The City Council of the City of Taylor met on September 28, 2010, at City Hall, 400 Porter St., Taylor, Texas. In the absence of Mayor Hortenstine, Mayor Pro Tem McDonald declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Council Member Chris Gonzales	City Manager, Jim D. Dunaway
Council Member Don Hill	Interim Assistant City Manager, Jeff Straub
Council Member Chris Osborn	City Attorney, Ted Hejl
	City Clerk, Susan Brock

<u>INVOCATION</u>
Jeff Straub led the group in prayer.

<u>PLEDGE OF ALLEGIANCE</u>

<u>CITIZENS COMMUNICATION</u>
Mr. Dunaway asked Chief Straub to introduce the recently selected Assistant Chief of Police, Daniel Ramsey. He noted the swearing in ceremony will be held Monday, October 4, at 9:00 am.

<u>CONSENT AGENDA</u>

1. <u>MINUTES FOR SEPTEMBER 9, 2010.</u>
2. <u>APPROVE ORDINANCE 2010-32, REZONING PROPERTY OWNED BY SAM DOWDY, SR.</u>

ORDINANCE 2010-32

AN ORDINANCE CHANGING THE ZONING OF AMANDA'S COMMERCIAL SUBDIVISION, GENERALLY LOCATED AT 3406 WEST SECOND STREET, WILLIAMSON COUNTY TEXAS, FROM LOCAL BUSINESS B-1 AND RURAL AGRICULTURE R/A TO BUSINESS PARK 2, BP-2, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE ZONING CHANGES ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

3. <u>APPROVE ORDINANCE 2010-40 BUDGET AMENDMENT.</u>

ORDINANCE 2010-40

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS AMENDING ORDINANCE NO. 2009-25 ADOPTED ON SEPTEMBER 3, 2009, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY FOR FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; BY AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE GENERAL FUND AS WELL AS OTHER FUNDS THAT PROVIDE FOR THE PAYMENT OF OPERATING EXPENSES AND CAPITAL OUTLAY AND BY CHANGING THE AMOUNT APPROPRIATED FOR VARIOUS DEPARTMENTS OF THE CITY.

4. APPROVE ORDINANCE 2010-41 AMENDING FEE SCHEDULE.

ORDINANCE 2010-41

AN ORDINANCE AMENDING ORDINANCE NO. 2009-29 ADOPTED ON SEPTEMBER 22, 2009 BY CHANGING CERTAIN RATES AND OTHER SERVICES PROVIDED BY THE CITY

5. CONCUR WITH PRELIMINARY FINANCIALS FOR JULY, 2010.
Council Member Hill moved to approve the consent agenda as presented and Council Member Gonzales seconded the motion. VOTE: Four voted AYE. Motion passed.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

6. CONDUCT PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2010-36 SETTING THE RATE FOR THE MUNICIPAL DRAINAGE UTILITY SYSTEM.
Now that Council has approved setting a rate of $1.00 per Equivalent Residential Unit (ERU) Mr. Dunaway asked Council to conduct a formal public hearing on setting the rate of the Municipal Drainage Utility System (MDUS).

Mayor Pro Tem McDonald declared the public hearing open; hearing no comments he closed the hearing and asked Mr. Hejl to introduce the ordinance.

ORDINANCE 2010-36

AN ORDINANCE OF THE CITY OF TAYLOR ESTABLISHING MONTHLY DRAINAGE UTILITY FEES, RATES AND CHARGES; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE TAYLOR CITY CODE IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. CONDUCT PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2010-37 AMENDING THE ZONING ORDINANCE TO ALLOW A RECYCLING FACILITY IN THE B-2 ZONING DISTRICT WITH A SPECIFIC USE PERMIT, AND ADDING A DEFINITION FOR RECYCLING FACILITY.
Mr. John Elsden, City Planner, presented a request to conduct a public hearing on an amendment to the zoning ordinance. This amendment would allow a recycling facility within the B-2 zoning district with a specific use permit.

Mayor Pro Tem McDonald declared the public hearing open; Mr. Bo Brasfield spoke on behalf of Mr. Federico Buentello. He clarified the nature of Mr. Buentello's business and provided some additional details on the appearance of the property. Hearing no additional comments and no further discussion Mr. Hejl was asked to introduce the ordinance.

ORDINANCE NO. 2010-37

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, AMENDING ORDINANCE 2001-17 THE TAYLOR ZONING ORDINANCE, MODIFYING

SECTION 3, TABLE 3, PERMITTED USES, AND SECTION 11, DEFINITIONS; AND PROVIDING A SAVINGS CLAUSE.

8. <u>CONDUCT PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2010-39 TO ALLOW A RECYCLING FACILITY IN THE B-2 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 301 CR 400.</u>
   Mr. Elsden asked Mayor Pro Tem to open the Public Hearing on the proposed specific use permit for the property discussed in the previous agenda item and located at 301 CR 400. Council requested additional restrictions including a "no retail' provision and clarification that the recycling materials may not exceed the height of the fence except when loaded onto a vehicle for transport. Hearing no additional comments, the hearing was closed and Mayor Pro Tem McDonald asked Mr. Hejl to introduce the ordinance.

   ORDINANCE NO. 2010-39

   AN ORDINANCE ALLOWING A SPECIFIC USE PERMIT FOR A RECYCLING FACILITY ON PROPERTY DESCRIBED AS 301 CR 400; AND PROVIDING A SAVINGS CLAUSE

9. <u>CONSIDER RESOLUTION R10-17 APPROVING THE ATMOS ENERGY RATE REVIEW MECHANISM EXTENSION, RATE INCREASE AND RECOVER OF STEEL SERVICE LINE REPLACEMENT PROGRAM COSTS.</u>
   Mr. Danny Thomas, Public Works Director, allowed Mr. Roy Moss with Atmos Energy to present information regarding the results of the rate case settlement. Since last year the City has been under a "favored nations" agreement to ensure the best rates. It was noted that in the event the resolution is not approved, Atmos would no longer guarantee these rates. The agreement includes an average increase for residential customers of $1.40/month and $3.82/month for commercial customers.

   Hearing no other comments or discussion on this item, Council Member Gonzales moved to approve Resolution R10-17 as presented and Council Member Hill seconded the motion. VOTE: Four voted AYE. Motion passed.

10. <u>CONSIDER COUNCIL MEETING SCHEDULE FOR OCTOBER, NOVEMBER, AND DECEMBER.</u>
    Mr. Dunaway presented a request for Council to plan consider changing upcoming meetings due to scheduling conflicts. A number of Council members and staff are planning on attending the TML Meeting in Corpus Christi which begins on October 26, and the first regular meeting in November falls on a holiday, November 11.

    Council Member Osborn moved to set the meetings for October and November as presented: move October 26 to October 21 and move November 11 to November 4. Council Member Hill seconded the motion. VOTE: Four voted AYE. Motion passed.

11. <u>EXECUTIVE SESSION I.</u>
    The Taylor City Council will conduct a closed executive meeting under Section 551.071 (1) of the Texas Government Code in order to meet with it's City Attorney on a matter regarding pending or contemplated litigation or settlement offers including pending or contemplated administrative proceedings governed by the Administrative Procedure Act.
    - Upper Pressure Plane Water Transmission Main

(Mayor Pro Tem McDonald submitted an affidavit stating a conflict of interest regarding item no. 12b (ERCOT) and recused himself from this part of the closed session discussion.)

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

    Mayor Pro Tem McDonald adjourned to closed session at 6:44 pm.

13. CONSIDER ACTION ON EITHER EXECUTIVE SESSION I OR II.
    Mayor Pro Tem McDonald resumed the open meeting at 7:42 p.m. and stated that there was no action taken on any issue during either of the Executive Sessions. Mayor Pro Tem McDonald entertained the following motions:

    Council Member Osborn moved to authorize the City Manager to renegotiate the tax abatement agreement with Burrows Cabinets to allow him to add a new division, Taylor Craft Door Company, to his assets. Council Member Hill seconded the motion. VOTE: Four voted AYE. Motion passed.

    Council Member Osborn moved to authorize the City Manager to negotiate with ERCOT to 1) reduce the value threshold to a range of 5 to 10 million, 2) to cap the rebate at no greater than 50%, and 3) to extend the agreement between 5 and 10 years. Hearing no second to the motion, Mayor Pro Tem McDonald declared the motion dead.

    Council Member Hill moved to authorize the City Manager to continue negotiations with ERCOT as discussed in closed session and Council Member Gonzales seconded the motion. VOTE: Three voted AYE. Motion passed. (Mayor Pro Tem McDonald abstained due to a conflict of interest as previously indicated.)

ADJOURN

With no further business; Mayor Pro Tem McDonald adjourned the meeting at 7:44 p.m.

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John McDonald, Mayor Pro Tem

ATTEST:

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Susan Brock, City Clerk