The City Council of the City of Taylor met on September 13, 2012, at City Hall, 400 Porter St., Taylor, Texas. Mayor Donald Hill declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Mayor Pro Tem, Chris Gonzales
Council Member Jesse Ancira
Council Member Chris Osborn
Council Member Brandt Rydell

City Manager, Jim Dunaway
Assistant City Manager, Jeff Straub
City Attorney, Ted Hejl
City Clerk, Susan Brock

INVOCATION

Mr. Jeff Straub led the invocation.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION

Three individuals addressed the council regarding the Sloan Street Project: Kenneth Nitsche, Insurance Network of Texas, Jimmy Patin, Patin Construction, and Brian Carroll, attorney at law. Mr. Glenn Naivar of 1900 Southwood Hills also addressed the council regarding the outdoor burn ordinance under consideration on this agenda.

CONSENT AGENDA

1. APPROVE MINUTES AUGUST 23, 2012.
2. CONSIDER APPROVING CHANGES TO AN INTERLOCAL AGREEMENT FOR JOINT AND COOPERATIVE PURCHASING TO ALLOW THE CITY OF PFLUGERVILLE TO PARTICIPATE.

   Mayor Pro Tem Gonzales moved to approve the consent agenda as presented and Council Member Rydell seconded the motion. VOTE: Five voted AYE.

PROCLAMATION

3. PROCLAMATION: SEPTEMBER IS NATIONAL LIBRARY CARD SIGN UP MONTH.

   Mayor Hill presented a proclamation to Ms. Karen Ellis, Library Director, acknowledging September as National Library Card Sign Up Month. Accompanying Ms. Ellis were Library Board members Sharon Pick and John Kaatz and Friends of the Library members Karen Milan and Jaci Walker.

PUBLIC HEARINGS/ORDINANCES

4. CONDUCT A PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2012-24 FOR A SPECIFIC USE PERMIT TO PLACE A MANUFACTURED HOME AT 503 SIMON STREET.

   John Elsden, City Planner, presented a request to consider approving a Specific Use Permit to place a manufactured home on property located at 503 Simon Street. The property owner, Mr. Jose Jimenez, was present to respond to any questions or concerns.

Mayor Hill declared the public hearing open; hearing no comments, the hearing was closed and Mr. Hejl introduced the ordinance as presented.

ORDINANCE NO. 2012-24

AN ORDINANCE ALLOWING A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME ON PROPERTY DESCRIBED AS 503 SIMON STREET; AND PROVIDING A SAVINGS CLAUSE.

5. <u>CONDUCT A PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2012-21 TO REZONE PROPERTY LOCATED AT 301 SLOAN STREET FROM MF-1 (MULTIFAMILY-1) TO B-1 (LOCAL BUSINESS).</u>
Mr. Elsden presented a request to consider an ordinance to rezone property located at 301 Sloan Street to accommodate a small business. He stated that the Planning and Zoning Commission denied the request based on neighboring property owner comments and the fact the Future Land Use map designates this property as Single Family.

Mayor Hill declared the public hearing open; hearing no comments, the hearing was closed and based on the recommendation from the Planning and Zoning Commission, Council Member Rydell motioned to not introduce the ordinance as presented. Council Member Ancira seconded the motion. VOTE: Five; motion passed to NOT introduce the Ordinance.

ORDINANCE 2012-21

AN ORDINANCE CHANGING THE ZONING OF PROPERTY BEING LOT 1, BLOCK 1, RINDERKNECHT ADDITION IN THE CITY OF TAYLOR GENERALLY LOCATED AT 301 SLOAN STREET, TAYLOR WILLIAMSON COUNTY, TEXAS, FROM MULTI-FAMILY (MF-2), TO LOCAL BUSINESS (B-1); AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE ZONING CHANGE ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

6. <u>CONSIDER APPROVING ORDINANCE 2012-27 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2012/2013, EXCLUDING "CONTRIBUTIONS TO CIVIC PROGRAMS".</u>
Ms. Rosemarie Dennis, Director of Finance, presented a request to formally approve the ordinance to adopt the budget for fiscal year 2012/2013.

Mayor Pro Tem Gonzales moved to approve Ordinance 2012-27 adopting the budget for fiscal year 2012/2013 and Council Member Osborn seconded the motion. VOTE:

Five voted AYE. Motion passed.

ORDINANCE NO. 2012-27

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF TAYLOR, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

7. CONSIDER ADOPTING ORDINANCE 2012-28 FIXING AND LEVYING AD VALOREM TAX RATE FOR TAX YEAR 2012/2013 AND TAKE A RECORD VOTE.

Ms. Dennis presented a summary of what was discussed at the previous budget workshops regarding the tax rate and stated that the approved budget was based on a tax rate of $0.813893. Council Member Osborn stated that he supports this tax rate but also stressed the need to continue to address a funding mechanism for street repairs and maintenance in the future. Other council members agreed and Council Member Osborn moved to adopt Ordinance 2012-28 and to fix the tax rate at $0.813893. Mayor Pro Tem Gonzales seconded the motion and Mayor Hill called for a record vote.

Council Member Osborn	AYE
Council Member Ancira	AYE
Mayor Hill	AYE
Mayor Pro Tem Gonzales	AYE
Council Member Rydell	AYE

VOTE: Five voted AYE. Motion passed.

ORDINANCE NO. 2012-28

AN ORDINANCE LEVYING TAXES FOR THE MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF TAYLOR, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE FISCAL YEAR 2012-13.

8. CONSIDER INTRODUCING ORDNANCE 2012-31 AMENDING THE FEE SCHEDULE FOR CITY SERVICES.

Ms. Dennis presented a request to review and consider approving fees for certain city services. She highlighted the changes made which included an increase in airport rates based on the CPI, filming fees, and several planning and development permit fees that needed updating.

Hearing no further comments, Mayor Hill asked Mr. Hejl to introduce the Ordinance as presented.

ORDINANCE NO. 2012-31

AN ORDINANCE AMENDING ORDINANCE NO. 2011-28 ADOPTED ON SEPTEMBER 22, 2011 BY CHANGING CERTAIN RATES AND OTHER SERVICES PROVIDED BY THE CITY.

9. CONSIDER INTRODUCING ORDINANCE 2012-30 AMENDING THE 2011/2012 FISCAL YEAR BUDGET.

Ms. Dennis presented a request to consider an ordinance amending the budget for 2011/2012 based on changes made to the approved budget during the fiscal year.

Hearing no further comments, Mayor Hill asked Mr. Hejl to introduce the Ordinance as presented.

ORDINANCE NO. 2012-30

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS AMENDING ORDINANCE NO. 2011-26 ADOPTED ON SEPTEMBER 22, 2011, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY FOR FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; 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.

10. CONSIDER INTRODUCING ORDINANCE 2012-29 REGARDING POLICE OFFICER AND FIRE FIGHTER ASSIGNMENT PAY.

Pat Ekiss, Fire Chief, presented a request on behalf of Chief Ramsey and himself to consider assignment and seniority pay within the fire and police departments. Chief Ramsey had no changes. Chief Ekiss highlighted the changes within his department and stressed that the changes did not affect the budget. Monies were reallocated among the positions to better meet the needs and structure of the department.

Hearing no further comments, Mayor Hill asked Mr. Hejl to introduce the Ordinance as presented.

ORDINANCE NO. 2012-29

AN ORDINANCE CREATING "ASSIGNMENT PAY" FOR CERTAIN ASSIGNMENTS WITHIN THE FIRE AND POLICE DEPARTMENTS; SENIORITY PAY" IN THE POLICE DEPARTMENT; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE AND AN EXPIRATION DATE FOR THIS ORDINANCE.

11. CONSIDER APPROVING ORDINANCE 2012-18 ESTABLISHING REQUIREMENTS ALLOWING BURNING WITHIN THE CITY LIMITS.

Chief Ekiss presented a request to consider approving a revised ordinance addressing the issue of outdoor burning. Since the ordinance was initially introduced in May, Chief Ekiss and his staff met with property owners and compromises were made on many issues that were included in the original version.

Mr. Nolin Werchan, 3310 N. Main Street and Mr. H. E. Rowland, 1610 N. Lynn addressed the council with concerns regarding specific sections within the ordinance under consideration. Mr. Werchan questioned the need for a 300 foot distance requirement from any sensitive structure, and Mr. Rowland had concerns about any restrictions on having a backyard fire pit.

Chief Ekiss addressed both of these issues and stressed the need to follow TCEQ guidelines already in place and that the final ordinance under consideration was a fair and safe solution to the outdoor burning issue. Without further discussion, Mayor Pro Tem Gonzales moved to approve Ordinance 2012-18 as presented and Council Member Osborn seconded the motion. VOTE: Five voted AYE. Motion passed.

ORDINANCE NO. 2012-18

ORDINANCE ESTABLISHING REQUIREMENTS ALLOWING BURNING WITHIN THE CITY OF TAYLOR, TEXAS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS ($500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, OR FOR ANY VIOLATION OF ANY PROVISION OR REGULATION WHICH GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00); PROVIDING SEVERABILITY, REPEALER, AND PUBLICATION CLAUSES.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

12. CONSIDER AWARDING BID FOR HOLLY SPRINGS DRAINAGE IMPROVEMENTS.
Danny Thomas, Director of Public Works, presented the results of a bid proposal for the Holly Springs Drainage Project. Five proposals were received and the results were presented to Council.

Based on staff recommendation Council Member Osborn moved to award the bid to Smith Contracting for the Holly Springs Drainage project for an amount not to exceed $872,400 and Mayor Pro Tem Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

13. CONSIDER AWARDING BID FOR WATER IMPROVEMENTS IN THE NEWLY ANNEXED AREAS.
Mr. Thomas and Casey Sledge, consulting city engineer, presented the results of a bid proposal for the installation of fire hydrants in the most recently annexed areas. Six proposals were received and the results were presented to Council.

Based on staff recommendation Mayor Pro Tem Gonzales moved to award the bid to SBS Construction for an amount not to exceed $125,000 for the base bid and Council Member Rydell seconded the motion. VOTE: Five voted AYE. Motion passed.

14. CONSIDER AWARDING BID FOR AMY YOUNG BARRIER REMOVAL PROGRAM.
Bob vanTil, Director of Planning and Development, presented a request to consider awarding a bid for the barrier removal program. Based on staff recommendations Council Member Rydell moved to award three individual contracts to STARSD, Inc. DBA Star Interior Resources, and two contracts to Precision Construction for the amounts presented. Mayor Pro Tem Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

(Mr. Hejl recused himself during the next discussion since he represents the City of Thrall.)

15. CONSIDER APPROVING WHOLESALE WATER AGREEMENT WITH THE NOACK WATER SUPPLY CORPORATION.
Mr. Dunaway presented a request to consider an agreement between the City and the Noack Water Supply Corporation for the purchase of wholesale water. Mr. Phil Haag represents the city in this matter and he provided an overview of what is included in the agreement. Mr. Troy Marx, Mayor of Thrall, made a request to council to not consider taking action on this agreement since the City of Thrall and the Noack WSC are currently involved in litigation regarding the ownership of the water line between Taylor and Thrall. Mr. David Oliver was also present for Mr. Leland Enochs who represents the Noack WSC. Several other options were mentioned and Council requested more time to review the agreement and these other possible options. This item was tabled and will be brought back to continue the discussion on September 27.

(Mr. Hejl rejoined the meeting.)

16. CONDUCT WORKSHOP ON STREET MAINTENANCE PROGRAM.
Mr. Dunaway requested council direction on how to proceed regarding the street maintenance program. Council Member Rydell presented his thoughts on creating a committee of citizens to address the street issues. Council Member Osborn asked for additional consideration in creating a city street department that could possibly address some of the most pressing issues regarding maintenance and repair. He also requested additional input from staff regarding finance options.

Council Member Osborn moved to schedule a street workshop on October 16, 2012 at 7:00 pm and Mayor Pro Tem Gonzales seconded the motion. VOTE: Five voted AYE. Motion passed.

EXECUTIVE SESSION

17. EXECUTIVE SESSION I.
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.

- Legal issues associated with the Sloan Street project.

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

Mayor Hill and council members retired to closed session at 9:20 pm.

19. CONSIDER ACTION FROM EXECUTIVE SESSION.
Mayor Hill resumed the open meeting at 9:53 p.m. and stated that there was no action taken on any issue during Executive Session.

ADJOURN

With no further business; Mayor Hill adjourned the meeting at 9:53 p.m.

Don Hill
Don Hill, Mayor

ATTEST:

Susan Brock
Susan Brock, City Clerk