

AGENDA

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

NOVEMBER 12, 2009, 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.)

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. Minutes for October 27, and October 29, 2009. (Susan Brock)
2. Ordinance 2009-23 amending zoning ordinance to include Institutional (I) and Parks (P) Districts. (Bob van Til)

REGULAR AGENDA; REVIEW/DISCUSS AND CONSIDER ACTION

3. Consider informational report from the Brazos River Authority (BRA). (Jim Dunaway; David Collinsworth)
4. Consider request for rate increase from IESI, Inc., solid waste management service provider. (Danny Thomas)
5. Conduct Public Hearing regarding annexation of approximately 2,391 acres of property located on the north along both sides of Main Street, the east along both sides of US 79, on the south to the west of US 95, and on the west along the east side of CR 101 on both sides of CR 395 and providing a service plan. (John Elsdon)
6. Conduct 1st Public Hearing regarding the establishment of a Municipal Drainage Utility System (MDUS). (Jim Dunaway; Casey Sledge)
7. Consider introducing Ordinance 2009-27 regarding an amendment to the Sign Ordinance with regard to the industrial park district. (John Elsdon)
8. Consider approving Resolution R09-14 authorizing the Mayor to enter into an agreement with the City of Hutto regarding extraterritorial jurisdiction. (Bob van Til)
9. 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:
 - Neighborhood Stabilization Program
 - Center Point, Inc.
 - East Williamson County Higher Education Center
10. Consider action from Executive Session.

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 November 9, 2009 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.

Posted: 11/9/09

By: Susan Brock
Susan Brock, City Clerk



***City Council Meeting
November 12, 2009
Agenda Item Transmittal***

Agenda Item #: 1
Agenda Title: Minutes for October 27, and October 29, 2009.
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, 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, October 27, 2009
- 1b. Minutes, October 29, 2009

The City Council of the City of Taylor met in a special workshop on October 29, 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
Council Member Bernabe Gonzales
Council Member Don Hill
Council Member John McDonald

City Manager, Jim D. Dunaway
City Attorney, Ted Hejl
City Clerk, Susan Brock

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

(Agenda items were taken out of order to accommodate visiting guests and presenters.)

3. DISCUSS AND CONSIDER TAKING ACTION ON ISSUES RELATED TO THE TAYLOR REGIONAL PARK AND SPORTS COMPLEX.

Staff presented Council with information regarding a variety of styles and types of signage proposed for the park. Discussion continued on the future placement of these signs and how best to apply the remaining funds for park improvements. Specific sign styles were selected and site placement will be brought back for approval at an upcoming meeting.

Council Member Hill moved to amend the existing contract with Fazzone Construction to construct a bathroom and concession stand on the north side of the park near the football and soccer fields and to provide \$225,000 for the building and an additional \$27,000 to ACM for electrical services. Mayor Pro Tem Jez seconded the motion. VOTE: Five voted AYE. Motion passed.

1. 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 it's 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.

Council adjourned into Executive Session at 8:01 p.m.

2. CONSIDER ACTION FROM EXECUTIVE SESSION.

Council returned to open session at 9:35 p.m. and Mayor Hortenstine stated that no other action was taken during Executive Session.

ADJOURN

With no further business or action Mayor Hortenstine adjourned the meeting at 9:35 p.m.

Rod Hortenstine, Mayor

ATTEST:

Susan Brock, City Clerk

The City Council of the City of Taylor met on October 27, 2009 at City Hall, 400 Porter St., Taylor, Texas. Noting the absence of Council Member John McDonald, 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
Council Member Christopher Gonzales
Council Member Donald Hill

City Manager, Jim Dunaway
City Attorney, Ted Hejl
City Clerk, Susan Brock

INVOCATION

Chief Jeff Straub led the group in prayer.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION

No citizens came forward to address the Council. However, Mayor Hortenstine welcomed a government class from Temple College at Taylor (TCAT) who was attending the meeting as part of an assignment.

CONSENT AGENDA

1. MINUTES FOR OCTOBER 8 AND OCTOBER 13, 2009.
2. ORDINANCE 2009-30, AMENDING LOCAL RENEWAL PERIOD FOR ALCOHOLIC BEVERAGE PERMITS IN THE CITY.

ORDINANCE NO. 2009-30

AN ORDINANCE AUTHORIZING THE COLLECTION OF LOCAL FEES AUTHORIZED BY THE TEXAS ALCOHOL BEVERAGE CODE AS NOW WRITTEN OR AS HEREINAFTER AMENDED ("CODE") FOR A LICENSE OR PERMIT AUTHORIZED BY THE CODE; THE LOCAL FEE WILL BE COLLECTED ON THE SAME DATE THE PERMIT OR LICENSE IS ISSUED OR RENEWED BY THE STATE AND AS OTHERWISE PERMITTED BY THE STATE; THE LOCAL FEE COLLECTED WILL BE IN THE AMOUNT AUTHORIZED BY THE CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A FINE.

Council Member Hill moved to approve the revised minutes and consent agenda as presented and Mayor Pro Tem Jez seconded the motion. VOTE: Four voted Aye. Motion passed.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

3. CONDUCT PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2009-21 AMENDING THE ZONING ORDINANCE FOR REAR YARD SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.
Mr. John Elsdon, City Planner, presented a request to consider amending the city zoning ordinance to address a specific issue that has occurred regarding accessory structures in the KB Summerfield residential development. Mr. Elsdon indicated that the Planning and Zoning Commission recommended the ordinance be amended to reflect a change that the current ten foot setback required be reduced to a five foot setback for properties that are

7,000 square feet or less in residential areas. Council comments included a need for developers to be made aware of city ordinances and for the home owners association to insure owners are informed of such restrictions prior to their taking ownership of their property. After much discussion, Mayor Hortenstine declared the public hearing open; hearing no comments, he announced the hearing was closed and stated that Ordinance 2009-21 would not be introduced.

4. CONDUCT PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2009-23 AMENDING THE ZONING ORDINANCE TO INCLUDE INSTITUTIONAL AND PARK ZONING DESIGNATIONS.

Mr. Bob vanTil, Director of Community Development, presented a request to consider amending the zoning ordinance by adding two new zoning districts. The Future Land Use Plan includes categories for “institutional” and “park” and by adding these categories it allows for more specific zoning of these specific uses than what currently exists in the zoning ordinance. It would also allow for different sign requirements for these properties other than those in existence for residential or commercial zoning which is now the case. This change could potentially benefit the future Taylor High School and East Williamson County Higher Education Center developments.

Mayor Hortenstine declared the public hearing open; Mr. Steve Shorts, Director of the Taylor Housing Authority, requested clarification of the parks zoning and how it would relate to the existing playgrounds and parks at the housing authority properties. He was assured that these facilities would not be affected by this change since those playgrounds are not primarily public but are primarily used by the housing authority residents. Hearing no additional comments, Mayor Hortenstine announced the hearing was closed and asked Mr. Hejl to read the caption and officially introduce Ordinance 2009-23.

ORDINANCE NO. 2009-23

AN ORDINANCE FOR THE CITY OF TAYLOR, TEXAS, AMENDING ZONING ORDINANCE NO. 2001-17 ADOPTED MAY 2001, AS AMENDED BY ORDINANCES 2002-18, 2002-42, 2003-36, 2004-25, 2006-35, 2007-14, 2008-02, 2008-09, 2008-22 AND 2009-02 BY AMENDING CHAPTER 2, SECTION 2.161, OF THE ZONING ORDINANCE AS AMENDED AND AS CODIFIED IN THE TAYLOR CITY CODE, BY CREATING A PARK DISTRICT AND INSTITUTIONAL DISTRICT; BY AMENDING SECTION 3, TABLE 3; AND, BY AMENDING SECTION 11, DEFINITIONS; REQUIRING NOTICE FOR PUBLIC HEARINGS REQUIRED UNDER THE ZONING CODE TO COMPLY WITH THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED FROM TIME TO TIME; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE.

5. CONSIDER RESOLUTION R09-24 REQUESTING TEXAS DEPARTMENT OF TRANSPORTATION RELEASE MAINTENANCE OF U. S. HIGHWAY 79 TO THE CITY.

Mr. Dunaway presented a request from the Texas Department of Transportation (TxDOT) to formally release the state from continued maintenance of Second Street/US Hwy 79. This

process allows Williamson County to proceed with the rebuilding of the road and for the City to take over maintenance when completed.

Mayor Pro Tem Jez moved to approve Resolution R09-24 as presented and Council Member Hill seconded the motion. VOTE: Four voted AYE. Motion passed.

6. CONSIDER AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT WITH THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM.

Mr. vanTil presented a request to consider entering into a contract to participate in the Neighborhood Stabilization Program, a federally funded Housing and Urban Development (HUD) program. Under the guidelines of this program the city receives \$502,000 in grant funds to rehabilitate or demolish a limited number of qualified properties.

Mayor Pro Tem Jez moved to authorize the contract as presented and Council Member Gonzales seconded the motion. VOTE: Four voted AYE. Motion passed.

7. CONSIDER AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT WITH LANGFORD COMMUNITY MANAGEMENT SERVICES TO ADMINISTER THE NEIGHBORHOOD STABILIZATION PROGRAM.

Due to some unresolved issues, Mayor Hortenstine asked Council to pass on this item.

8. CONSIDER APPROVING RESOLUTION R09-25 REGARDING INTENT TO APPLY FOR AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG).

Ms. Lisa Thompson, Building Services, presented a request to apply for a federally funded grant program regarding energy efficiency and conservation. The city has already conducted a SECO facility survey of our needs and will be able to apply the \$50,000 in grant funds to help facilitate these needed improvements.

Council Member Hill moved to approve Resolution R09-25 and Council Member Gonzales seconded the motion. VOTE: Four voted AYE. Motion passed.

9. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH WILLIAMSON COUNTY GRAIN CO. FOR LEASE OF THREE LOTS ON THREADGILL STREET.

Mr. vanTil presented a request to consider entering into a lease agreement with the Williamson County Grain Company for land near Fannie Mae Robinson Park. The land will be used to expand and improve parking near the park and provide alternate parking on the slopes above the ball field.

Council Member Hill moved to approve the lease agreement as presented and Mayor Pro Tem Jez seconded the motion. VOTE: Four voted AYE. Motion passed.

10. CONSIDER ACCEPTING PUBLIC IMPROVEMENTS FOR ENERGY RELIABILITY COUNCIL OF TEXAS (ERCOT) TAYLOR CONTROL CENTER PROJECT.

Mr. Thomas presented a request to consider formally accepting the public improvements for the most recent ERCOT construction project. These improvements include three gate valves and one fire hydrant that will now become part of the city infrastructure once accepted.

Mayor Pro Tem Jez moved to accept the public improvements as presented and Council Member Hill seconded the motion. VOTE: Four voted AYE. Motion passed.

11. CONSIDER REAPPOINTMENTS TO AIRPORT ADVISORY BOARD.

Mr. Thomas presented at request to consider reappointing two members to the Airport Advisory Board whose terms have expired. Both Mr. Brundage and Mr. Dabbs have indicated a desire to continue to serve and their reappointments have been recommended by the other board members.

Mayor Pro Tem Jez moved to reappoint Mr. Bert Brundage and Mr. Dayton Dabbs to the Airport Advisory Board and Council Member Gonzales seconded the motion. VOTE: Four voted AYE. Motion passed.

12. EXECUTIVE SESSION I. 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 551.087 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 to deliberate the offer of financial or other incentives to the business prospect.

This item was not needed and passed on this agenda.

13. EXECUTIVE SESSION II. The Taylor City Council will hold a closed executive meeting pursuant to the provisions of the Open Meetings Law, Chapter 551.071 of the Local Government Code, in order to meet with it's 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.

Council adjourned into closed session at 6:50 p.m.

14. CONSIDER ACTION FROM EXECUTIVE SESSION.

Council returned to open session at 7:49 p.m. and stated that no other action was taken during Executive Session.

ADJOURN

With no further business; Mayor Hortenstine adjourned the meeting at 7:49 p.m.

Rod Hortenstine, Mayor

ATTEST:

Susan Brock, City Clerk



City Council Meeting
November 12, 2009
Agenda Item Transmittal

Agenda Item #: 2
Agenda Title: Ordinance 2009-23 amending the Zoning Ordinance to include Institutional and Park Zoning Districts
Council Action to be taken: Consent agenda
Initiating Department: Community Development
Staff Contact: Bob van Til, Director of Community Development

1. INTRODUCTION/PURPOSE

The purpose of this item is to consider an ordinance that proposes to amend the Taylor Zoning Ordinance by adding two new zoning districts: Institutional and Park Districts.

Several projects that would have benefitted from these zoning categories have come along. In response, staff reviewed the zoning criteria and suggested the attached proposed zoning districts.

The public hearing was held on October 27, 2009. The Ordinance was introduced on that same day.

2. DESCRIPTION/ JUSTIFICATION

Since April or May of 2009 staff has worked with the Planning and Zoning Commission to develop the criteria for Institutional and Parks uses.

The reasons for proposing these new districts are as follows:

1. Comprehensive Plan. All new policies should either be a recommendation in the Plan or should be reviewed to ensure that the proposed policy will not contradict the general objectives in the Plan. The Future Land Use Plan (FLP) includes land use categories called "Institutional" and "Park." The FLP describes the types of land uses anticipated in the next 20 years. There are no recommendations in the Plan to create an "I" or "P" zoning district. However, the creation of the "I" or "P" district will not detract from the objectives in the Plan or create something that would be in conflict with the Plan.
2. The recent request by the United Seniors of Taylor for a sign at the Old Middle/High School generated discussions about how to accomplish this objective. Rezoning the

property proved hazardous. A small amendment to the Sign Ordinance solved the problem. Have we addressed all the foreseeable issues that may crop up in the future? It seems as though selecting the “I” Zoning District may help this property as well as others to operate efficiently in the future.

3. The proposed districts could provide more options and or flexibility for the development of public and quasi-public (non-profit uses) facilities without being restricted to or having to chose residential or commercial zoning. The new districts could also be used to restrict other uses not compatible with the residential or non-residential uses that may be allowed in those districts.
4. New developments such as TISD high school and EWCHEC: how do we zone those properties to allow signage and to regulate land uses without zoning to residential or commercial, which would be required under the current ordinance? Neither may serve these developments or the community properly.
5. Park Zoning District – how do we zone these properties to allow signage and the appropriate uses without zoning to residential or commercial? The proposed ordinance relies on “Municipal Facilities and Uses”, since that category covers all of Taylor’s activities but excludes activities provided by other taxing entities. Municipal Facility or Use is defined as any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of Taylor, Texas.

3. FINANCIAL/BUDGET

Not applicable.

4. TIMELINE CONSIDERATIONS

Should the Council agree to create either the Institutional or Parks Districts, or both, the Taylor ISD would like to initiate the rezoning of their land located on FM 973. With the creation of the Parks District, staff will initiate the rezoning of the city parks.

As a follow up project, we will need to make some adjustments to the sign ordinance to accommodate the new zoning districts, if approved.

5. RECOMMENDATION

During their regular meeting on September 8, 2009, and following the required public hearing, the Planning and Zoning Commission forwarded a favorable recommendation on this ordinance. Staff recommends introduction of the attached ordinance.

6. REFERENCE FILES

2a Ordinance 2009-23

2b Definitions for Institutional and Parks Uses: Attachment A

2c Matrix for Institutional and Parks Uses: Attachment B

ORDINANCE NO. 2009-23

AN ORDINANCE FOR THE CITY OF TAYLOR, TEXAS, AMENDING ZONING ORDINANCE NO. 2001-17 ADOPTED MAY 2001, AS AMENDED BY ORDINANCES 2002-18, 2002-42, 2003-36, 2004-25, 2006-35, 2007-14, 2008-02, 2008-09, 2008-22 AND 2009-02 BY AMENDING CHAPTER 2, SECTION 2.161, OF THE ZONING ORDINANCE AS AMENDED AND AS CODIFIED IN THE TAYLOR CITY CODE, BY CREATING A PARK DISTRICT AND INSTITUTIONAL DISTRICT; BY AMENDING SECTION 3, TABLE 3; AND, BY AMENDING SECTION 11, DEFINITIONS; REQUIRING NOTICE FOR PUBLIC HEARINGS REQUIRED UNDER THE ZONING CODE TO COMPLY WITH THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED FROM TIME TO TIME; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE.

WHEREAS, the City of Taylor desires that all notices required under the Zoning Ordinance be in compliance with the Texas Local Government Code, as now written or as hereafter amended; and

WHEREAS, the City of Taylor desires that notices required under the Zoning Ordinance be in compliance with the Texas Local Government Code, as now written or hereafter amended.

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

SECTION 1.0

That after a public hearing held on October 27, 2009 before the City Council of the City of Taylor for the purpose of considering an amendment to Chapter 2, Section 2.161, Chapter 3, Table 3, and Chapter 11, Section 11.1 of the Zoning Ordinance, and to require legal notice to be consistent with requirements of the Texas Local Government Code Section 211.006.

SECTION 2.0

Chapter 2 of the Taylor Zoning Ordinance is amended by adding the following:

2.161 I - Institutional District

2.161.1 Purpose

The Institutional District (I) typically provides for uses that relate to public service and are associated with facilities and uses performed by governmental, quasi-governmental, and non-profit organizations. These facilities and associated uses include but are not limited to: municipal, county, state and federal facilities, public and private schools and institutions of higher education, public zoos, public parks and sporting facilities, public museums, public or private theatres, public housing, public airports, public bus and train stations, public parking, churches, cemeteries, non-profit organizations, public libraries, public or private hospitals, community centers, and fire and police stations.

2.161.2. Use Regulations. (Section 3.2)

2.161.3. Property Development Standards

1. Minimum Lot Area and Yard Setbacks:

- a. Minimum Lot Area: None
- b. Minimum Lot Width: None
- c. Minimum Lot Depth: None
- d. Minimum Yard Setbacks:
 - i. Front Setback: None
 - ii. Rear Setback: None
 - iii. Interior Side Setback: None
 - iv. Street Side Setback: None

2. Maximum Building Height: forty-five (45) feet, except that a building may increase to a height of eighty (80) feet if the building is set back from all required property lines a distance of one foot for each two feet of additional height above forty-five (45) feet.

2.161.4. Other Regulations and Standards

Development shall be subject to all other applicable regulations of this Ordinance, including but not limited to the following:

- a. Supplementary Uses. (Section 3.3)
- b. Temporary Uses. (Section 3.4)
- c. Accessory Uses. (Section 3.5)
- d. Performance Standards. (Chapter 5)
- e. Off-Street Parking and Loading. (Chapter 6)
- f. Subdivision Ordinance No. 2001-16
- g. Sign Ordinance No. 2001-15
- h. Landscape Ordinance No. 2001-13

SECTION 3.0

Chapter 2 of the Taylor Zoning Ordinance is amended by adding the following:

2.162. P - Park District

2.162.1. Purpose.

The Park District (P) is intended to provide a zoning district for publicly owned facilities related to park and recreational uses intended for the use of the general public.

2.162.2. Use Regulations. (Section 3.2)

2.162.3. Property Development Standards

1. Minimum Lot Area and Yard Setbacks.

- a. Minimum Lot Area: None
- b. Minimum Lot Width: None
- c. Minimum Lot Depth: None

d. Minimum Yard Setbacks:

- i. Front Setback: Twenty-Five (25) feet
- ii. Rear Setback: Ten (10) feet
- iii. Interior Side Setback: Five (5) feet

2. Maximum Building or Structure Height: thirty-five (35) feet, except that a building or structure may increase to a height of eighty (80) feet if set back from all property lines one foot for each two feet of additional height above forty-five (45) feet.

2.162.4. Other Regulations and Standards

Development shall be subject to all other applicable regulations of this Ordinance, including but not limited to the following:

- a. Supplementary Uses. (Section 3.3)
- b. Temporary Uses. (Section 3.4)
- c. Accessory Uses. (Section 3.5)
- d. Performance Standards. (Chapter 5)
- e. Off-Street Parking and Loading. (Chapter 6)
- f. Subdivision Ordinance No. 2001-16
- g. Sign Ordinance No. 2001-15
- h. Landscape Ordinance No. 2001-13

SECTION 4.0

Section 3, Table 3, Permitted Uses, is amended as shown on Attachment A and is incorporated into this ordinance by reference.

SECTION 5.0

Section 11, Chapter 11.1, Definitions, is amended as shown on Attachment B and is incorporated into this ordinance by reference.

SECTION 6.0

Where there is a conflict between this subsection and the provisions of this ordinance or other ordinances, the requirements of this subsection shall prevail. If this subsection is silent on a requirement, the remainder of the ordinance applies.

SECTION 7.0

In accordance with Article VIII, Section 1, of the City Charter, Ordinance No. 2009-23 was introduced and a public hearing was held before the Taylor City Council on the 27th day of October, 2009.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2009.

Rodney Hortenstine, 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. _____, passed and approved by the City Council of the City of Taylor, Texas, on the ____ day of _____, 2009, 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 _____, 2009.

Susan Brock
City Clerk

Attachment B
CHAPTER 11
DEFINITIONS

11.1 Terms Defined

Aquarium, Public – A public aquarium is the aquatic counterpart of a zoo, housing living aquatic species for public viewing.

City Facilities – see Municipal facilities or use.

County Facilities (see also Public Buildings) - Any area, land, building, structure and/or facility which is owned, used, leased or operated by Williamson County, Texas.

Detention Centers – A detention center is any location used for detention, including detention of juveniles, a jail or prison, or immigration detention.

Federal Facilities (see also Public Buildings) – Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the federal government.

Halfway House – See Rehabilitation Care Facility

Hospitals (residential facilities) –A health facility where patients need to stay over night for short or long term care.

Housing, Public – A housing development that is publicly funded and administered for low-income families.

Jail – A jail is a prison, penitentiary, or correctional facility in which individuals are physically confined and usually deprived of a range of personal freedoms.

Library – A collection of sources, resources, and books, and the structure in which they are housed, and is typically organized for use and maintained by a public body or an institution.

Museum – A permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment, for the purposes of education, study, and enjoyment.

~~Park and Recreation, Public – An open recreation facility or park owned and operated by a public agency, such as the park department or school board and available to the general public.~~(See Municipal Facilities and Uses).

Park or Playground (Private) - See ~~"Private Recreation Facility"~~ "Park or Recreation Facility, Private."

~~Park or Playground (Public) – See "Public Recreation".~~

Attachment B

Park or Recreation Facility, Private - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

Parking Lot or garage, Public – A structure for the storage of vehicles of the general public, which may or may not charge a fee for such vehicle storage.

~~Private Recreation Facility or Private Park – A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.~~

Public Agency Building or Facility - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public agency. Any facility which is owned leased, used and/or occupied by the City of Taylor are defined as "Municipal Facility or Use".

~~Public Recreation – Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events.(Not in the matrix)~~

Recreation Center – An area that provides for a wide variety of recreational activities, including but not limited to outdoor and indoor sports, recreation classes, competitive sports, and passive and active sports.

Rodeo Grounds – A permanent or temporary building or place where rodeo events such as showing, roping and riding livestock are done for practice or competition, including but not limited to an arena, concession buildings, pens, barns, stables, and camp grounds.

Stadiums - A place, or venue, for outdoor sports, concerts or other events, consisting of a field or stage partly or completely surrounded by a structure designed to allow spectators to stand or sit and view the event.

State Facilities (see also Public Buildings) – Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any agency of the State of Texas.

Train Station – A facility at which passengers may board and alight from trains and/or rail-transported freight may be loaded or unloaded.

DRAFT
Table 3
Attachment A

		Residential Districts								Misc. Use			Nonresidential Districts							
Sect.	Permitted uses	R-A	R-1	R-2	R-3	MH	D	MF-1	MF-2	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2	
3.11	Airport or Landing Field										P					P		S	S	
3.4	Animal Pound	P									P		S	P				P	P	
	Aquariums										P		P	P	P	P	P			
3.5	Art Gallery or Museum					S				P	P		P	P	P			P	P	
3.5	Assisted Living Facility		S	S	S		S	P	P	P	P			S	S	S				
3.11	Bus Station or Terminal										P		S	P				P	P	
3.7	Carnival, Circus or Tent Service (Temporary)	S										S	S	S	S			S	S	
3.5	Cemetery or Mausoleum										P		P	P				P	P	
3.5	Cemetery, Animal										P							S		
3.5	Child Care Center/Daycare Center								S	P	P		P	P	P			P	P	
3.5	Church, Rectory or Temple		P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	
	City facilities (See Municipal facilities)																			
3.5	College or University		P	P	P	P	P	P	P	P	P		P	P	P		S	P	P	
3.5	Community Center (Public)	S	S	S	S			P	P	P	P		P	P	P		S	P	P	
3.2	Community Home		P	P	P	P	P	P	P	P	S									
3.9	Conference/Convention Centers										P					S	P			

P = Permitted
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Blank = Not permitted

DRAFT
Table 3
Attachment A

		Residential Districts								Misc. Use			Nonresidential Districts							
Sect.	Permitted uses	R-A	R-1	R-2	R-3	MH	D	MF-1	MF-2	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2	
3.5	Continuing Care Retirement Community								P		P		P	P	P		S	P	P	
3.5	Convent or Monastery		S	S	S	S	S	S	P	P	P		P	P	S		S	P	P	
	County facilities (see Public Building)																			
3.7	Day Camp for Children	S							P	P	P	P	P	P				P	P	
	Detention centers										P			S				P	P	
3.4	Electrical Energy Generating Plant	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	S	S	S	
3.4	Electrical Substation (High Voltage Bulk Power)	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	S	S	S	
3.4	Electrical Transmission Line (High Voltage)	S	S	S	S	S	S	S	S	P	S		S	S	S	S	S	S	S	
3.5	Fairgrounds or Exhibition Area										S	S	S	S				S	S	
3.5	Family Home (Child Care)	S	S	S	S	S	S	S	P	P	S		P	P	P			S	S	
3.1	Farms, General (Crops)	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	
	Federal facilities (see Public Buildings)																			
3.4	Franchised Private Utility (Not Listed)	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	S	S	S	
3.5	Fraternal Organization, Lodge, Union Hall or Civic Club								S	P	P		P	P	P			S	S	
3.8	Funeral Home or Mortuary										P		P	P				P	P	
3.7	Golf Course (Commercial)	S	S	S	S	S	S	S	S	P		S	S	S				P	P	

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Table 3
Attachment A

		Residential Districts								Misc. Use			Nonresidential Districts							
Sect.	Permitted uses	R-A	R-1	R-2	R-3	MH	D	MF-1	MF-2	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2	
3.5	Group Day Care Home	S	S	S	S	S	S	S	S	P	P		P	P	P			P	P	
	Halfway houses	S	S	S	S	S	S	S	S	P	S		P	P	P			P	P	
3.11	Heliport										S		S	S	S	P		S	S	
3.11	Helistop										S		S	S	S	P		S	S	
3.5	Hospital Chronic Care								P		P		P	P	P		P	P	P	
3.5	Hospital, Acute Care		S	S	S	S	S	S	P	P	P		P	P	P		P	P	P	
	Hospitals (residential facilities)									S	P		P	P	S	P	P	P	P	
	Housing, public		P	P	P	P	P	P	P	P	P									
3.5	Institution for Alcoholic, Narcotic or Psychiatric Patients										S			P				P	P	
3.5	Institution or Religious, Charitable or Philanthropic Nature		S	S	S	S	S	S	P	P	P		P	P	P		S	P	P	
	Jails										P			S				P	P	
3.5	Kindergarten or Nursery School (Private)		P	P	P	P	P	P	P	P	P		P	P	P			P	P	
	Libraries		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	
3.4	Municipal Facility or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Museums										P	S	P	P	P	P	P	P	P	
3.5	Non-Profit Activities by a Church		P	P	P	P	P	P	P	P	P		P	P	P			P	P	

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Table 3
Attachment A

		Residential Districts								Misc. Use			Nonresidential Districts							
Sect.	Permitted uses	R-A	R-1	R-2	R-3	MH	D	MF-1	MF-2	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2	
3.7	Park or Playground (Private) Non-Commercial (See Park or Recreation Facility, Private)	S	P	P	P	P	P	P	P	P	-	-	P	P	P			P	P	
3.7	Park or Playground (Public) (see Municipal Facility or Use)	S	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	
	Park or Recreation Facility, Private		P	P	P	P	P	P	P	P			P	P	P			P	P	
	Parking lot or garage, public										P		P	P	P	P	P	P	P	
3.7	Playfield or Stadium (Public)	S	S	S	S	S	S	S	S	P	P	P	P	P	P			P	P	
3.4	Public <u>Agency Building or Facility</u>	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	
	Recreation centers										P	P	P	P	P	P	P	P	P	
3.8	Recycling Kiosk	S	S	S	S	S	S	S	S				S	S	S			S	S	
3.5	Rehabilitation Care Facility (Halfway House)		S	S	S	S	S	S	P	P	S		P	P	P			P	P	
3.7	Rodeo Grounds	S												S				S	P	
3.7	Roller or Ice-Rink											S	P	P	P			P	P	
3.7	RV Park Travel Trailer																	S	S	
3.10	RV/Camper Sales													P				P	P	
3.5	School, Business										P		P	P	P		P	P	P	
3.5	School, Commercial Trade										P		P	P	P		P	P	P	
3.5	School, Driving/Defense Driving										P		P	P	P		P	P	P	

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DRAFT
Table 3
Attachment A

		Residential Districts								Misc. Use			Nonresidential Districts							
Sect.	Permitted uses	R-A	R-1	R-2	R-3	MH	D	MF-1	MF-2	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2	
3.5	School, Private (Primary or Secondary)		P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	
3.5	School, Public or Parochial		P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	
3.5	Skilled Nursing Facility										P		P	P	P		P	P	P	
	Stadiums										P	S		P				P	P	
	State facilities (see also Public Buildings)																			
3.3	Tennis Court (Lighted)	P	S	S	S	S	S	S	S	P		P	P	P	S			P	P	
3.3	Tennis Court (Private, No Lights)	P	P	P	P	P	P	P	P	P			P	P	P			P	P	
3.7	Theatre or Playhouse (Indoor)										P		P	P	P			P	P	
	Train stations										P		P	P	P	P	P	P	P	
3.4	Water Treatment Plant	S	S	S	S	S	S	S	S	P	P	S	S	S	S	S	S	S	S	
3.7	Zoo (Private)	S									P			S				P	P	
3.7	Zoo (Public)	S									P			S				P	P	

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***City Council Meeting
November 12, 2009
Agenda Item Transmittal***

Agenda Item #: 4
Agenda Title: Consider request for a rate increase from IESI Inc., solid waste management service provider.

Council Action to be taken: Approve, deny or table

Initiating Department: Public Works/Finance

Staff Contact: Danny Thomas, Director of Public Works
Rosemarie Dennis, Director of Finance

1. INTRODUCTION/PURPOSE

IESI has submitted a formal request to adjust their compensation and accordingly, adjust their rates to the City for solid waste services.

2. DESCRIPTION/ JUSTIFICATION

On March 12, 2009, IESI submitted a letter to Council requested a 30% increase due to significant operational cost. The City Council elected to approve only 15%, with the understanding that IESI would return in six months to request the additional increase. IESI has improved some efficiency's within their organization and with the cost of fuel leveling off, IESI is seeking an additional 7.7% in residential rates and 9.8% in commercial rates.

Included in your packet are several items: 1) a letter from James Hare, District Municipal Marketing Manager for IESI that explains their justification for the requested rate increase and the 2009 Revised Exhibit "A" fee schedule; 2) Waste Management's letter to IESI date March 20, 2009 notifying them of an increase in disposal rate at the Williamson County Landfill; 3) the City's fee schedule that reflects current rates and the new rate increases requested by IESI.

If approved the citizen will see an increase of \$.94 or 7.7% increase in their residential garbage rates on a (1) 96 gallon cart. This includes the franchise fee and sales tax amount. Commercial accounts will see a 9.8% increase in their rates as shown in the fee schedule. This increase will be effective December 1, 2009 and will be reflective on the January, 2010 bills.

The City entered into a contract with IESI in December, 2002, that became effective on February 1, 2003. Since the inception of this contract, IESI has requested and received three rate increases that became effective on March 10, 2005, October 1, 2006, March 13, 2008 and March 12, 2009 with a one year extension on their contract which will expire January 31, 2011.

Representatives from IESI will be present at this City Council to address any questions or concerns that Council may have.

3. FINANCIAL/BUDGET

If IESI's request is approved as submitted, their rate would go from \$10.26 to \$11.05. The City's current rate to its customers is \$12.13 which includes both a franchise fee of 10% and State sales tax at a rate of 8.25%. At this new rate the customer will pay \$13.07 a month which is a 7.7% increase. Additional carts would go from \$3.34 each to the requested amount of \$3.60 each per month. The commercial rates increases would see a 9.8% increase.

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends approval of IESI's request for an increase in garbage rates.

6. REFERENCE FILES

- 4a. James Hare/IESI Letter
- 4b. Waste Management Letter to IESI
- 4c. Fee Schedule

October 16, 2009

Mayor Rod Hortenstine
City of Taylor
400 Porter Street
Taylor, TX 76574

Dear Mayor Hortenstine:

As your partner in providing solid waste services to the City of Taylor, IESI always strives to provide this quality service at the lowest possible price. As you know, our costs of labor, health insurance, disposal and fuel increase every year.

On March 12, 2009, IESI had requested a substantial rate increase of approximately 30% due to significant operational increases, we respectfully requested an adjustment to compensation per our agreement. The criteria was outlined in Section 14.0 Basis & Method Payment, paragraph 14.1.2 of the Addendum dated June 26, 2007, and effective October 1, 2006 to our current agreement, dated February 1, 2003. The City Council elected not to approve the full rate increase that was requested and approved a fifteen (15%) rate increase with the stipulation that IESI would have the right to come back to the City Council to petition for an additional rate increase in six (6) months. The City Council approved the new rates and adopted the new Fee Ordinance 2009-11 on March 24, 2009. Therefore, we are requesting that the City Council again consider our request for a rate increase based on the following information.

Effective April 1, 2009 we have received a significant increase in our disposal cost due to a rate increase of 49.71% (\$15.27/Ton to \$22.86/Ton) at the local landfill in which we transport and dispose of the municipal solid waste collected from your community. Therefore, we are requesting a disposal cost adjustment as provided in Section 14.0 Basis & Method Payment, paragraph 14.1.2 of the Addendum to City of Taylor Solid Waste Collection and Disposal Agreement dated June 26, 2007 and effective October 1, 2007 as further outlined on page 2, in Section 1, Adjustments to Compensation 2., Operating Cost Adjustment. The disposal cost adjustment will be 7.7% of the base rate for residential accounts. The disposal cost adjustment will be 9.8% of the base rate for all commercial accounts. The disposal cost adjustment formula to determine the disposal cost adjustments are calculated as follows:

	<u>Prior to April 1, 2009</u>	<u>April 1, 2009</u>
<u>Residential</u>		
Contract Price /Home	\$ 10.26/Mo.	\$ 10.26/Mo.
Disposal Cost /Home	\$ 1.82/Mo.	\$ 2.61/Mo.
Cost % of Rate	17.74%	25.44%
% Change		7.7%
Residential Landfill Cost Adjustment		\$ 0.79/Mo.

October 21, 2009

Commercial

Average Price/Container	\$ 112.35/Container	\$112.35/Container
Disposal Cost/Container	\$ 22.08/Container	\$ 33.06/Container
Cost % of Rate	19.65%	29.43%
% Change		9.8%

The disposal cost adjustment will equal a total adjustment to rates of **7.7%** for all **residential accounts**.
The disposal cost adjustment will equal a total adjustment to rates of **9.8%** for all **commercial accounts**.

We are requesting that this rate increase will be scheduled to take effect on December 1, 2009. The new rates will be as scheduled on following Exhibit "A".

If you have any questions do not hesitate to contact me at 512-329-1401. We truly appreciate the opportunity to be your solid waste service provider and look forward to continuing our public-private partnership.

Best Regards,

James R. Hare
District Municipal Marketing Manager
IESI Central Texas District

Attachments

Cc: Jim Dunaway, City Manager

2009 REVISED EXHIBIT "A"

Residential and Commercial Rate Schedule Effective December 1, 2009

7.7% Residential Landfill Cost Adjustment

9.8% Commercial Landfill Cost Adjustment

Solid Waste Collection

A. Residential Customers

Pick up once per week	Fees
Container Size	Base Rate
Single 96 gallon cart	\$11.05
Single 65 gallon cart	\$9.52
Each Additional cart	\$3.60

B. One time collection of bulky wastes on call

Container Size	Delivery Charge	Daily Rental	Cost Per Haul
2 cu.bic yards	\$66.67	\$4.00	\$66.67
3 cu.bic yards	\$66.67	\$4.00	\$66.67
4 cu.bic yards	\$66.67	\$4.00	\$66.67
6 cu.bic yards	\$66.67	\$4.00	\$66.67
8 cu.bic yards	\$66.67	\$4.00	\$66.67
10 cu.bic yards	\$66.67	\$4.00	\$66.67

C. Commercial Customers

Container Size	Frequency of Service	Base Fee/Month
96 Gallon Cart	One X per week pick up	\$17.37
2 cu.bic yards	One X per week pick up	\$48.11
3 cu.bic yards	One X per week pick up	\$62.97
4 cu.bic yards	One X per week pick up	\$79.66
6 cu.bic yards	One X per week pick up	\$99.57
8 cu.bic yards	One X per week pick up	\$121.14
10 cu.bic yards	One X per week pick up	\$147.67

96 Gallon Cart	Two Xs per week pick up	\$24.88
2 cu.bic yards	Two X s per week pick up	\$79.66
3 cu.bic yards	Two X s per week pick up	\$109.53
4 cu.bic yards	Two X s per week pick up	\$139.38
6 cu.bic yards	Two X s per week pick up	\$164.34
8 cu.bic yards	Two X s per week pick up	\$200.78
10 cu.bic yards	Two X s per week pick up	\$232.33

96 Gallon Cart	Three Xs per week pick up	\$30.32
2 cu.bic yards	Three Xs per week pick up	\$98.59
3 cu.bic yards	Three Xs per week pick up	\$155.98
4 cu.bic yards	Three Xs per week pick up	\$201.66

6 cu.bic yards	Three Xs per week pick up	\$243.93
8 cu.bic yards	Three Xs per week pick up	\$282.09
10 cu.bic yards	Three Xs per week pick up	\$321.92

Container Size	Frequency of Service	Base Fee/ Month
96 Gallon Cart	Four X s per week pick up	\$37.91
3 cu.bic yards	Four X s per week pick up	\$183.52
4 cu.bic yards	Four X s per week pick up	\$242.66
6 cu.bic yards	Four X s per week pick up	\$274.52
8 cu.bic yards	Four X s per week pick up	\$347.32
10 cu.bic yards	Four X s per week pick up	\$416.49

96 Gallon Cart	Five Xs per week pick up	\$46.99
3 cu.bic yards	Five Xs per week pick up	\$227.51
4 cu.bic yards	Five Xs per week pick up	\$315.16
6 cu.bic yards	Five Xs per week pick up	\$335.19
8 cu.bic yards	Five Xs per week pick up	\$438.31
10 cu.bic yards	Five Xs per week pick up	\$549.26

Delivery Charge:

20 yd. Roll-off	Per Delivery	\$115.98
30 yd. Roll-off	Per Delivery	\$115.98
40 yd. Roll-off	Per Delivery	\$115.98

Daily Rental:

20 yd. Roll-off	Per Day	\$1.79
30 yd. Roll-off	Per Day	\$1.79
40 yd. Roll-off	Per Day	\$1.79

Cost per Haul:

20 yd. Roll-off	Per Haul	\$356.85
30 yd. Roll-off	Per Haul	\$428.22
40 yd. Roll-off	Per Haul	\$499.59

D. Industrial Solid Waste Collection Services – collected by service provider

Total monthly bill of industrial customer x	+ Franchise Fee 2%
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E. Municipal Services

Service Type
Trash Pick-up

Container Size	Frequency of Service	Rate
96 Gallon Cart	Avg. Twice X per week pick up	No Charge
2 cu.bic yards	Avg. Twice X per week pick up	No Charge

3 cu.bic yards	Avg. Twice X per week pick up	No Charge
4 cu.bic yards	Avg. Twice X per week pick up	No Charge
6 cu.bic yards	Avg. Twice X per week pick up	No Charge
8 cu.bic yards	Avg. Twice X per week pick up	No Charge
10 cu.bic yards	Avg. Twice X per week pick up	No Charge

Collection and Disposal of
Solid Waste during Spring and
Fall Clean-up

IESI to provide six (6) 30 yd roll-offs per clean up (twice per year) at **NO Charge**.
Any Roll Offs used thereafter will be charged according to the schedule immediately following:

Delivery Charge:

20 yd. Roll-off	Per Delivery	No Charge
30 yd. Roll-off	Per Delivery	No Charge
40 yd. Roll-off	Per Delivery	No Charge

Daily Rental:

20 yd. Roll-off	Per Day	No Charge
30 yd. Roll-off	Per Day	No Charge
40 yd. Roll-off	Per Day	No Charge

Cost per Haul:

20 yd. Roll-off	Per Haul	\$212.19
30 yd. Roll-off	Per Haul	\$282.91
40 yd. Roll-off	Per Haul	\$353.64

Collection and Disposal of
Dead Animals from the City's
Animal Shelter

As determined by IESI	Twice X per week pick up	No Charge
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Collection and Disposal of
Sludge from the Municipal
Wastewater Treatment Plant

Cost per haul

30 yd Roll Off	As needed	\$445.59
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WASTE MANAGEMENT

800 Gessner, Suite 1100
Houston, TX 77024
(713) 647-5450
(713) 647-5466 Fax

March 20th, 2009

Mr. John Gustafson
IESI TX Corporation
2301 Eagle Parkway, Suite 200
Fort Worth, Texas 76177

Subject: Williamson County Landfill

Dear John:

This letter will serve as notice that Waste Management will be implementing a price increase for services charged to IESI TX in accordance with the provisions of the Solid Waste Disposal Agreement effective April 1, 2009. As detailed in Exhibit "C" and Article 5, Section 5.1, under the Agreement, the Year 1 disposal rates will be in effect. The effective disposal rate changes are as follows:

MSW: \$7.59/Ton

**The disposal rate increase above includes all fees and surcharges. The disposal rate changes above do not include any other waste including special waste or special handling waste not included under the agreement.*

All other terms and conditions of the agreement including amendments remain in full force and effect. Should you have any questions, please do not hesitate to contact me at 713-647-5459.

Sincerely Yours,
Waste Management of Texas, Inc.

Mike Thompson
Manager, Third Party Landfill Revenue/Texas

From everyday collection to environmental protection, Think Green. Think Waste Management.

Exhibit A

Fee Schedule for City Services 2009-10
Effective December 1, 2009

III. Public Works

Solid Waste Collection

A. Residential Customers- collected by City on monthly utility bill

Pick up once per week				
Single 96 gallon cart	\$ 10.26	\$ 1.03	\$ 0.85	\$ 12.13
Single 65 gallon cart	\$ 8.84	\$ 0.88	\$ 0.73	\$ 10.45
Each Additional cart	\$ 3.34	\$ 0.33	\$ 0.28	\$ 3.95

NEW RATES-7.7% increase

Pick up once per week				
Single 96 gallon cart	\$ 11.05	\$ 1.11	\$ 0.91	\$ 13.07
Single 65 gallon cart	\$ 9.52	\$ 0.95	\$ 0.79	\$ 11.26
Each Additional cart	\$ 3.60	\$ 0.36	\$ 0.30	\$ 4.26

B. One time collection of bulky wastes on call

2 cu. Yards	\$60.72	\$3.65	\$60.72
3 cu. Yards	\$60.72	\$3.65	\$60.72
4 cu. Yards	\$60.72	\$3.65	\$60.72
6 cu. Yards	\$60.72	\$3.65	\$60.72
8 cu. Yards	\$60.72	\$3.65	\$60.72
10 cu. Yards	\$60.72	\$3.65	\$60.72

New Rates-9.8% increase

New Rates-9.6% increase

2 cu. Yards	\$66.67	\$4.00	\$66.67
3 cu. Yards	\$66.67	\$4.00	\$66.67
4 cu. Yards	\$66.67	\$4.00	\$66.67
6 cu. Yards	\$66.67	\$4.00	\$66.67
8 cu. Yards	\$66.67	\$4.00	\$66.67
10 cu. Yards	\$66.67	\$4.00	\$66.67

C. Commercial Customers- Monthly price includes 8.25% sales tax and 10% franchise fee.

96 Gallon Cart	One X per week pick up	\$ 15.82	\$ 1.58	\$ 1.31	\$ 18.71	\$ 25.00
2 cu. Yards	One X per week pick up	\$ 43.82	\$ 4.38	\$ 3.62	\$ 51.82	\$ 25.00
3 cu. Yards	One X per week pick up	\$ 57.35	\$ 5.74	\$ 4.73	\$ 67.82	\$ 35.00
4 cu. Yards	One X per week pick up	\$ 72.55	\$ 7.26	\$ 5.99	\$ 85.79	\$ 45.00
6 cu. Yards	One X per week pick up	\$ 90.68	\$ 9.07	\$ 7.48	\$ 107.23	\$ 55.00
8 cu. Yards	One X per week pick up	\$ 110.33	\$ 11.03	\$ 9.10	\$ 130.47	\$ 65.00
10 cu. Yards	One X per week pick up	\$ 134.49	\$ 13.45	\$ 11.10	\$ 159.03	\$ 75.00

96 Gallon Cart	Two Xs per week pick up	\$ 22.66	\$ 2.27	\$ 1.87	\$ 26.79	\$ 25.00
2 cu. Yards	Two Xs per week pick up	\$ 72.55	\$ 7.26	\$ 5.99	\$ 85.79	\$ 25.00
3 cu. Yards	Two Xs per week pick up	\$ 99.75	\$ 9.98	\$ 8.23	\$ 117.96	\$ 35.00
4 cu. Yards	Two Xs per week pick up	\$ 126.94	\$ 12.69	\$ 10.47	\$ 150.10	\$ 45.00
6 cu. Yards	Two Xs per week pick up	\$ 149.67	\$ 14.97	\$ 12.35	\$ 176.99	\$ 55.00
8 cu. Yards	Two Xs per week pick up	\$ 182.86	\$ 18.29	\$ 15.09	\$ 216.23	\$ 65.00
10 cu. Yards	Two Xs per week pick up	\$ 211.59	\$ 21.16	\$ 17.46	\$ 250.20	\$ 75.00

96 Gallon Cart	Three Xs per week pick up	\$ 27.61	\$ 2.76	\$ 2.28	\$ 32.65	\$ 25.00
2 cu. Yards	Three Xs per week pick up	\$ 89.79	\$ 8.98	\$ 7.41	\$ 106.18	\$ 25.00
3 cu. Yards	Three Xs per week pick up	\$ 142.06	\$ 14.21	\$ 11.72	\$ 167.99	\$ 35.00
4 cu. Yards	Three Xs per week pick up	\$ 183.66	\$ 18.37	\$ 15.15	\$ 217.18	\$ 45.00
6 cu. Yards	Three Xs per week pick up	\$ 222.16	\$ 22.22	\$ 18.33	\$ 262.70	\$ 55.00
8 cu. Yards	Three Xs per week pick up	\$ 256.91	\$ 25.69	\$ 21.20	\$ 303.80	\$ 65.00
10 cu. Yards	Three Xs per week pick up	\$ 293.19	\$ 29.32	\$ 24.19	\$ 346.70	\$ 75.00

96 Gallon Cart	One X per week pick up	\$ 17.37	\$ 1.74	\$ 1.43	\$ 20.54	\$ 25.00
2 cu. Yards	One X per week pick up	\$ 48.11	\$ 4.81	\$ 3.97	\$ 56.89	\$ 25.00
3 cu. Yards	One X per week pick up	\$ 62.97	\$ 6.30	\$ 5.20	\$ 74.46	\$ 35.00
4 cu. Yards	One X per week pick up	\$ 79.66	\$ 7.97	\$ 6.57	\$ 94.20	\$ 45.00
6 cu. Yards	One X per week pick up	\$ 99.57	\$ 9.96	\$ 8.21	\$ 117.74	\$ 55.00
8 cu. Yards	One X per week pick up	\$ 121.14	\$ 12.11	\$ 9.99	\$ 143.25	\$ 65.00
10 cu. Yards	One X per week pick up	\$ 147.67	\$ 14.77	\$ 12.18	\$ 174.62	\$ 75.00

96 Gallon Cart	Two Xs per week pick up	\$ 24.88	\$ 2.49	\$ 2.05	\$ 29.42	\$ 25.00
2 cu. Yards	Two Xs per week pick up	\$ 79.66	\$ 7.97	\$ 6.57	\$ 94.20	\$ 25.00
3 cu. Yards	Two Xs per week pick up	\$ 109.53	\$ 10.95	\$ 9.04	\$ 129.52	\$ 35.00
4 cu. Yards	Two Xs per week pick up	\$ 139.38	\$ 13.94	\$ 11.50	\$ 164.82	\$ 45.00
6 cu. Yards	Two Xs per week pick up	\$ 164.34	\$ 16.43	\$ 13.56	\$ 194.33	\$ 55.00
8 cu. Yards	Two Xs per week pick up	\$ 200.78	\$ 20.08	\$ 16.56	\$ 237.42	\$ 65.00
10 cu. Yards	Two Xs per week pick up	\$ 232.33	\$ 23.23	\$ 19.17	\$ 274.73	\$ 75.00

96 Gallon Cart	Three Xs per week pick up	\$ 30.32	\$ 3.03	\$ 2.50	\$ 35.85	\$ 25.00
2 cu. Yards	Three Xs per week pick up	\$ 98.59	\$ 9.86	\$ 8.13	\$ 116.58	\$ 25.00
3 cu. Yards	Three Xs per week pick up	\$ 155.98	\$ 15.60	\$ 12.87	\$ 184.45	\$ 35.00
4 cu. Yards	Three Xs per week pick up	\$ 201.66	\$ 20.17	\$ 16.64	\$ 238.46	\$ 45.00
6 cu. Yards	Three Xs per week pick up	\$ 243.93	\$ 24.39	\$ 20.12	\$ 288.45	\$ 55.00
8 cu. Yards	Three Xs per week pick up	\$ 282.09	\$ 28.21	\$ 23.27	\$ 333.57	\$ 65.00
10 cu. Yards	Three Xs per week pick up	\$ 321.92	\$ 32.19	\$ 26.56	\$ 380.67	\$ 75.00

96 Gallon Cart	Four X s per week pick up	\$ 34.53	\$ 3.45	\$ 2.85	\$ 40.84	\$ 25.00
3 cu. Yards	Four X s per week pick up	\$ 167.14	\$ 16.71	\$ 13.79	\$ 197.64	\$ 35.00
4 cu. Yards	Four X s per week pick up	\$ 221.00	\$ 22.10	\$ 18.23	\$ 261.33	\$ 45.00
6 cu. Yards	Four X s per week pick up	\$ 250.01	\$ 25.00	\$ 20.63	\$ 295.64	\$ 55.00
8 cu. Yards	Four X s per week pick up	\$ 316.32	\$ 31.63	\$ 26.10	\$ 374.05	\$ 65.00
10 cu. Yards	Four X s per week pick up	\$ 379.32	\$ 37.93	\$ 31.29	\$ 448.54	\$ 75.00

96 Gallon Cart	Five X s per week pick up	\$ 42.80	\$ 4.28	\$ 3.53	\$ 50.61	\$ 25.00
3 cu. Yards	Five X s per week pick up	\$ 207.20	\$ 20.72	\$ 17.09	\$ 245.01	\$ 35.00
4 cu. Yards	Five X s per week pick up	\$ 287.03	\$ 28.70	\$ 23.68	\$ 339.41	\$ 45.00
6 cu. Yards	Five X s per week pick up	\$ 305.27	\$ 30.53	\$ 25.18	\$ 360.98	\$ 55.00
8 cu. Yards	Five X s per week pick up	\$ 399.19	\$ 39.92	\$ 32.93	\$ 472.04	\$ 65.00
10 cu. Yards	Five X s per week pick up	\$ 500.24	\$ 50.02	\$ 41.27	\$ 591.53	\$ 75.00

96 Gallon Cart	Four X s per week pick up	\$ 37.91	\$ 3.79	\$ 3.13	\$ 44.83	\$ 25.00
3 cu. Yards	Four X s per week pick up	\$ 183.52	\$ 18.35	\$ 15.14	\$ 217.01	\$ 35.00
4 cu. Yards	Four X s per week pick up	\$ 242.66	\$ 24.27	\$ 20.02	\$ 286.95	\$ 45.00
6 cu. Yards	Four X s per week pick up	\$ 274.52	\$ 27.45	\$ 22.65	\$ 324.62	\$ 55.00
8 cu. Yards	Four X s per week pick up	\$ 347.32	\$ 34.73	\$ 28.65	\$ 410.71	\$ 65.00
10 cu. Yards	Four X s per week pick up	\$ 416.49	\$ 41.65	\$ 34.36	\$ 492.50	\$ 75.00

96 Gallon Cart	Five X s per week pick up	\$ 46.99	\$ 4.70	\$ 3.88	\$ 55.57	\$ 25.00
3 cu. Yards	Five X s per week pick up	\$ 227.51	\$ 22.75	\$ 18.77	\$ 269.03	\$ 35.00
4 cu. Yards	Five X s per week pick up	\$ 315.16	\$ 31.52	\$ 26.00	\$ 372.68	\$ 45.00
6 cu. Yards	Five X s per week pick up	\$ 335.19	\$ 33.52	\$ 27.65	\$ 396.36	\$ 55.00
8 cu. Yards	Five X s per week pick up	\$ 438.31	\$ 43.83	\$ 36.16	\$ 518.30	\$ 65.00
10 cu. Yards	Five X s per week pick up	\$ 549.26	\$ 54.93	\$ 45.31	\$ 649.50	\$ 75.00

Delivery Charge:

20 yd Roll-off	Per Delivery	\$ 105.63	\$ 10.56	\$ 8.71	\$ 124.90
30 yd Roll-off	Per Delivery	\$ 105.63	\$ 10.56	\$ 8.71	\$ 124.90
40 yd Roll-off	Per Delivery	\$ 105.63	\$ 10.56	\$ 8.71	\$ 124.90

20 yd Roll-off	Per Delivery	\$ 115.98	\$ 11.60	\$ 9.57	\$ 137.15
30 yd Roll-off	Per Delivery	\$ 115.98	\$ 11.60	\$ 9.57	\$ 137.15
40 yd Roll-off	Per Delivery	\$ 115.98	\$ 11.60	\$ 9.57	\$ 137.15

Daily Rental:

20 yd Roll-off	Per Day	\$ 1.63	\$ 0.16	\$ 0.13	\$ 1.93
30 yd Roll-off	Per Day	\$ 1.63	\$ 0.16	\$ 0.13	\$ 1.93
40 yd Roll-off	Per Day	\$ 1.63	\$ 0.16	\$ 0.13	\$ 1.93

20 yd Roll-off	Per Day	\$ 1.79	\$ 0.18	\$ 0.15	\$ 2.12
30 yd Roll-off	Per Day	\$ 1.79	\$ 0.18	\$ 0.15	\$ 2.12
40 yd Roll-off	Per Day	\$ 1.79	\$ 0.18	\$ 0.15	\$ 2.12

Cost per Haul:

20 yd Roll-off	Per Haul	\$ 325.00	\$ 32.50	\$ 26.81	\$ 384.31
30 yd Roll-off	Per Haul	\$ 390.00	\$ 39.00	\$ 32.18	\$ 461.18
40 yd Roll-off	Per Haul	\$ 455.00	\$ 45.50	\$ 37.54	\$ 538.04

20 yd Roll-off	Per Haul	\$ 356.85	\$ 35.69	\$ 29.44	\$ 421.98
30 yd Roll-off	Per Haul	\$ 428.22	\$ 42.82	\$ 35.33	\$ 506.37
40 yd Roll-off	Per Haul	\$ 499.59	\$ 49.96	\$ 41.22	\$ 590.77



***City Council Meeting
November 12, 2009
Agenda Item Transmittal***

Agenda Item #: 5

Agenda Title: Conduct Public Hearing regarding annexation of approximately 2,391 acres of property located on the north along both sides of Main Street, the east along both sides of US 79, on the south to the west of US 95, and on the west along the east side of CR 101 on both sides of CR 395.

Council Action to be taken: Conduct the Public Hearing

Initiating Department(s): City Manager, Public Works, Engineering, Community Development.

Staff Contact: John Elsdon, AICP
City Planner

1. INTRODUCTION/PURPOSE

The purpose of this item is to hold a public hearing for the 2009 annexations.

2. DESCRIPTION/ JUSTIFICATION

The areas contemplated for annexation are on the north along both sides of Main Street, the east along both sides of US 79, on the south to the west of US 95, and on the west along the east side of CR 101 on both sides of CR 395. All annexations go to the extent of the City's Extraterritorial Jurisdiction. This annexation was initiated by City Council on September 29, 2009.

Annexation is a critical right of municipalities in order to expand their tax base and provide the services expected of them by its citizens. Physical growth of the City is also a crucial economic development tool. As communities grow in population, they must maintain their financial ability to serve the community and maintain or increase the standard of living for its residents. The expansion of the tax base will help the City to continue to provide services that are necessary for the area.

Chapter 4 of the Comprehensive Plan, which is the Land Use Chapter, includes an Annexation Strategy. During its history, the City of Taylor has continued to annex lands on all sides to ensure not only growth of the City, but also the City's ability to plan for future development that will occur.

b) Issues and Analysis

Annexation law limits the City to annex no more than ten percent per year, or up to 30 percent of its land area if the City has not annexed in the past three years. The City's current size is 9,830 acres. The last large annexation the City completed was in 2006 when it annexed 1,111 acres. Smaller annexations also occurred during 2007 and 2008 totaling less than 100 acres. The proposed 2009 annexations total 2,391 acres, or about 24% of the existing City acreage.

A total of two public hearings are scheduled for the annexations, this one on November 12 and the next on November 24. Notices were sent to property owners being annexed, service and utility providers, the school district, Taylor Daily Press, and the Southern Pacific Railroad.

Since the City has a website, the notice was also posted on the website as required by law.

A Service Plan was prepared as part of the annexations, and will be made available to the public at this meeting. This plan outlines how the City will provide services to the newly annexed area. These services include police and fire, solid waste pick-up, water, wastewater, fire protection, library, code enforcement, planning, etc. This plan mirrors the plan developed back in 2006. Also included in your packet is a cost estimate to provide fire protection to the area.

The City is required to send all agricultural, timber and wildlife exempt property owners the option to sign a Development Agreement (Local Government Code, amendment adopted 2007). About one-half of the property value for these annexations is agriculturally exempt. The Development Agreement permits the owner(s) to avoid annexation for up to fifteen years, and requires them to have no development or platting of their property during this period. If the property owner breaks the terms of the agreement, the land will automatically be annexed voluntarily into the City. The legislation also states that the property owners may extend the agreement for up to two additional fifteen year periods, but in no case can it exceed 45 years. The property owners will have until December 2009 to return the signed Agreements to the City, at which time they will be submitted to the City Council for approval.

The annexation maps, development agreement and service plan are attached.

3. FINANCIAL/BUDGET

Not applicable at this time.

4. TIMELINE CONSIDERATIONS

The annexations are expected to be complete by the end of 2009.

5. RECOMMENDATION

Staff recommends that the Council hold the public hearing for the proposed annexation and hold a second public hearing on November 24, 2009.

6. REFERENCE FILES

- 5a. Annexation Map
- 5b. 2009 Annex Ag Owners
- 5c. Service Plan
- 5d. Conflict of Interest form for Ella Jez

2009 Annexation

- Legend**
- Chandler Road 3a
 - Chandler Road 3b
 - 2010 ETJ
 - 2010 City Limits
 - 2009 Current City Limits
 - 2009 ETJ Statutory
 - Annex Tracts
 - 10ft Contours
 - Hutto E. T. J. 1-2009
 - ETJ & Extra ETJ



2009 Annexation Data

City/County	Est. of Acres to Annex
Current City Size	9,830 Ac
2009 Proposed	26%
Est. Total	12,775.00 Ac

2009 Proposed Annex 3

Annex A3-1	381.825 Ac
Annex B2	595.262 Ac
Annex C3	803.485 Ac
Annex D3	609.234 Ac
Total	2,391.306 Ac

24.33%

**City of Taylor
Annexation Service Plan
November 1, 2009**

The following is a plan whereby City services will be provided to proposed annexation areas, located primarily adjacent to the present City limits. The services will be provided to the area according to the following plan upon annexation.

FIRE

Fire suppression will be available to the area upon annexation. Adequate fire suppression activities can be provided to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Taylor Fire Department as needed.

POLICE

Upon annexation, the City of Taylor Police Department will extend regular and routine patrols to the annexed area. Implementation of police patrol activities can be accommodated within the current budget and staff appropriation.

EMERGENCY MEDICAL SERVICES

Emergency Medical Services will be provided by Williamson County EMS and the City of Taylor Fire Department as needed in accordance with City policies and state laws.

BUILDING INSPECTION

Building inspection, permit issuance, and code enforcement according to applicable codes and law will be conducted by the City upon annexation.

PLANNING AND ZONING

City development ordinances will apply upon annexation and the City will provide the administrative services pertaining to planning, zoning, development and routine City Code enforcement service by present personnel, equipment and facilities.

PARKS AND RECREATION

Upon annexation, current City parks and recreation facilities will be available to residents of the annexed area.

LIBRARY

Upon annexation City library use will be available to residents of the annexed area according to rules promulgated by the City for library use.

HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

The Williamson County and Cities Health District and the City provides enforcement of the City health ordinances and regulations and the enforcement will apply upon annexation.

STREETS AND RIGHTS OF WAY

Maintenance of annexed streets and rights of way, as appropriate, will include emergency maintenance, repairs of hazardous potholes, and measures necessary for traffic flow; routine maintenance presently performed within the City; reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other improvements as needed and determined by the City under City policies; installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need is established by appropriate study and traffic standards and City policy; installation and maintenance of street lighting in accordance with established City policies.

WATER SERVICE AND MAINTENANCE OF WATER FACILITIES

Water service will be provided in accordance with the applicable codes and departmental policy. Inspection of water distribution lines will be provided under the statutes of the State of Texas. Water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City and subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. Water services will be provided to the annexed area at the expense of the developer thereof in accordance with the then current development standards and subdivision regulations of the City.

SANITARY SEWER SERVICE AND MAINTENANCE

Sanitary sewer service will be provided in accordance with applicable codes and departmental policy as development occurs within the annexation area. Sewer service will be provided by the City utility department on the same terms, conditions, and requirements applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its policies. Sanitary sewer services will be provided to the annexed area at the expense of the

developer thereof in accordance with the then current development standards and subdivision regulation of the City.

SOLID WASTE SERVICES

Solid waste collection and services now provided to the citizens of the City will be provided in accordance with applicable ordinances, policies and laws.

CAPITAL IMPROVEMENTS

No capital improvements are planned for the annexed area but if any are undertaken they will be initiated and substantially completed according to City policies and State law.

OTHER SERVICES

The annexed area will be provided a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of service, infrastructure, and infrastructure maintenance in other parts of the City, with topography, land use, and population density similar to those reasonably contemplated or projected in the annexed area and as required by law.

If you have any questions or concerns, please call John Elsdon, City Planner, at 512-365-3863, or email at john.elsden@taylortx.gov

COUNTY OF WILLIAMSON

CITY OF TAYLOR

AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared the under-signed Affiant who, after being by me first duly sworn, deposes and says on oath as follows, to wit:

1. Affiant is a resident of the City of Taylor, Williamson County, Texas, over the age of 21 years and is fully capable of making this Affidavit;
2. Affiant is a duly elected, qualified, and serving member of the Taylor City Council.
3. This Affidavit is intended to comply with Section 171.001 et seq of the Local Government code regulating conflicts of interest of certain governmental officials and the action being contemplated may have a special economic effect on the business entity or real property distinguishable from the effect on the public.
4. The possible conflict of interest may be a “substantial interest” and is as follows:

Property owner of an area under consideration for annexation.

5. Or I do not have a “substantial interest” as defined by Chapter 171 of the Texas Local Government Code, and I am filing this affidavit so to avoid the appearance of impropriety.

WITNESS MY HAND, this the _____ day of _____, 2009.

Ella Jez, Mayor Pro Tem

SUBSCRIBED AND SWORN to before me, this the _____ day of _____, 2009.

Susan L. Brock
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

(affidavit)



***City Council Meeting
November 12, 2009
Agenda Item Transmittal***

Agenda Item #: 6

Agenda Title: Conduct 1st Public Hearing regarding the establishment of a Municipal Drainage Utility System (MDUS).

Council Action to be taken: Conduct Public Hearing

Initiating Department: City Administration

Staff Contact: **Jim D. Dunaway, City Manager**
Casey Sledge, Consulting City Engineer

1. INTRODUCTION/PURPOSE

This is the first of a couple of public hearings that are to be held on the creation of the Municipal Drainage Utility District. The ordinance creating the MDUS, in its entirety, has been published twice in the Taylor Daily Press and will be published one more time prior to final action on this ordinance. Please be reminded that the ordinance attached here within does not include a fee schedule, nor does it provide for any exemptions other than the State required ones. It is Staff's intentions to bring both of these items before you in a workshop format after the creation of the utility.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

6a. MDUS Ordinance 2009-32

ORDINANCE 2009-32

AN ORDINANCE OF THE CITY OF TAYLOR ENTITLED "MUNICIPAL DRAINAGE UTILITY SYSTEM", ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM; SETTING FORTH DEFINITIONS; ESTABLISHING AND CALCULATING DRAINAGE UTILITY CHARGES AND CATEGORIES AND MONTHLY DRAINAGE UTILITY FEES; ESTABLISHING THE BILLING AND PAYMENT OF DRAINAGE UTILITY FEES; PROVIDING FOR AN APPEAL AND HEARING PROCESS; PROVIDING PENALTIES AND REMEDIES FOR FAILURE TO PAY FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the City of Taylor ("City") there is an existing drainage system which has been developed over a number of years for the purpose of collecting and disposing of storm water runoff; and

WHEREAS, it will be necessary and essential to ensure that the collection of storm water runoff and control of storm water within the City limits adequately protects the health, safety, and welfare of the citizens of the City including, but not limited to, the protection from loss of life and damage to property caused by surface water overflows and surface water stagnation; and

WHEREAS, the City Council finds that impervious cover increases and alters runoff and associated pollutants, making it is necessary and essential that the City address the various environmental issues that may further burden its storm water infrastructure requirements; and

WHEREAS, the City Council directs the City to provide storm water service for all real property in the proposed service area in a nondiscriminatory, reasonable, and equitable terms; and

WHEREAS, Chapter 402, Subchapter C of the Texas Local Government Code (the "Act"), as amended, authorizes the City to establish a municipal drainage utility system within the boundaries of the City; and

WHEREAS, the Act authorizes the City to provide rules for the use, operation and financing of the drainage utility system; and

WHEREAS, the Act authorizes the City to prescribe basis upon which to fund the municipal drainage utility system and to assess the fees and charges to support the municipal drainage utility system; and

WHEREAS, the Act authorizes the City to provide exemptions of certain governmental and other entities or persons from the payment of these charges; and

WHEREAS, through the adoption of this ordinance, the City desires to establish rules to support the City's adoption of the Act and the City's declaration that the drainage utility system of the City to be a public utility; and

WHEREAS, in setting the schedule of charges for drainage utility service, the calculations are based on an inventory of the parcels within the City and the development on the benefited properties; and

WHEREAS, it is the intent of the City to fund a drainage utility system that fairly and equitably allocates the cost of storm water control to properties in proportion to storm water runoff potential for each type of property.

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

SECTION I.

DEFINITIONS

The following definitions apply to the establishment and the operation of the Drainage Utility System:

(1) Act means Chapter 402, Subchapter C of the Texas Local Government Code.

(2) Benefitted Property means an improved or developed parcel, lot or tract to which storm water service is made available.

(3) Customer means the person(s) or entity(ies) that is recorded as the customer, or user of utility services for a parcel as recorded in the records of the City's utility or tax billing system.

(4) Developed Property means a lot or tract that has been improved with impervious surface. Improved refers to a lot or parcel that has been changed from its natural state.

(5) Director means the City Manager or the designated representative.

(6) Drainage Infrastructure means the property, real, personal or mixed, that is used in providing storm water capabilities and capacity to manage and control storm water runoff for the Drainage Utility System, including bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, retention ponds, ditches, drains, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

(7) Drainage Utility Fee means the charge, including interest and penalties paid by the Customer/Owner of a Benefitted Property for services provided by the Drainage Utility System including, but not limited to, the items described in "cost-of-service" in Section 402.044(2) of the Act and any charges for future funding of the Drainage Utility System construction as described in Section 402.044(4).

(8) Drainage Utility System means the Drainage Utility System owned or controlled, in whole or in part by the City, including the City's existing storm water and drainage facilities, materials, and supplies, and dedicated to the service of Benefitted Properties, and including provision for additions, extensions, and improvements thereto and replacements thereof.

(9) Drainage Utility Only Account means a utility billing account that is established for the sole purpose of billing applicable Drainage Utility Fees where no other utility services are provided through the City.

(10) Equivalent Residential Unit or ERU means 2,500 square feet of impervious area or surface.

(11) Impervious Area or Impervious Surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water and does not have a natural state of vegetative cover. Impervious areas include, but are not limited to, compacted soils with a surface treatment, gravel or crushed stone surfaces, asphalt or concrete pavement, buildings, pavement, parking lots, driveways, sidewalks, private roads and other man-made structure, surface, or uses that is built or laid on the natural surface of the land which has the effect of increasing, concentrating, or otherwise altering storm water runoff so that flows are increased.

(12) Non Residential Property means all Developed Properties within the City that are not used for residential purposes. Multi-Family Residential Property is considered as Non Residential Property in this ordinance.

(13) Owner means the person(s) or entity(ies) recorded as the owner of a lot or parcel as recorded in the records of the Williamson County Appraisal District.

(14) Parcel means one (1) or more lots or tracts, or portions of lots or tracts.

(15) Residential Property means any property platted, zoned or used for single or two (2) family residential development upon which a single or two (2) family home has been constructed or placed, including manufactured homes.

(16) Storm Water Runoff Potential means relative potential for causing storm water runoff quantities or velocities from a parcel based on the type of development or land use on the parcel.

(17) Wholly Sufficient and Privately Owned Drainage System means land and facilities owned and operated by a person or entity other than the City's Drainage Utility System, the storm water from which does not discharge under any storm frequency event or conditions into a creek, river, slough, culvert, channel, other infrastructure or facility that is part of the City's Drainage Utility System.

SECTION II.

ESTABLISHMENT OF STORM WATER UTILITY

(A) The City Council finds, as required by Section 402.045(b), Adoption of System; Rules, of the Texas Local Government Code, that the City shall:

- (1) Establish a schedule of drainage charges against all real property in the proposed service area subject to charges;
- (2) Provide drainage service for all real property in the proposed area upon payment of drainage charges (except real property that is exempt from such charges); and
- (3) Offer drainage service on nondiscriminatory, reasonable, and equitable terms.

(B) Chapter 402, Municipal Utilities, Subchapter C, Municipal Drainage Utility Systems, of the Texas Local Government Code is adopted, and this ordinance shall be administered in accordance with its provisions.

(C) The Drainage Utility System of the City is declared to be a public utility. Existing facilities are incorporated in the Drainage Utility as permitted by Section 402.046, Incorporation of Existing Facilities, of the Texas Local Government Code.

SECTION III.

SERVICE AREA

The Drainage Utility service area is the area of land located within the city limits of the City of Taylor except as provided in Section XI. Upon the effective dates of completed annexation of additional lands into the City of Taylor, each such annexed additional land shall become part of the service area. Land annexed for limited purposes shall become part of the service area upon annexation for full purposes.

SECTION IV.

ESTABLISHMENT OF A DRAINAGE UTILITY FEE

- (A) A Drainage Utility Fee is hereby established.
- (B) The Drainage Utility Fee shall be paid by the user of each Benefitted Property in the service area.
- (C) The Drainage Utility Fee is based on:
- (1) the developed use of the Benefitted Property; and
 - (2) the measured or estimated amount of impervious area or surface on the Benefitted Property.

SECTION V.

CATEGORIES OF DRAINAGE UTILITY RATES

(A) The City Council finds that impervious cover increases runoff and associated pollutants. For the purposes of calculating the Drainage Utility Fee, an ERU shall be the established standard billing unit. Each Benefitted Property shall be categorized as one of the following:

- (1) Residential Property. Residential Property shall be determined based on the most recent Williamson County Appraisal District property data. The median single family residential parcel in Taylor has been determined to have approximately 2,500 square feet of impervious area or surface or one (1) ERU.
- (2) Non Residential Property. Fees for Non Residential Benefitted Properties shall be based on the total estimated impervious area on each parcel divided by 2,500 square feet to determine the number of ERUs or billing units.

(B) The City Council finds that it is equitable to assess the Drainage Utility Fee to each Residential user on a flat rate basis.

(C) The City Council finds that it is equitable to assess the Drainage Utility Fee to each Non Residential user on the basis of the number of ERUs in a parcel, which shall be obtained by dividing the estimated impervious area or surface by 2,500 square feet. The calculated number of ERUs will be rounded to the nearest whole integer to determine the monthly fee.

(D) The City Council may review the schedule of rates at any time and may, by ordinance, increase or decrease said rates within the schedule, upon a reasonable determination that said increase or decrease is warranted.

SECTION VI.

BILLING FOR DRAINAGE UTILITY FEE

(A) The Drainage Utility Fee shall be shown as a separate listing on the monthly water utility bill from the City.

(B) The Drainage Utility Fee will be charged to the Customer/Owner currently established as the responsible party for City's water utility service.

(C) For a parcel that is not occupied by a customer that may use water, wastewater, solid waste or other utility service and considered by the City to be vacant, either on a temporary or permanent basis, the City may bill the owner of the parcel for the Drainage Utility Fee.

(D) Where the City does not bill water, sewer or solid waste to a Customer/Owner, the City is hereby authorized to establish a "Drainage Utility Only Account" and to bill the Drainage Utility Fee to either the Customer/Owner.

(E) Any charge due hereunder which is not paid when due may be recovered in an action at law by the City. In accordance with Chapter 402.050 of the Texas Local Government Code failure of a user of the Drainage Utility System to pay the charges promptly when due shall subject such user to any remedy or penalty provided by law or in this Section, including discontinuance of any utility services provided by the City and placement of a lien against the property.

SECTION VII.

DRAINAGE UTILITY FUND

- (A) A Drainage Utility fund is created.
- (B) The Drainage Utility fund shall be administered in accordance with Section 402.048, Segregation of Income, of the Texas Local Government Code.

SECTION VIII.

ADMINISTRATION; RULES

- (A) The Director shall administer this ordinance.
- (B) The Director shall promulgate rules necessary to administer this ordinance.

SECTION IX.

APPEALS

(A) Subject to the restrictions set forth in this Section, any Customer/Owner who believes the calculation or determination of the Drainage Utility Fee assessed against them to be incorrect may appeal the fees to the Director; and the Director shall evaluate the appeal based on the methodologies for calculating the Drainage Utility Fee set forth in this Ordinance.

(B) The appeal shall be in writing and set forth, in detail, the relief sought, the grounds upon which relief is sought and whether the petitioner requests a hearing on its appeal.

(C) The appeal shall be filed with such Director within fifteen (15) business days of the Customer/Owner receiving the billing statement from the City. The billing statement shall be deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.

(D) Failure to submit a timely written appeal for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or reviews on such billing statement.

(E) The Customer/Owner requesting an adjustment may be required, at the Customer/Owner's cost, to provide supplemental information to the Director, including but not limited to survey data approved by a Texas licensed professional land surveyor, engineering reports approved by a Texas licensed professional engineer, or other documentation the Director deems necessary. Failure to provide requested information in a timely manner may result in the denial of the adjustment request.

(F) Within a reasonable time of the submittal of an appeal, the Director shall either grant the petition and modify the Drainage Utility Fee assessed; deny the petition if no adjustment is warranted; or a hearing is deemed necessary by the Director, set a hearing on the petition for appeal.

SECTION X.

HEARINGS

- (A) If a hearing is deemed necessary by the Director, then the Director shall set a hearing to determine if an adjustment should be made to the Drainage Utility Fee assessed to the Customer/Owner.
- (B) Written notice of the hearing shall be served on the petitioner at least fifteen (15) days prior to the hearing. Notice shall be served in person or by certified mail, return receipt requested.
- (C) Notice shall specify the date, time and place of the hearing.
- (D) Notice shall be deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.
- (E) For purposes of this Section, the Director shall be empowered to administer oaths and to promulgate procedural rules for the conduct of the hearing.
- (F) Decisions shall be based on a preponderance of the evidence and the petitioner shall have the burden of proof to demonstrate that the Drainage Utility Fee is not applicable, that the petitioner's property is exempt from the charge, that the Drainage Utility Fee was calculated incorrectly or that the determination of the value of the Drainage Utility Fee was not calculated according to the applicable Drainage Utility Fee schedule or the guidelines established in this ordinance.
- (G) The Director shall act as the hearing officer.
- (H) After the conclusion of the hearing, the Director shall make written findings and shall issue a written decision without undue delay.
- (I) The decision of the Director shall be final.

SECTION XI.

EXEMPTIONS

The following entities or persons shall be exempt from this ordinance:

- (A) Any property to which a mandatory exemption under Chapter 402.053 of the Local Government Code applies, including without limitation:
- (1) Property with proper construction and maintenance of a wholly sufficient and privately owned storm water system that does not discharge under any storm frequency events or conditions to waterways controlled or maintained by the City;
 - (2) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City for maintenance; and
 - (3) A subdivided parcel or lot, until a structure has been built on the lot and a certificate of occupancy has issued, or the municipality has taken another official action to release the property for occupancy.
- (B) Any property to which a mandatory exemption under Chapter 430.003 of the Local Government Code applies, including without limitation:
- (1) a state agency; and
 - (2) a public institution of higher education.

SECTION XII.

NO WAIVER OF IMMUNITY

This Ordinance does not warrant, guarantee, or provide any assurance that a Benefitted Property will be free from flooding or erosion, and does not create additional duties on the part of the City. The Ordinance does not waive the City's immunity under any law.

SECTION XIII.

CUMULATIVE PROVISIONS

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Taylor, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION XIV.

SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrase, clause, sentence, paragraph or section of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XV.

PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION XVI.

RIGHTS AND REMEDIES

All rights and remedies of the City of Taylor, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended herein, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION XVII.

PUBLICATION

The City Secretary of the City of Taylor, Texas, is hereby directed to publish the caption of this ordinance for two (2) days in the official newspaper of the City of Taylor, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION XVIII.

EFFECTIVE DATE

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 8th day of October, 2009.

PASSED, APPROVED AND ADOPTED on this the _____ day of _____, 2009.

Rodney Horntetine,
Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hagg, City Attorney



***City Council Meeting
November 12, 2009
Agenda Item Transmittal***

Agenda Item #: 7
Agenda Title: Consider introduction of Ordinance 2009-27 amending the Taylor Sign Ordinance relating to Freestanding Commercial Signs

Council Action to be taken: Introduce Ordinance 2009-27

Initiating Department: Community Development

Staff Contact: John Elsdon, AICP, City Planner

1. INTRODUCTION/PURPOSE

To ask the City Council to consider introducing an amendment to the sign ordinance at the request of Williamson County Equipment Company (WCEC) to accommodate their corporate signage plans.

2. DESCRIPTION/ JUSTIFICATION

The WCEC is located in the TEDC's Mustang Creek Industrial Park and is subject to their restrictions as well as those of the city.

Currently, the Company has two monument-type signs. One is a "Case" sign which is eight feet tall by 12 feet in width or 96 square feet. The other sign is a "New Holland" sign which is six feet tall by six feet in width or 36 square feet. Their lot fronts on both Carlos G. Parker Blvd. and S. Edmond Street. Their frontage on Carlos G. Parker Blvd is about 440 feet.

As you know the Sign Ordinance no longer allows sign variances. So, the two methods to address this issue are to insist on compliance with the current Ordinance or allow an amendment to the Ordinance.

In our Ordinance, these two signs are classified as Freestanding Commercial Signs, as opposed to Low Profile Signs, because they are both taller than four feet. The Sign Ordinance defines a Low Profile Sign as being a sign no taller than four feet and not exceeding 60 square feet. Alternately, Freestanding Commercial Signs are signs that are taller than four feet. Their overall size is based on the distance the sign is from the pavement of the public road and the amount of frontage they have.

The current Ordinance allows one or more Low Profile Signs to be placed on a parcel of property providing that they are at least 150 feet apart. The signs on the WCEC property are Freestanding Commercial Signs. The Ordinance limits the number of Freestanding

Commercial Signs to one per property, unless the property is 25 acres or more. The WCEC’s property is about 11 acres.

These two signs were installed prior to the current Ordinance being adopted. Therefore they are “grandfathered” or are “non-conforming signs.”

The Company proposes to reface the “Case” sign (change the colors of the sign’s logo only), so that will be no problem. The Company proposes to replace the “New Holland” sign with a five foot tall by 10 foot wide sign, or a 50 square foot sign. This is still a Free Standing Sign and the Code does not allow two Free Standing Signs on one parcel of property of this size.

Should the Council agree, Staff proposes to amend the Sign Ordinance in the following way in order to assist the Company:

Currently the Ordinance reads:

3.10 Freestanding Commercial Signs

“A premise with more than one hundred and fifty (150) feet of frontage shall be allowed to use Table 2 standards for one freestanding sign or any number of low profile signs as long as there is a minimum separation between signs of one hundred and fifty (150) feet.”

The proposed amendment basically allows one or more Freestanding Commercial Signs, similar to Low Profile Signs, or both Freestanding and Low Profile Signs, providing that they are at least 150 feet apart from each other.

The TEDC has already reviewed the sign plan for WCEC’s new signage and are comfortable with the Company’s proposal although the sign is larger than what the restrictions allow.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

The Company has indicated that they would need to have their signs finalized by the end of the year.

5. RECOMMENDATION

Staff recommends that the Council introduce the ordinance.

6. REFERENCE FILES

ORDINANCE 2009-27

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, AMENDING ORDINANCE NO. 2008-20 TO ALLOW ANY NUMBER OR COMBINATION OF FREESTANDING AND LOW PROFILE SIGNS IN NON-RESIDENTIAL DISTRICTS AT LEAST 150 FEET APART ON PARCELS WITH STREET FRONTAGE OF MORE THAN 150'; PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Taylor City Council has the authority to regulate signage to benefit the health, safety, and welfare of the community; and

WHEREAS, the Taylor City Council desires to amend Sign Ordinance 2008-20 to allow freestanding and low profile signs in non-residential districts at least 150' apart on parcels with street frontage of more than 150';

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

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.

Section 3.10, paragraph 2 of the sign ordinance shall read:

A premise with more than one hundred and fifty (150) feet of frontage shall be allowed to use Table 2 standards for any number of freestanding signs or low profile signs or both types of signs as long as there is a minimum separation between signs of one hundred and fifty (150) feet

SECTION 3.

Ordinance No. 2008-20 is hereby amended by this Ordinance. Except as amended, this Ordinance shall remain as written in full force and effect. All other provisions of Ordinance No.

2008-20 shall remain in full force and effect.

SECTION 4.

If any paragraph, sentence, phrase or other portion of this Ordinance should be declared to be unconstitutional by a court of competent jurisdiction, such 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 5.

In accordance with Article 8 of the City Charter, this ordinance was introduced before the City Council of the City of Taylor, Texas on the 12th day of November, 2009.

PASSED, APPROVED, and ADOPTED on the ___ day of _____, 2009.

Rodney Hortenstine, Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

(Ordinance 2009-27)

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. 2009-27, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2009, 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 _____, 2009.

Susan Brock
City Clerk

(Ordinance 2009-27)



City Council Meeting
November 12, 2009
Agenda Item Transmittal

Agenda Item #: 8

Agenda Title: Consider resolution R09-14 authorizing the Mayor to enter into an agreement with the City of Hutto regarding extraterritorial jurisdiction.

Council Action to be taken: Approve, deny or table

Initiating Department: Community Development

Staff Contact: Bob van Til, AICP, CEcD, Director
Community Development

1. INTRODUCTION/PURPOSE

The cities of Taylor and Hutto have discussed a growth boundary agreement between the cities for some time now. The attached resolution and agreement will commit both cities to limit our growth via annexation and the extension of our respective ETJ's to a certain limit west of the City of Taylor.

The purpose of this item is to consider the attached resolution approving the growth boundary agreement between Taylor and Hutto.

2. DESCRIPTION/ JUSTIFICATION

Partly as a result of the annexations completed in 2006, the cities have discussed an agreement whereby each city agrees to not annex or extend our respective ETJ's beyond CR 101 and FM 3349. A major reason to enter into an ETJ agreement is to understand ahead of time where future city limits will be, avoids possible territorial disputes, assists with the planning for utilities, and aids with long range planning.

The proposed growth boundary extends essentially from the San Gabriel River on the north, along CR 101 and down FM 3349 and CR 129 south of the Williamson-Travis County Line to a point just south of a tract of land added to the City's ETJ back in 2005. This tract is owned by Ms. Morgan.

At the October 10, 2009 Council meeting, the Council asked the staff to change the map to extend the boundary line all the way to SH 29 on the north and south to the most southern portion of the City's voluntary ETJ. This is the Morgan property.

Since the October 10, 2009 Council meeting, staff met again with Hutto planners, as well as with Pflugerville planners, and finally needed to identify where the Georgetown –

Weir growth boundary was. The Georgetown – Weir agreement limits our ability to go to US 29 since the boundary of the agreement extends to Lake Granger along the San Gabriel River.

The City of Hutto has not yet approved the attached agreement. We anticipate that the Hutto City Council will act on the agreement in the next few weeks.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends that the Council approve the attached resolution authorizing the Mayor to enter into the growth boundary agreement with the City of Hutto.

6. REFERENCE FILES

- 8a Resolution R09-14
- 8b Agreement
- 8c Map
- 8d Description of the boundary line

**RESOLUTION NO. R09-14
HUTTO/TAYLOR ETJ TERRITORY AGREEMENT**

A RESOLUTION AUTHORIZING THE MAYOR OF TAYLOR TO EXECUTE AN AGREEMENT ESTABLISHING A GEOGRAPHIC BOUNDARY FOR FUTURE EXTRATERRITORIAL JURISDICTION EXPANSION BY AND BETWEEN THE CITY OF TAYLOR, TEXAS AND THE CITY OF HUTTO, TEXAS.

WHEREAS, the City of Hutto, Texas will establish and abide by a geographic boundary with the City of Taylor, Texas, for the future acquisition of real property into its Extraterritorial Jurisdiction (ETJ), and;

WHEREAS, the City of Taylor, Texas will establish and abide by a geographic boundary with the City of Hutto, Texas, for the future acquisition of real property into its Extraterritorial Jurisdiction (ETJ), and;

WHEREAS, Section 42.021 of the Texas Local Government Code establishes the extent of the Extraterritorial Jurisdiction of municipalities, and;

WHEREAS, the City of Taylor, Texas wishes to enter into an Agreement Establishing a Geographic Boundary for Future Extraterritorial Jurisdiction Expansion by and between the City of Hutto, Texas and the City of Taylor, Texas.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that the Taylor City Council hereby approves the resolution to authorize the Mayor of Taylor to sign the Agreement Establishing a Geographic Boundary for Future Extraterritorial Jurisdiction Expansion, a copy of same being attached hereto as "Exhibit A" and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the _____ day of the month of _____, **2009.**

THE CITY OF TAYLOR, TEXAS

Rod Hortenstine, Mayor

ATTEST:

Susan Brock, City Clerk

**AGREEMENT REGARDING
EXTRATERRITORIAL JURISDICTION BOUNDARY BETWEEN THE
CITY OF HUTTO AND THE CITY OF TAYLOR**

This Agreement Regarding the Extraterritorial Jurisdiction Boundary ("Agreement"), made to be effective as of June 1, 2009, is by and between the City of Hutto, Texas ("**Hutto**"), a home-rule municipality located in Williamson County, Texas and the City of Taylor, Texas ("**Taylor**"), a home-rule municipality located in Williamson County, Texas.

WHEREAS, Taylor and Hutto, Texas agree to establish an Extraterritorial Jurisdiction (ETJ) property boundary between the two municipalities; and

WHEREAS, Section 42.021 of the Texas Local Government Code establishes the extent of statutory ETJ based on population of municipalities; and

WHEREAS, Section 42.023 of the Texas Local Government Code allows municipalities to reduce the size of their Extraterritorial Jurisdiction (ETJ) and relinquish all ETJ rights in property by ordinance or resolution; and

WHEREAS, it is expedient and in the best interests of Taylor and Hutto to reach an agreement pertaining to a boundary line between them for the purposes of determining the extent of each city's ETJ both now and in the future; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereafter set forth, the receipt and sufficiency of which is hereby acknowledged, the Taylor and Hutto hereby agree as follows:

I.

Hutto agrees that all of the real property lying east of the west right of way of County Road 101 and east of the west right of way of Farm-to-Market Road 3349 designated by the color green on Exhibit "A" attached hereto and incorporated by reference herein, with the exception of property within the statutory and voluntary ETJ of Hutto as of June 1, 2009, which statutory and voluntary ETJ of Hutto is designated by the color orange on Exhibit "A", shall be the Taylor ETJ. The agreed ETJ

boundary line between Taylor and Hutto is more specifically described in Exhibit "B", attached hereto and incorporated by reference herein. Property lying east of the line described in Exhibit "B", save and except the tracts designated in orange on Exhibits "A" and "B", shall belong in Taylor ETJ. Hutto relinquishes all ETJ rights and claims now held or which may hereafter be acquired by Hutto in the property designated as Taylor's ETJ shown on Exhibits "A" and "B" to Taylor. Taylor agrees to adopt an ordinance approving this Agreement and accepting property shown by this Agreement into the Taylor ETJ.

II.

Taylor agrees that all of the real property lying west of the west right of way of County Road 101 and west of the west right of way of Farm-to-Market Road 3349 designated by the color orange on Exhibit "A", with the exception of property within the statutory and voluntary ETJ of Taylor as of June 1, 2009, which statutory and Voluntary Taylor ETJ is designated by the color Green on Exhibit "A", shall be the Hutto ETJ. The agreed ETJ boundary line between Taylor and Hutto is more specifically described in Exhibit "B". Property lying west of the line described in Exhibit "B", save and except the tracts designated in green on Exhibit "A" and "B", shall belong in the Hutto ETJ. Taylor hereby relinquishes all ETJ rights and claims now held or which may hereafter be acquired by Taylor in the property designated to belong to Hutto's ETJ shown on Exhibits "A" and "B" to Hutto. Hutto agrees to adopt an ordinance approving this Agreement and accepting property shown by this Agreement within the Hutto ETJ.

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III.

Taylor and Hutto agree this Agreement reduces or expands the ETJ of both cities which Agreement is allowed by the Texas Local Government Code Section 42.023.

IV.

This Agreement affects only the matter sets forth herein between Taylor and Hutto and does not affect, gain, or relinquish any other right or interest between Taylor and Hutto or any party not made a part of this Agreement.

V.

This agreement shall be effective as of June 1, 2009, after execution by proper representatives of each City and adoption of Ordinances required herein by Taylor and Hutto.

DATED on this the 1st day of June, 2009.

CITY OF HUTTO, TEXAS

By:

David F. Begier, Mayor Pro-Tem

Attest:

Debbie Chelf, City Secretary

APPROVED AS TO FORM:

Charles Crossfield, City Attorney

CITY OF TAYLOR, TEXAS

By:

Rod Hortenstine, Mayor

Attest:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted Hejl, City Attorney

Description for the Taylor-Hutto Growth Boundary Line

Beginning at a point in the center of the San Gabriel River said point being the northeast corner of a 137.78-acre tract of land in the Silas Palmer Survey conveyed to Steve Randall in August 1996 by deed 1996041778;

Thence in a southerly direction to the southeast corner of the Steve Randall tract;

Thence in a southeasterly direction from the southeast corner of the Steve Randall tract to the north right-of-way line of County Road 101 at a point more or less directly north of the west right-of-way line of County Road 101;

Thence in a southerly direction to a point in the west right-of-way of County Road 101;

Thence south along the west right-of-way line of County Road 101 to the south right-of-way line of US 79;

Thence east along the south right-of-way line of US 79 to the west right-of-way line of Farm to Market Road 3349;

Thence south along the west right-of-way line of Farm to Market Road 3349 to the north right-of-way line of FM 1660;

Thence west along the north right-of-way of 1660 to a point north of the west right-of-way line of County Road 129;

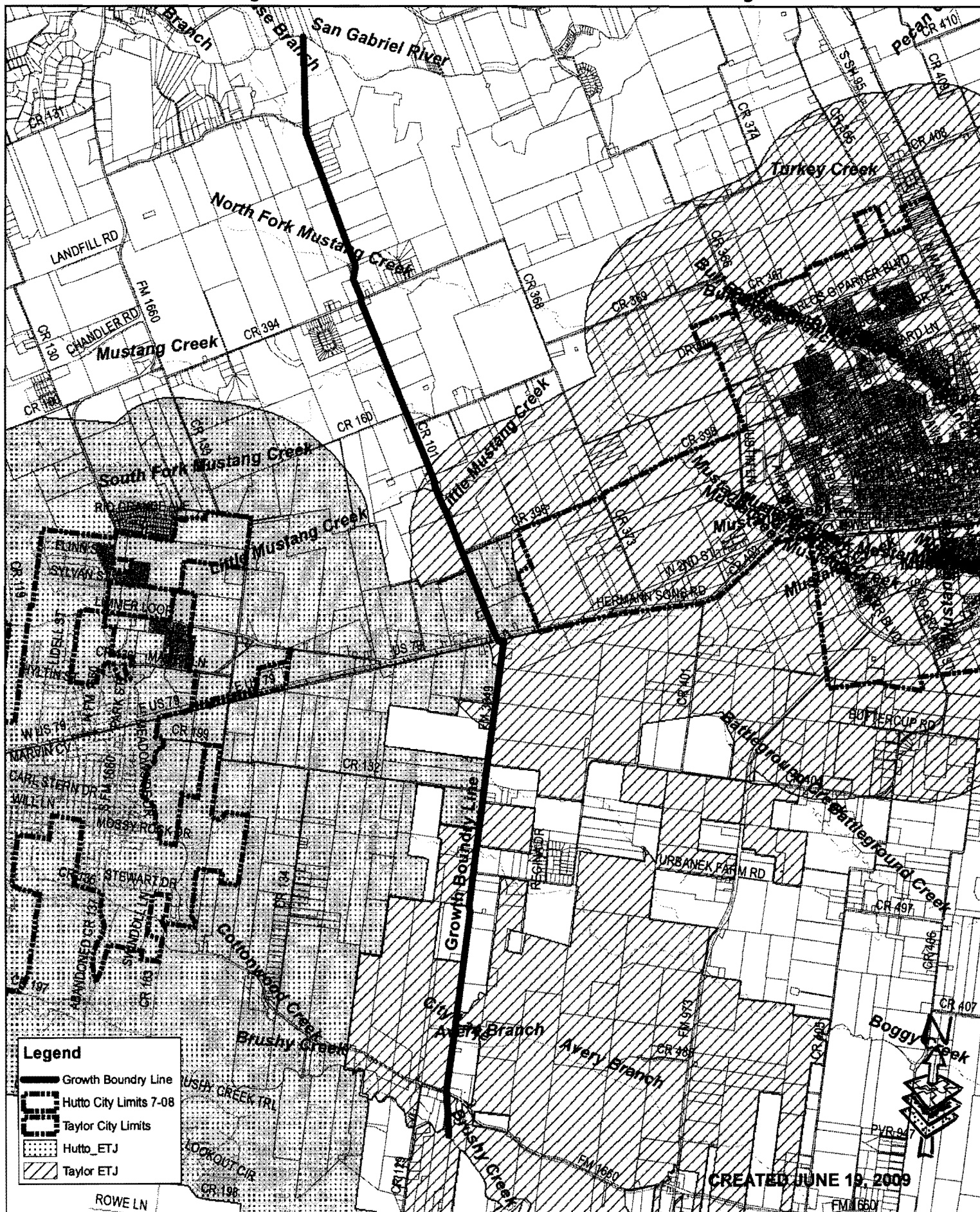
Thence south along the west right-of-way line of County Road 129, crossing Brushy Creek, continuing to the Williamson County Line;

Thence continuing south from the Williamson County Line along the west right-of-way of Engelmann Lane, to a point directly across from the southwest corner of a 23.48-acre tract of land in the D. Hopkins survey belonging to Marilyn Morgan in a Travis County Deed filed 11/26/1980 Book: 7223 Page: 837.

This description is for agreement purposes between the City of Taylor and The City of Hutto only.

Exhibit A

Taylor-Hutto Growth Boundary





***City Council Meeting
November 12, 2009
Agenda Item Transmittal***

Agenda Item #: 9

Agenda Title: Executive Session.

Council Action to be taken: Consult with City Attorney

Initiating Department: City Administration

Staff Contact: Jim D. Dunaway, City Manager
Ted Hejl, City Attorney

1. INTRODUCTION/PURPOSE

This Executive Session is called to consult with City Attorney.

2. DESCRIPTION/ JUSTIFICATION

The Taylor City Council will conduct a closed 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.

- Neighborhood Stabilization Program
- Center Point, Inc.
- East Williamson County Higher Education Center

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

9a. Executive Session form 551.071

**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 November 12, 2009, and has posted an Official Agenda indicating the need for an Executive Session. The Council will now adjourn into Executive Session pursuant to the Open Meetings Law, Section 551.071 of the Texas Government Code to consult with its attorney regarding a matter in which the duty of the attorney to the City conflicts with the Open Meetings Act.

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, Rod Hortenstine, 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 _____, 2009.

Rod Hortenstine, Mayor