NOT filled by appointment. Examples of vacancies due to illness, accident, death, etc. were discussed. The committee recommended no action as the charter already dictates how to fill vacancies but requests the City Council adhere to the charter in filing any vacancy by an election within 120 days, per state law.

3 Election date. Sec. 6.1 states council's elections to be held on the first Saturday in May which could violate the state's uniform election date in May. There was neither clear mandate nor will to add clarifying language to the charter.

4 Municipal court. Article 16, Sec. 16.1 establishes a Municipal Court. In 2011 the City Council converted the Taylor Municipal Court to a court of record. Consensus opinion was to leave the charter language unchanged enabling the Council the flexibility to change the court of record back to a Municipal Court WITHOUT a charter election.

5 **City Manager authority**. Article 9, Sec. 9.1 generally states employees of the city shall be employed by the city manager subject to approval of the City Council. This provision violates the basic principal of the council/manager form of government. No employment has ever been "challenged" by a City Council member. Therefore, removal of this provision is recommended by a unanimous vote of the committee.

6 Direct election of Mayor. Temple was the only "benchmarked" city which, up until very recently, elected their mayor solely by the city council members. Much discussion centered on the expanded 'powers' bestowed upon a mayor elected by the citizenry. There was <u>absolutely no support for expanding the 'power'</u> of Taylor's mayor. There was some concern a mayor elected at-large would exclude minorities. The majority, by a 6-5 vote, decided to leave the election of Taylor's mayor in the power of the City Council especially if the 'powers' of the mayor position are not expanded.

7 Term limits. None of the benchmark cities specify term limits for council members. Discussion centered on the knowledge base and importance of experienced council members as well as the smaller talent pool in Taylor due to smaller population. There was no initiative to recommend term limits for Taylor City Council members.

8 **Residency requirement**. The committee unanimously determined anyone filing for or holding the position of Taylor City Council member must continuously reside in the district for at least 12 months <u>prior to the first filing date</u> and must <u>continuously reside</u> within that same district.

9 **Hold no other office**. The committee was adamant anyone holding a position on the Taylor City Council must <u>NOT hold or file for another public office</u>. The duties and time requirements for City Council are great and it was felt City business should receive the complete attention of those elected to the City Council. Concerns of perceived or real conflict of interest were also expressed. For example, a current Taylor City Council member may not file for a position on the TISD board without first resigning from the City Council. A minority opinion was expressed this requirement would preclude a qualified person from holding an <u>appointed</u> county or state position. This recommendation is presented to the City Council with a 10-1 vote in favor.

10 **City employment prohibition**. During conflict of interest discussions, it was unanimously determined the City charter should be amended to prohibit any employment by the City of Taylor of a City Council member or, for two (2) years following the Council member's last official meeting.

11 **City council member removal**. Taylor has an Ethics ordinance and a Council relations policy. However, neither provides an enforcement or removal procedure for violations. Legal opinion is firm: voters cannot be disenfranchised. All benchmarked cities have some process in place to remove a council member. In depth discussion presented the reasons for forced removal when necessary. Conservative, measured, steps were developed to ensure no one's rights would be violated, the process would be public, and consist of three defined steps. Violations of the Ethics ordinance or violations of the proposed City council member charter amendment would first be presented to the accused council member by a formal notice at least ten (10) days prior to a formal action. At least three (3) council members are required to

initiate the notice process. The facts in the removal proceeding must be presented in a public meeting where the council member accused is allowed to offer rebuttal remarks. Removal must be approved by the vote of four (4) council members. Deliberation of this recommendation was lengthy. All eleven (11) members voted in favor of the final ballot language.

12 **Street maintenance utility**. Staff presented reasons for the enormous task of maintenance and rebuilding Taylor's streets. References to the Street Inventory document, current City budget, and required revenue fairly quickly illustrated the magnitude of the tasks faced by the City Council. However, the committee asked the focus be solely on streets and NOT on a larger utility authority as it was felt additional utilities' focus could confuse the voters and raise concern about future Council actions. There was a minority opinion expressed this authority should have a ten-year life span. The committee unanimously agreed to allow the City Council to seek voter authorization to initiate a revenue stream DEDICATED TO ONLY THE STREET MAINTENANCE component. The committee was likewise unanimous that any funds raised should NOT be directed to reconstruction or rehabilitation of any streets in the Street Inventory identified as having already failed. To do so would undermine the faith and confidence of both this committee and the voters. Once the amendment language was finalized, and subsequent vote of the committee was taken. The proposed ballot language passed the committee with 9 Aye, 2 Nay. One nay vote expressed concern whether or not the voters could be properly informed if an election were held in November.

13 Initiative/referendum. Citizen input and one committee member recommended Taylor adopt initiative/referendum power on <u>ALL City Council actions</u> not just ordinances. All benchmark cities have higher voter percentage requirements to initiate this process and greatly restrict which council actions are subject to initiative. Discussion centered on the difference between representative and direct city government. Sentiment was expressed the City Council is doing a good job and does not need additional oversight. Initiative has not worked in California. Motion to leave the Taylor charter as is passed 8-1.

14 Expand City Council to seven. Discussed expanding the council with the addition of two (2) additional at-large positions. City attorney expressed great angst due to the Department of Justice power over the City as a result of the minority lawsuit in the '80s and reluctance Justice would accept such a change. Smaller talent pool and difficulty is securing qualified candidates was also discussed. Vote to expand the City Council failed 4-5.

15 Limit City Council 'powers'. Minority opinion expressed desire to limit the budgetary and other powers of the City Council, restricting even those bestowed on Home Rule cities by the state. Representative vs. direct democracy government arguments presented. Position received very limited support and no vote was taken.

16 Quorum. Discussion surrounded definition of 'quorum' and Robert's Rule of Order especially in the event more than one council member recuses themselves. Example was given of same situation caused by illness or accident. Motion was presented to require at least three (3) council members be present and voting in order for any City business to be conducted. Killeen was presented as example where, due to recall, a quorum was no longer possible and virtually all city business came to a halt. Motion failed 4-5.

17 Budget. A minority opinion was presented requesting the City budget should not be altered or amended during the year as priorities and requirements changed. No support. Motion died for lack of a second.

18 Taxation. Limit on tax increases and tax rate. Some cities have charter ceilings on the tax rate; however, the ceilings are many times the existing tax rate so as to be meaningless. Other restrictions and limitations already in state law. Limited discussion as there was no committee support for this proposal.

19 Ethics. Discussion centered on additions of specific ethics criteria into the charter. Example of the YMCA board/Taylor Rec center vote was cited. City Ethics ordinance already clearly specifies ethics requirements/limitations. No support to propose additional restrictions; in fact, a minority opinion was presented the current ethics ordinance is too restrictive.

<u>Summary</u>

The committee demonstrated exceptional harmony, enthusiasm, dedication, understanding, and attention to entire Taylor community. Everyone participated in the discussions and I believe all members have a sense of ownership in the process and final results. I believe the entire process was open and all viewpoints, even those controversial, were presented and discussed in a professional manner.

Proposed amendments #1-4, and #6 passed the committee with 10 Aye and 1 Nay vote. Proposed amendment #5 passed 11 Aye, -0- Nay and #7 passed 9 Aye, 2 Nay.

I believe the 2012 Taylor review committee has exceeded all the goals established by the City Council. I am very proud to have been selected to chair and represent this committee of dedicated, hardworking, citizens. I believe the committee's work is complete. Your work and that of the City staff now begins.

On behalf of the entire 2012 Taylor review committee, I respectfully ask the Taylor City Council to accept our report

Respectfully submitted,

John M. McDonald – Charter Review Committee Chair

ORDINANCE NO. 2012-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAYLOR, WILLIAMSON, COUNTY, TEXAS, ORDERING AN ELECTION ON PROPOSED AMENDMENTS FOR THE HOME RULE CHARTER OF THE CITY OF TAYLOR PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY OF TAYLOR; PROVIDING FOR EARLY VOTING; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council has reviewed the Home Rule City Charter of the City of Taylor to determine the necessity for any amendments thereto; and,

Whereas, the City Council desires to conduct an election on proposed amendments on November 6, 2012.

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

SECTION 1. The hereinafter proposed amendments to the Home Rule Charter of the City of Taylor, Williamson County, Texas, are a part of this Ordinance and shall be submitted to the City’s qualified voters for their approval or disapproval at an election to be held on the uniform election date for a City election November 6, 2012.

SECTION 2. The notice of the charter election shall be posted on the bulletin board used to publish notice of the City Council meeting, be published in a newspaper of general circulation published in the City and must include a substantial copy of the proposed amendments. The notice must be published on the same day in each of two successive weeks, with the first publication occurring before the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record of the time of posting, stating the date, and the place of posting, which shall be the bulletin board used to post notice of City Council meetings.

SECTION 3. The election of the proposed charter amendments shall be conducted in accordance with the Texas Election Code, adopted by the Legislature.

SECTION 4. The voting hours for Election Day on November 6, 2012, will be from 7:00 a.m. to 7:00 p.m. at the following locations:

District 1: City Hall, 400 Porter Street
District 2: Taylor Public Library, 801 Vance Street
District 3: Taylor Volunteer Fireman's Hall, 304 Carlos Parker Blvd.
District 4: Northside Elementary School Board Room, 2500 North Drive

SECTION 5. The early voting by personal appearance shall be conducted at any polling place in Williamson County including the Taylor City Hall, 400 Porter Street, from October 22 to November 2, 2012. Applications for ballot by mail shall be received and processed by the Williamson County Elections Administrator, 301 SE Inner Loop, suite 104, Georgetown, Texas 78626. Applications for ballots by mail must be received no later than the close of business on October 30, 2012.

SECTION 6. The City Clerk is hereby authorized and directed to publish and post, in the time and manner prescribed by law, all notices required to be so published and or posted in connection with the conduct of the election. The Williamson County Election contracting officer shall designate the election judges for this election.

SECTION 7. The Williamson County Elections Contracting Officer shall serve as Elections Administrator for the election. Presiding Election Judges and an Alternate Presiding Election Judge appointed to serve at the polling places and the early voting clerk and deputy early voting clerks shall be those election officials furnished by the Williamson County from the list of proposed election judges listed as per an agreement.

SECTION 8. Each charter amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote "for" or "against" on any amendment or amendments without voting "for" or "against" on all of the amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting in the election, shall become a part of the Home Rule City Charter of the City of Taylor, Texas.

SECTION 9. The ballot propositions for the proposed amendments to the Home Rule City Charter are as follows:

PROPOSITION 1

Shall Article 4, Section 4.1 of the Taylor City Charter be amended to require that Council members be elected by a majority vote.

PROPOSITION 2

Shall Article 4, Section 4.2 of the Taylor City Charter be amended to require candidates seeking election to the City Council to continuously reside in the district from which they seek election or in the City if running at large for one year prior to the first filing date for the office.

PROPOSITION 3

Shall Article 4, Section 4.2 of the Taylor City Charter be amended to require that no Council member shall file for or hold any other publicly elective or appointed office.

PROPOSITION 4

Shall Article 4, of the Taylor City Charter be amended to add Section 4.6 entitled "No City Employment" to prevent any City Council member from having paid employment with the City during office and for two years after termination of office.

PROPOSITION 5

Shall Article 4 of the Taylor City Charter be amended to add a new Section 4.7 entitled "Removal From Office" allowing the City Council to approve by a majority vote consideration for removal of a Councilmember because of gross immorality, habitual drug or alcohol intoxication or use, incompetency, corruption, misconduct, malfeasance of office or failure of office qualifications imposed by this Charter, provided action to remove is taken in a subsequent City Council meeting, the Councilmember considered for removal has been given a prior ten day written notice of the subsequent meeting in which final action for removal is to be taken and the vote for removal is approved by four Council Members.

PROPOSITION 6

Shall Article 9, Section 9.1 of the Taylor City Charter be amended to allow the City Manager to hire and remove employees of the City.

PROPOSITION 7

Shall the Taylor City Charter be amended to add a new Charter Article entitled "City Street Maintenance Utility" allowing the City Council authority to establish a public street maintenance utility to collect funds which funds shall be used exclusively for City street corrective and preventive maintenance.

PASSED, APPROVED, and ADOPTED on the ______ day of ____________, 2012.

____
Don Hill, Mayor

ATTEST:

____
Susan Brock, City Clerk

APPROVED AS TO FORM:

____
Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2012-26, passed and approved by the City Council of the City of Taylor, Texas, on the ______ day of _________________, 2012, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _________ day of _____________, 2012.

____
Susan Brock
City Clerk

City Council Meeting
February 14, 2013
Agenda Item Transmittal

Agenda Item #: **11**

Agenda Title: Discuss and consider calling an election for the reauthorization of the local sales and use tax for the City of Taylor at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.

Council Action to be taken: Approve or reject placing this item on the May, 2013 City of Taylor election ballot

Initiating Department: City Administration

Staff Contact: **Jim D. Dunaway, City Manager**

1. INTRODUCTION/PURPOSE

This is a continuation of earlier discussions regarding placing an item on a future ballot asking the public if they favor redirecting a portion of the sales tax currently being directed to the TEDC to being utilized for street maintenance and reconstruction. Some of you have shown interest in, at a minimum, asking the public for their opinion on this matter.

2. DESCRIPTION/ JUSTIFICATION

Since the initial discussions on this matter, a good deal of discussion has been had on whether or not the TEDC could function adequately on half of their current revenues. Obviously, the TEDC feels that losing half of their income would be devastating and essentially render them inoperable. Attached is the slide show they presented in August of last year regarding this proposal. As discussed then, any reduced revenues to the TEDC would have to be covered by the City; however, this does not seem insurmountable based on past project involvement.

Simply put, placing this item before the public at this time may prove very confrontational and surely pit the City against the TEDC. On the one hand, if the TEDC did become ineffective in their pursuits, the City would most certainly “pick up the slack” and become more aggressive on the industrial recruitment side. On the other hand, is it more effective and efficient to have them continue as is until you can get a closer look at their future accomplishments? I continue to receive input from others asking that we give the TEDC and its new CEO time to show their effectiveness in recruiting and retaining new corporate organizations to our city. I don't have a read on how the public feels about this matter in general.

3. FINANCIAL/BUDGET

Should the item be placed on a future ballot and approved at the one-fourth of one percent rate, it would generate (in today's dollars) approximately $400,000 for use on street repairs and maintenance. Since January, 1994, some $48,000,000 has been generated from the local sales and use tax with one-fourth (or approximately $12,000,000) going to the TEDC.

4. TIMELINE CONSIDERATIONS

Should the majority of you favor placing this item on the upcoming May, 2013 ballot, we would need to schedule a special meeting next week for the introduction of the ordinance calling this election and its placement on the ballot. As is the case with the Charter amendments, it might be better to consider a later election date in order for you to appropriately evaluate the TEDC's work.

5. RECOMMENDATION

6. REFERENCE FILES

11a. TEDC info
11b. TEDC Presentation August, 2012.

The Economic Development Sales Tax

An Issues Discussion with Taylor EDC Leaders

July 25th, 2012
Taylor, Texas

The Texas Economic Development Council

- 850 members from throughout Texas
- Largest state association of economic developers in the nation
- Quarterly meetings, including annual conference
- Member services include: bill tracking and analysis; members-only website resource library; webinars, and continuing education seminars and workshops.
- Growing influence of our Political Action Committee (PAC)

Our discussion today will focus on the following ….

- ED 101 – What is Economic Development and how does it work?
- The ED Sales Tax in a nutshell
- Some observations related to Taylor

Economic Development 101

What is Economic Development?

"An activity designed to enhance the factors of productive capacity - land, labor, capital, and technology - of a national, state, regional, or local economy."

-U.S. Department of Commerce

What is Economic Development?

"The process of <u>creating wealth</u> through the mobilization of human, financial, capital, physical and natural resources to generate marketable goods and services.

The economic developer's role is to influence the process for the benefit of the community through expanding job opportunities and the tax base"

-International Economic Development Council.

Some other definitions of economic development……

- A program, group of policies, or activities that seeks to improve the economic well-being and quality of life of a community by creating and/or retaining jobs that facilitate growth and provide a stable tax base.

- A process that influences the growth and restructuring of an economy to enhance the economic well-being of a community.

Economic Development…..from the Economic Developer's Perspective

…is the process by which new dollars are infused into a local economy by primary employers…

What are Primary Employers?

…are those companies whose products or services are ultimately used in statewide, national or international markets.

And perhaps more importantly, primary employers create primary jobs

What are Primary Jobs?

- Primary jobs are jobs created by manufacturing, professional services, distribution/warehouse, service industry, etc. that produce or sell their services on a regional, state, national or international basis.

- Non-Primary jobs (or tertiary jobs) are jobs created in the local area and are the result of a certain level of economic development ….e.g., local grocery store, service station or restaurant.

In addition to Primary Employers, local economic development activity can also be created by….

- Tourism
- Transfer Payments

A Local Economy

Economic Development is about the flow of money….

- **1000 Primary Jobs**
  Average Pay: $45,000
  - **Significant Economic Impact**
    - More than $86 million in community payrolls.
    - Money to support 2,100 households.
    - Generates $8,500,000 in local government taxes.
    - Creates more than $130,000,000 in taxable retail sales.
    - Cause more than $550,000,000 in economic transactions within the community.
  - **Creates Another 1,700 Jobs**
    - 180 Retail Jobs
    - 180 health care jobs
    - 250 wholesale & transportation jobs
    - 150 finance & professional jobs
    - 170 restaurant & hotel jobs
    - 400 manufacturing jobs
    - More than 300 jobs in construction and other sectors

The Economic Development Sales Tax: A Brief Overview

In a nutshell, Type A Corporations can…

- Fund land, buildings, equipment, facilities, improvements and expenditures related to:
  - Manufacturing, industrial, R&D, recycling, warehousing, corporate faculties, distribution centers
  - Military bases
  - Job training
  - Business airport facilities
  - Clean up contaminated sites (with an election)
  - Type B projects with voter approval

Type B Corporations can…

- Everything authorized under Type A
- Water supply facilities with a special election
- Quality of life improvements – including parks, professional and amateur sport and athletic facilities, tourism and entertainment facilities, affordable housing and other improvements or expenditures that promote new or expanded business activity that create or retain primary jobs

Type A Corporations cannot…

- Provide facilities with the following primary purposes
    - Transportation
    - Solid waste
    - General water and sewer services
    - Air and water pollution control
    - Direct financial assistance to retailers

Type B Corporations cannot…

- Build learning centers (libraries)
- Municipal buildings
- K-12 Educational faculties
- If over 20,000 population, provide direct incentives to retail

Some observation's relevant to Taylor's current situation ....

For Taylor to be all that it can be….

- It must maintain a strong economic development effort
- It simply will not be able to compete with an annual budget of less than $300,000
- It must acknowledge how difficult and competitive the economic development environment is and maintain a strong presence in the marketplace

Very few Type B Corporations are strong players in traditional economic development initiatives ….

As a Type B, they are subject to the pressures of doing non-economic development-type projects or are tightly controlled at the city administrative level

Examples include …..

- Bastrop (infrastructure to support retail)
- Buda (infrastructure to support retail)
- Palestine (downtown revitalization/development)
- Jacksonville (from strong player to mostly non-existent ED effort)

The few strong Type B economic development corporations include….

- Conroe
- New Braunfels
- San Angelo

Local elected and appointed officials should know

- Your community's economic development vision and goals
- Your local economic strengths and weaknesses
- Your community's place in the broader regional economy
- Your community's strategy to attain its goals
- Connections between economic development and other city policies

Local elected and appointed officials should know…(con’d)

- Your regulatory environment
- Your local economic development stakeholders and partners
- The needs of your business community
- Your community’s economic development message
- Your economic development staff

Scenario 1 – 50% Cut in Funding

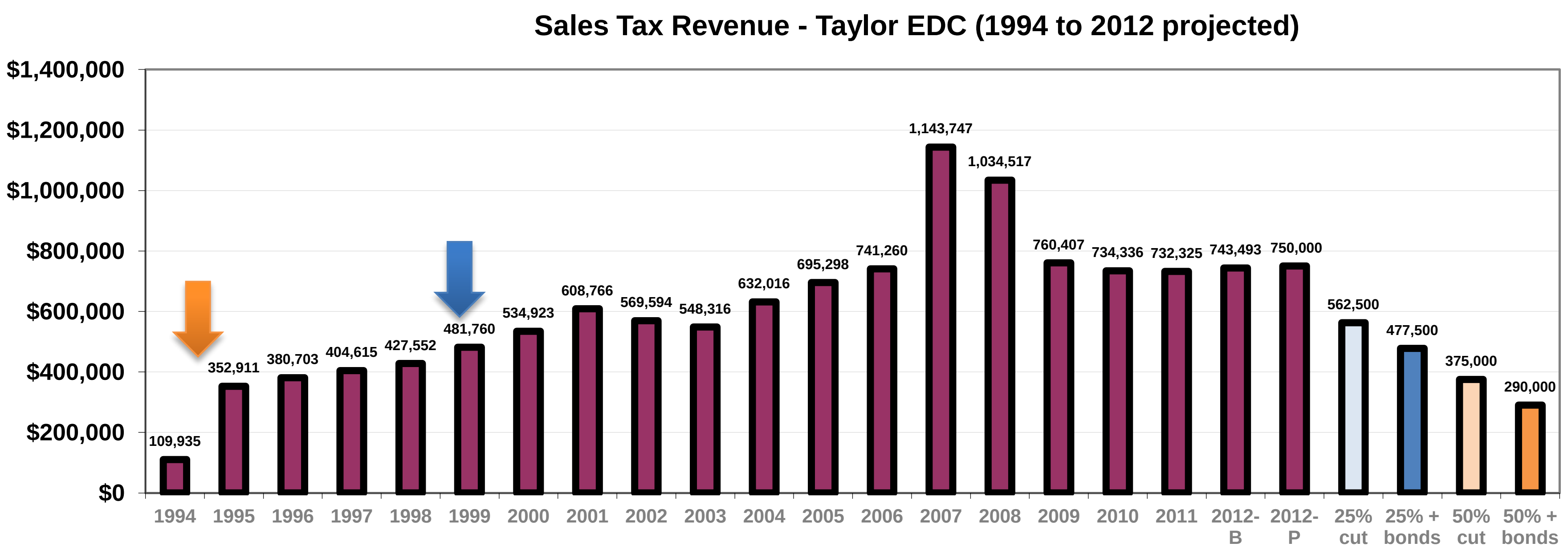
$750,000	Current Budget
(375,000)	50% Reduction
(85,000)	Debt Service

$ 290,000 New Budget

Scenario 2 – 25% Cut in Funding

$750,000	Current Budget
(187,500)	25% Reduction
(85,000)	Debt Service

$ 477,500 New Budget


Sales Tax Revenue - Taylor EDC (1994 to 2012 projected)
$1,400,000
$1,200,000
$1,000,000
$800,000
$600,000
$400,000
$200,000
$0
109,935
352,911
380,703
404,615
427,552
481,760
534,923
608,766
569,594
548,316
632,016
695,298
741,260
1,143,747
1,034,517
760,407
734,336
732,325
743,493
750,000
562,500
477,500
375,000
290,000
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012-B
2012-P
25% cut
25% + bonds
50% cut
50% + bonds

Mandatory Cuts

- Marketing (max. of 10% of sales tax revenues)

Discretionary Cuts

- Rent & Utilities
- Personnel – payroll, benefits, taxes, training
- Professional Services – attys, consultants, temps
- BRE Program
- Projects & Real Estate (Development, M&O)

Mandatory Expenses

- Debt Service
- Grounds Maintenance (can be outsourced)

2012 OP-EX SNAPSHOT

OPERATING EXPENSES:

HR – Payroll, Benefits, Taxes, Training	$320k
Administration/Office	66k
Professional Services	33k
PROGRAMS – BRE	15k
PROGRAMS – RESEARCH	7k
PROGRAMS – MARKETING/P.R.	75k
TOTAL OP-EX	$516k