The City Council of the City of Taylor met on January 8, 2009 at City Hall, 400 Porter St., Taylor, Texas. Mayor Hortenstine declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Mayor Pro Tem Ella Pumphrey Jez	Interim City Manager, Jim Dunaway
Council Member Bernabe Gonzales	City Attorney, Ted Hejl
Council Member Don Hill	City Clerk, Susan Brock
Council Member John McDonald	

INVOCATION
Danny Thomas led the group in prayer.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION
No citizens came forward.

CONSENT AGENDA

1. MINUTES FOR DECEMBER 16, 2008.
2. ORDINANCE 2008-42 BORGE REZONING FOR 410 OLD THORNDALE ROAD.

ORDINANCE NO. 2008-42
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP ADOPTED BY ORDINANCE NO. 2001-17 BY THE CITY OF TAYLOR, TEXAS ON APRIL 24, 2001 AS HERETOFORE AMENDED, BY CHANGING THE CLASSIFICATION OF PROPERTY DESCRIBED AS 0.32 ACRES OF LAND OUT OF THE P. COURSEY SURVEY, ABSTRACT NO. 131, CITY OF TAYLOR, FROM SINGLE FAMILY (R-1) TO MULTI-FAMILY (MF-1)

3. CONSIDER WITH FINANCIALS FOR NOVEMBER, 2008.
Council Member Hill moved to approve the consent agenda as presented and Mayor Pro Tem Jez seconded the motion. VOTE: Five voted Aye. Motion passed.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

4. PROCLAMATION: RECOGNIZING MARTIN LUTHER KING, JR. DAY.
Mayor Hortenstine presented a proclamation recognizing January 19th as Martin Luther King, Jr. Day. Pastors Anthony Watson, Billy Reese, and David Henderson were present to receive the proclamation.

(Mayor Pro Tem Jez recused herself from the discussion on the following agenda item.)

5. CONSIDER APPROVING LOCATION FOR SIDEWALKS FUNDED BY THE SAFE ROUTES TO SCHOOL GRANT.
Mr. Casey Sledge, consulting city engineer, provided additional information regarding his discussions with the Texas Department of Transportation (TxDOT) on altering the sidewalk locations. Mr. Sledge stated that any changes would result in having to resubmit the plan with strict limitations on route selection, a possible increase in costs and a reduction in the funding amount. Mayor Hortenstine reminded Council that there have been two public

hearings on this issue and safety remains the number one consideration for placement of these sidewalks. Mr. Sledge stated that TxDOT recommends placing the sidewalks as far away from the street curb as possible within the available right of way for safety concerns.

Council Member Gonzales moved to approve Route A-1 and to place the sidewalks away from the street curb and Council Member Hill seconded the motion. VOTE: Four voted AYE. Motion passed.

(Following the vote, Mayor Pro Tem Jez rejoined the meeting.)

6. CONDUCT PUBLIC HEARING AND CONSIDER APPROVING RESOLUTION R09-1 REGARDING A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE FOR A SMALL COMMUNITIES GRANT.
Mr. John Elsden, City Planner, presented a request to consider approving a resolution in support of a grant application to the Texas Parks and Wildlife Commission. The grant is for $75,000 with a 1:1 local match for the 2010 Fiscal Year. If awarded, this would provide an additional $150,000 for improvements to Robinson Park including the possible addition of a splash pad water feature near the existing pool and playscape and a horseshoe or washer pitching pit.

Council Member McDonald moved to approve Resolution R09-1 and Council Member Hill seconded the motion. VOTE: Five voted AYE. Motion passed.

7. CONSIDER APPROVING ORDINANCE 2008-40 REGULATING PARKING AND OPERATION OF MOTOR VEHICLES IN CITY PARKS.
Mr. Elsden presented a request to readdress this Ordinance which was introduced at the December 16, 2008 Council meeting. Staff was asked to include specific information related to the use of motorized vehicles on hike and bike trails, city owned vehicles, and parking during football games. The amended ordinance exempts city owned vehicles and prohibits motorized vehicles on or near hike and bike trails. The joint use agreement between the school district and the city does not address the issue of parking on grass. Signs will be installed to inform the public of these changes and enforcement will be needed to make the plan successful.

Council Member Hill moved to approve Ordinance 2008-40 as presented and Council Member McDonald seconded the motion. VOTE: Five voted AYE. Motion passed.

ORDINANCE 2008-40

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, RESTRICTING PARKING TO DESIGNATED PARKING AREAS ONLY; PROHIBITING THE OPERATION OR USE OF ANY MOTORIZED VEHICLE WITHIN A PARK EXCEPT ON PUBLIC ROADS USED FOR MOTORIZED VEHICLES; PROVIDING A PUBLICATION CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY SO THAT ANY PERSON, FIRM OR CORPORATION VIOLATING ANY OF THE PROVISIONS OR TERMS OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE SUBJECTED TO A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS ($500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, AND FOR ANY VIOLATION OF ANY PROVISION WHICH

GOVERNS FIRE SAFETY, ZONING OR PUBLIC HEALTH OR SANITATION, WHICH SHALL BE PUNISHED BY A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND EACH AND EVERY DAY SUCH VIOLATION IS CONTINUED SHALL BE DEEMED TO CONSTITUTE A SEPARATE OFFENSE.

8. CONSIDER APPROVING RESOLUTION R09-2 REGARDING A WEATHERIZATION PROGRAM THROUGH THE HOUSING TRUST FUND.
   Mr. Elsden presented a request to consider approving a resolution in support of a grant application to the Texas Department of Housing and Community Affairs for a Housing Rehabilitation grant from the Housing Trust Fund. Ms. Robin Sisco with Langford and Associates was present to respond to questions and pointed out that this program is funded on a first come first serve basis. The grant has no local match and if awarded would allow the city to assist six to seven homeowners.

   Mayor Pro Tem Jez moved to approve Resolution R09-2 in support of a grant application for a housing rehabilitation program and Council Member Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

9. CONSIDER REQUEST FROM MOODY MUSEUM ADVISORY BOARD TO HOLD FUNDRAISING EVENT AT THE DAN MOODY MUSEUM.
   Mr. Thomas presented a request from the Moody Museum Advisory Board to host a fundraising event that includes wine and entertainment on February 12, 2009. Ms. Susan Komandosky, Chairman of the Moody Museum Board, said the funds raised would be used to purchase new exterior shutters for the museum.

   Council Member McDonald moved to approve the request as presented and Mayor Pro Tem Jez seconded the motion. VOTE: Five voted AYE. Motion passed.

10. CONSIDER TERMINATING MASTERS COMMUNICATIONS AND WATER TOWER LEASE AGREEMENT WITH ERF WIRELESS.
    Mr. Dunaway presented a request to formally terminate the lease agreement with ERF Wireless. The lease was not renewed at the end of its term by either party and has since expired as of February, 2008. Staff has met with other Taylor C-Net partners and an agreement was made to find another provider for internet service who can provide more reliable connectivity for the community network. If the agreement is terminated, staff will bring a new vendor to provide this service.

    Mayor Pro Tem Jez moved to terminate the agreement and Council Member Hill seconded the motion. VOTE: Five voted AYE. Motion Passed.

11. CONSIDER ENTERING INTO A MASTERS COMMUNICATION AND WATER TOWER LEASE AGREEMENT WITH ECCENTRIX TECHNOLOGIES LLC.
    Mr. Dunaway presented a request to consider contracting with Eccentrix Technologies, LLC to serve as the Taylor C-Net internet service provider (ISP). With the two contracts ending and beginning simultaneously it is hoped there will be no interruption in service to the community. The lease provides the same access to the water towers for equipment installation and Eccentrix has agreed to pay Taylor C-Net $75 for each new customer it enrolls in addition to the monthly fee to use the towers. Members of the Taylor C-Net Board

agreed unanimously on this vendor and the Taylor Independent School District will be considering this issue at its next Board meeting in January.

Mayor Pro Tem Jez moved to approve the agreement as presented and with changes as indicated and Council Member Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

12. CONSIDER APPROVING PARTIAL PAYMENT ON DEVELOPER' S AGREEMENT WITH MUSTANG CREEK DIALYSIS CENTER.
Mr. Dunaway presented a request to approve a partial payment to Mr. David Cersonsky, the developer, for the construction of an upsized wastewater line for his project on the west side of the city. Staff believes that the wastewater line is 95% complete and that it would be feasible to authorize at least 50% of the City's share in the project at this time.

Council Member Hill moved to approve the partial payment of $154,600.00 with funds to come from the utility reserves. Council Member McDonald seconded the motion. VOTE: Five voted AYE. Motion passed.

13. CONSIDER RATIFYING BONUS FOR FRANK SALVATO, FORMER CITY MANAGER.
Mr. Dunaway presented a request for Council to consider formally ratifying a payment made to Mr. Frank Salvato in honor of his nearly ten year tenure at the time of his resignation. Since the payment was made between Council meetings it was not formally approved and action is now requested for auditing purposes. The amount paid was $100 for each year of service, for a total of $1,000 plus $332.09 in deductions.

Mayor Pro Tem Jez moved to approve the payment of $1,332.09 from account 100-501-111 and Council Member Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

14. EXECUTIVE SESSION.
The Taylor City Council will conduct a closed executive meeting under Section 551.071 of the Texas Government Code in order to meet with its City Attorney on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas authorize and allow such a closed meeting and which Rules conflict with the Texas Open Meetings Act.

Mayor Hortenstine adjourned Council into closed session at 7:12 pm.

15. CONSIDER ACTION FROM EXECUTIVE SESSION.
Mayor Hortenstine reconvened Council into open session at 8:09 p.m. and stated that no action was taken on any mater discussed in any Executive Session.

ADJOURN

With no further business; Mayor Hortenstine adjourned the meeting at 8:10 p.m.

Rod Hortenstine, Mayor

ATTEST:

Susan Brock, City Clerk