AGENDA

CITY OF TAYLOR, TEXAS

CITY COUNCIL MEETING

CITY HALL, COUNCIL CHAMBERS, 400 PORTER STREET

JULY 8, 2010, 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. Approve Ordinance 2010-16 rezoning 1912 and 2006 North Main Street from B1 to B2 as requested by Keith Hagler. (John Elsden)
2. Approve Ordinance 2010-27, abandoning right of way at 608 Pecan Street. (John Elsden)
3. Approve Resolution R10-14 authorizing signatures on City investments and bank accounts. (Rosemarie Dennis)

REGULAR AGENDA; REVIEW/DISCUSS AND CONSIDER ACTION

~~4.~~ Proclamation: Recognizing Harry "Trey" Robertson, III, Taylor Fire Department. (Pat Ekiss)
5. Receive update/report from the Texas Mission of Mercy Program. (Bob van Til)
6. Consider Resolution R10-13 regarding public sale of property located at 2704 N. Main Street, Taylor, Texas, placed in trust to the City of Taylor. (Jeff Straub)
7. Conduct Public Hearing and consider introduction of Ordinance 2010-21 establishing zoning and 2010-22 creating a future land use plan for areas annexed to the city in 2009. (John Elsden)
8. Conduct Public Hearing and consider introducing Ordinance 2010-26 granting a Specific Use Permit to David and Terese Svoboda for a Bed & Breakfast to be located at 829 McClure Street. (John Elsden)
9. Conduct Public Hearing and consider introducing Ordinance 2010-20 to rezone City parks and trails to "P" Park Zoning. (John Elsden)
10. Consider request from the Legacy Early College High School to use the City Hall auditorium for daily lunch program. (Jim Dunaway)
11. Consider authorizing the City Manager to negotiate and execute an agreement for the location of portable class rooms for use by the Temple College at Taylor and Legacy Early College High School. (Bob van Til)
12. Consider Mutual Aid Agreement with Williamson County. (Pat Ekiss)
13. Consider introducing Ordinance 2010-25 for renaming a portion of Sycamore Street within Murphy Park. (John Elsden)
14. Consider setting initial fee for the Municipal Drainage Utility System. (Jim Dunaway)
15. Executive Session I. 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 551.072 to conduct deliberations regarding the purchase, exchange, lease, or value of real property.
    - City owned land on Doak Street

16. 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.
    - East Williamson County Higher Education Center
17. Consider action from Executive Session I or II.

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 July 2, 2010 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 By: Susan Brock

Susan Brock, City Clerk

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**2**
Agenda Title:	Approve Ordinance 2010-27 regarding right of way abandonment for 608 East Pecan
Council Action to be taken:	Approve by consent
Initiating Department:	Community Development
Staff Contact:	**John Elsden, AICP, City Planner**

1. INTRODUCTION/PURPOSE

This ordinance was introduced at the June 22, 2010 meeting and is under consideration for adoption by consent for right of way abandonment at 608 East Pecan for a portion of Rio Grande Street at the rear of the property.

2. DESCRIPTION/ JUSTIFICATION

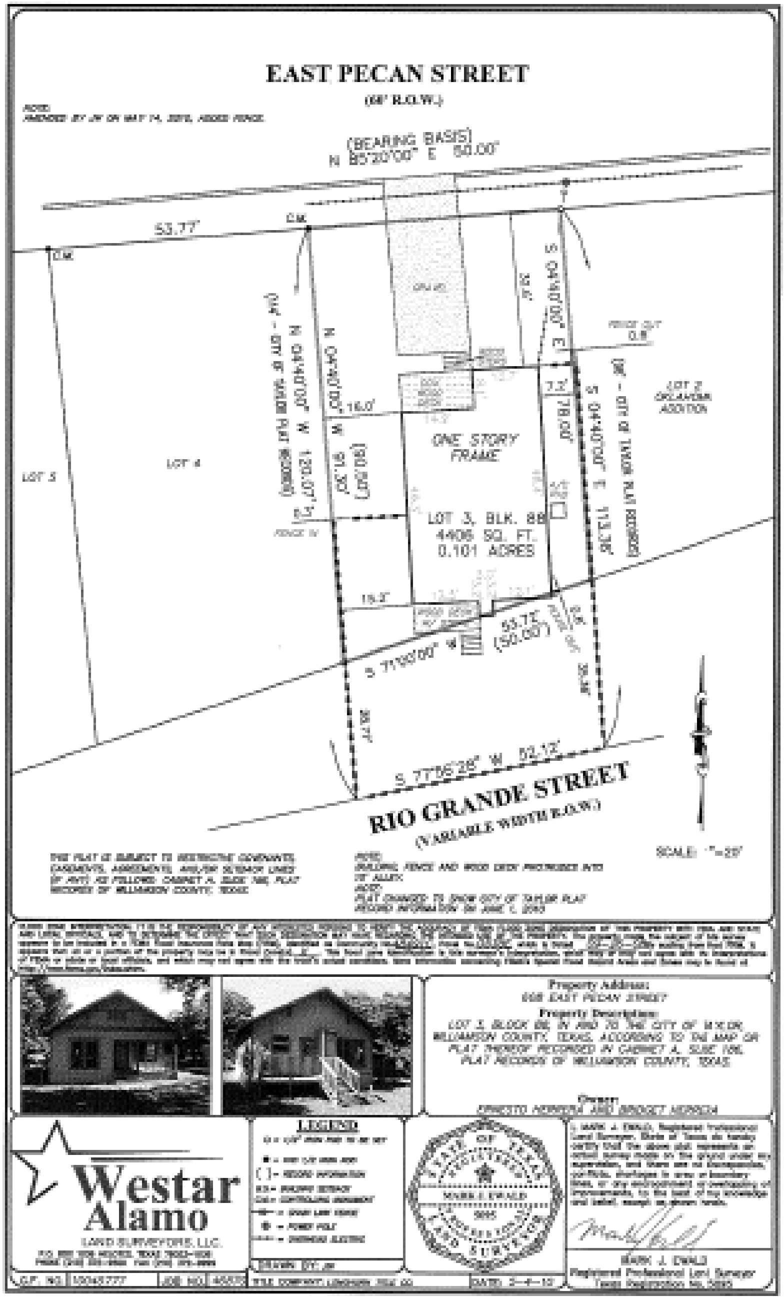
The house encroaching on the right of way on the lot at 608 E Pecan (Lot 3 Block 88, City of Taylor) is shown on the survey to be encroaching on Rio Grande Street right of way by 0.8 feet for the structure and eight (8) feet for the wood deck and steps at the rear of the property.

The area proposed for abandonment is approximately 0.051 acres, or 2,243 square feet, and is within the fenced-in area at the rear of their property. The only utility in Rio Grande is a sewer line and is located approximately 10 to 12 feet south of the fence line. Water and electrical are both located in E. Pecan.

The Planning and Zoning Commission recommended approval of the right of way abandonment request at their regular meeting on June 8, 2010 (see attached P & Z memo).

The potential property owners for this lot and home are Bridget and Ernest Herrera, who currently reside at 404 Vernon Street in Taylor. The letter from Laurie Hobson, Investcor LLC, will further explain the reason for this request.

Survey



Aerial photo

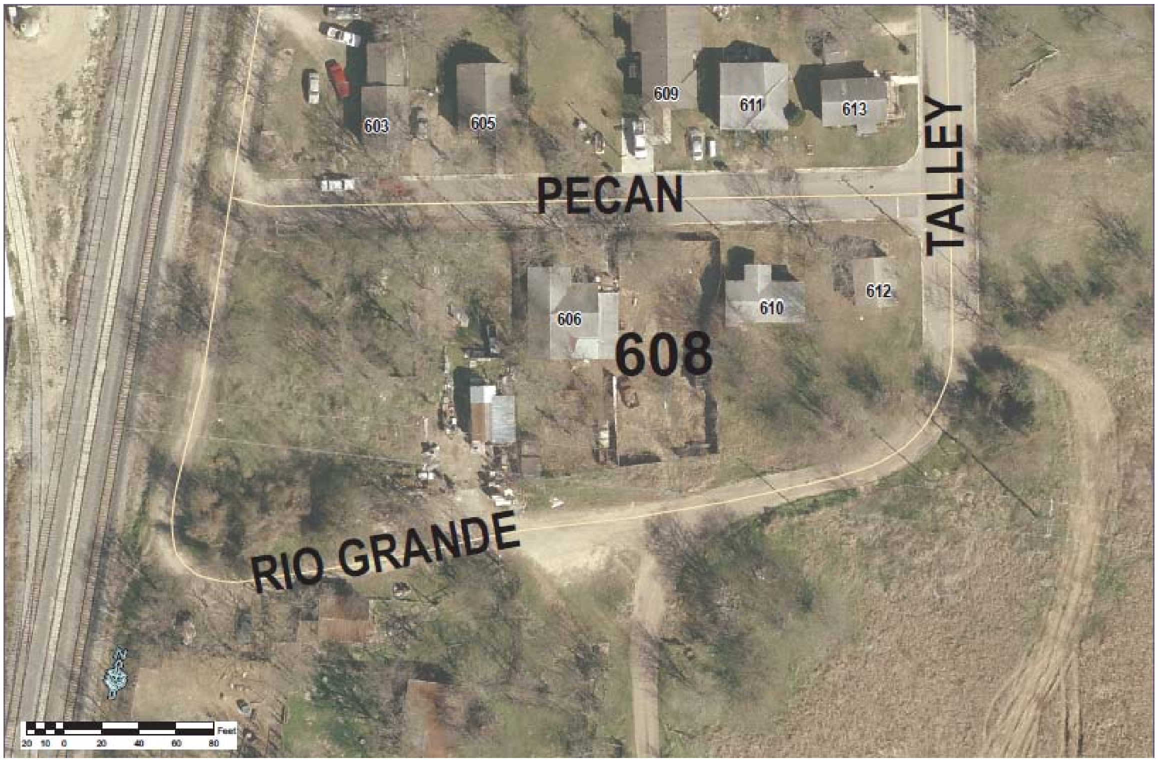


Photo of home at 608 E Pecan:

Rear of 608 E Pecan showing Rio Grande Right of Way:

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends approval of the attached ordinance.

City Council introduced the Ordinance for the ROW Abandonment on June 22, 2010 and also approved a License Agreement to expedite the sale of the home to Bridget and Ernesto Herrera (it is our understanding the property sale closed last week.)

Note: Brian Technical Services is working on a survey to show the width of Rio Grande from the railroad east to Talley Street to determine the feasibility of abandoning ROW for the adjacent properties.

6. REFERENCE FILES

2a Ordinance 2010-27
2b Application letter
2c Investcor memo

ORDINANCE NO. 2010-27

AN ORDINANCE FOR THE CITY OF TAYLOR, TEXAS VACATING APPROXIMATELY 30 FEET IN WIDTH AND 54 FEET IN LENGTH OF RIGHT OF WAY OF RIO GRAND STREET

WHEREAS, the City of Taylor, Texas desires to vacate a portion of the right of way in Rio Grande at the rear of property located at 608 Pecan Street; and

WHEREAS, no utilities are located within this section of the right of way; and

WEHERAS, the Planning and Zoning Commission on June 8, 2010 held a public hearing and recommended approval to vacate this portion of this right of way:

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. The City Council of the City of Taylor, Texas does hereby vacate approximately 30 feet by 54 feet of right of way as shown on Exhibit A incorporated by reference herein.

SECTION 3. No utilities exist within this section of right of way.

SECTION 4. The filing of a certified copy of this Ordinance in the official records of Williamson County, Texas will evidence the release of the alley granted by this Ordinance.

SECTION 5. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

In accordance with Article VIII, Section 1, of the City Charter, Ordinance No. 2010-27 was introduced by the Taylor City Council on the 22nd day of June, 2010.

PASSED, APPROVED, and ADOPTED on the ____ day of _______, 2010.

____
Rod Hortenstine, Mayor

ATTEST:

____
Susan Brock, City Clerk

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Susan Brock, being the City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2010-27, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of ______________, 2010, 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.

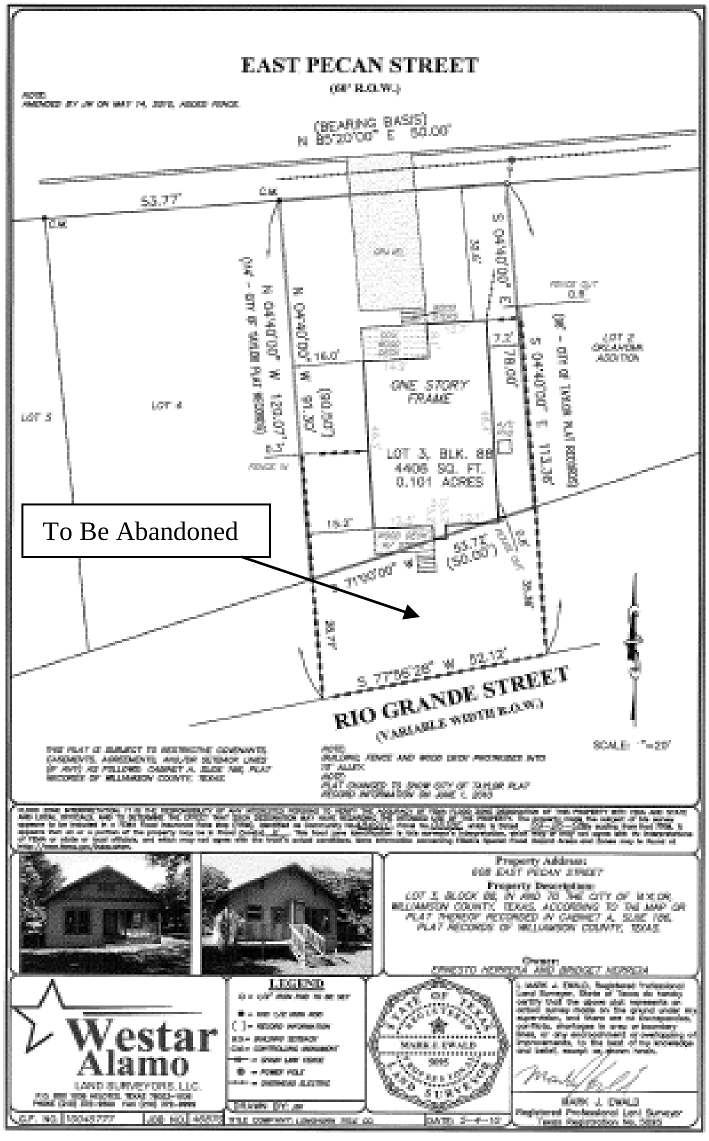
Witness my hand and seal of office this the _____ day of ________________, 2010.

____
Susan Brock
City Clerk

EXHIBIT A

Metes and Bounds description for 608 East Pecan for ROW Abandonment of Rio Grande Street;

Beginning at a point at the southeast corner of Lot 3, Block 88, City of Taylor; Thence southwest 71 ^{0} 00' 00" a distance of 50'to the southwest corner of Lot 3, Block 88, City of Taylor; Thence southeast 04 ^{0} 40' 00" for a distance of 28.77'; thence northeast 77 ^{0} 56' 28" for a distance of 52.12'; Thence northwest 04 ^{0} 40' 00" for a distance of 35.36' to the point of beginning.



May 27, 2010

City of Taylor
400 Porter St.
Taylor, Tx 76574

Planning Commission and City Council,

Investcor, LLC requests the City abandon a small part of the Right of Way on East Rio Grande Street in Taylor. The property in question is on the south end of 608 E. Pecan Street with a legal description of Lot 3, Block 88 in and to the City of Taylor.

Attached is a current survey, the appropriate page from the City's Plat Book and color pictures of the area in question. This survey shows the house, fence and wood deck at 608 E. Pecan Street protruding into the Right of Way for Rio Grande Street on the south side of the property. As a means of explanation please note the following:

- This property was empty with a fence perimeter on the east, west and south sides prior to the house being moved onto the lot.
- The contractor followed the City's usual procedures regarding permitting, drawing's, etc. in preparation of relocating the house onto this lot.
- There is no alley. The Right of Way begins on the property line indicated on the attached survey.
- The existing rear perimeter fence is approximately 36 ft 7 inches from the SE pin and 28 ft 5 inches from the SW pin and runs parallel to the house / Right of Way.
- The City's sewer line runs parallel and on the outside (south) of the rear fence. Additionally, there is a "man-hole" behind the rear fence at 606 E. Pecan.
- Behind the rear fence and running parallel to <u>all</u> the properties in Block 88 is a plot of ground approximately 19' wide. This area is between the properties in question and Rio Grande Street – a gravel road (pictured).
- The City's Plat Book and the County's Plat for this neighborhood do not match. The County's Plat shows the east property line for Lot 3 at 78.0' and the west property line at 91.30'. The City's Plat shows the measurements at 96' and 114' respectively. Without actually surveying the remaining properties on this block it is reasonable to assume there will be a discrepancy with most if not all other lots on this block.

Abandoning this small part of the Rio Grande Right of Way will in no way interfere with any work that may be required in the future in this area. From the center of Rio Grande to the back fence of 608 E. Pecan is approximately 25 ft. This distance is almost exactly the same as the distance from the survey pins in the front of the property to the center of E. Pecan.

The logical solution is to grant the abandonment of this property and consider doing the same for all the properties in this block that have a similar situation. 602, 604, 606, 610, and 612 all appear to be affected by this. Access to this part of the properties will remain in effect.

Investcor, LLC bought the lot and house with the intent of renovating the house and selling the property. We have a buyer under contract who is waiting for your decision to close on the property. Your approval to our request will make it possible to move forward immediately.

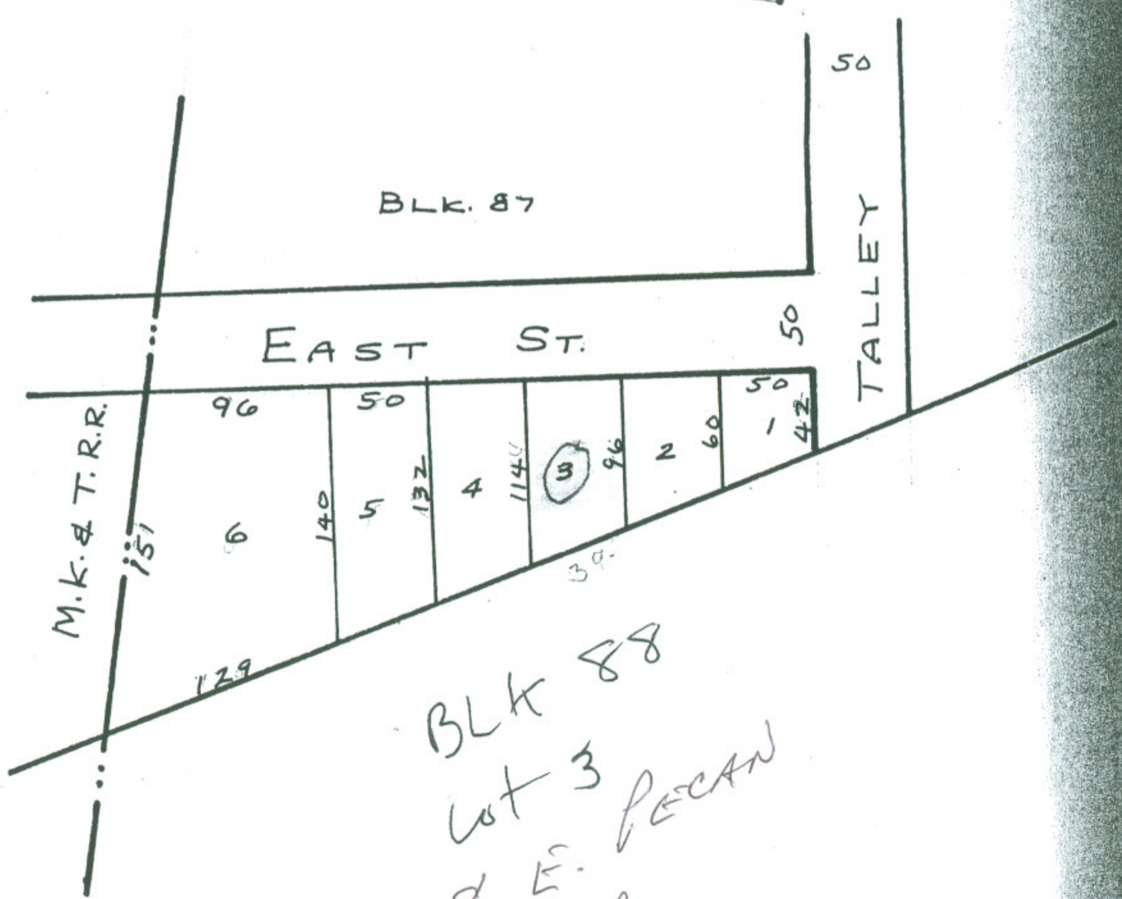
In the event the City will not grant this request we request a License Agreement be drawn up granting Investcor, LLC the right to use the property. Additionally, we ask the License Agreement be issued reflecting the authorization for future owners to have use of the property.

Thank you,

Laurie Hobson

Laurie Hobson
Investcor, LLC
200 Humphreys Drive
Buda, Tx 78610

City Plat Book



$$\begin{array}{r} 78 \\ +10 \\ \hline 88 \end{array} \qquad \begin{array}{r} 96 \\ -88 \\ \hline 8 \end{array}$$

MEMORANDUM

TO: Planning and Zoning Commission

FROM: John Elsden, AICP
City Planner

RE: Request to abandon ROW on Rio Grande Street for property at 608 East Pecan

DATE: June 3, 2010

Right of Way Location
City of Taylor, Lot 3, Block 88, the ROW is in Rio Grande, approximately 30 feet (35.36 on the east side and 28.77' on the west side) wide and 50' wide

Applicants
Investcor, Inc, for future purchasers Bridget and Ernest Herrera

Location
608 E Pecan, right of way is located on Rio Grande at the south of the property

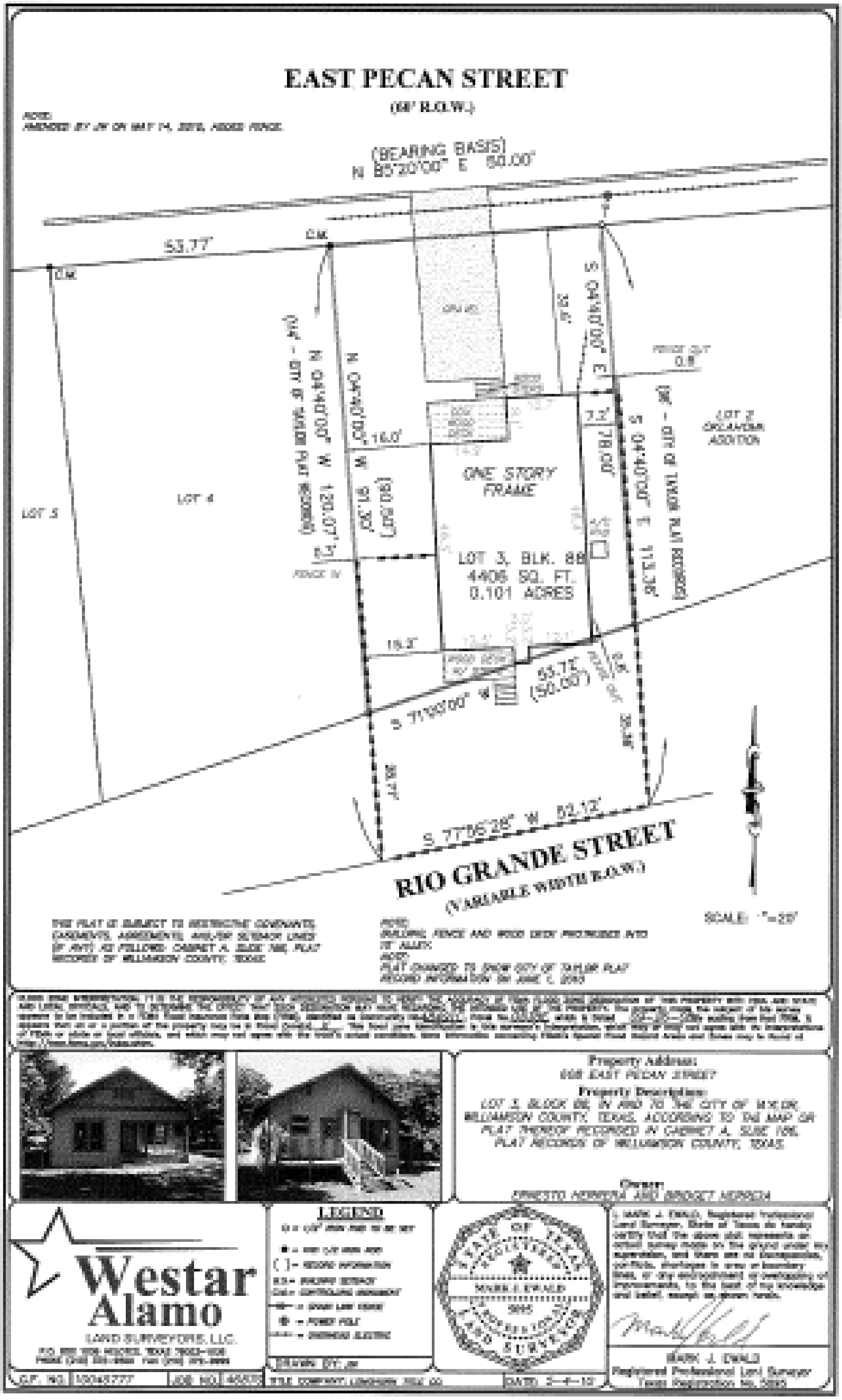
Acres
Total acres of the lot is 0.101 acres – the proposed abandonment is approximately 0.4 acres

Existing Zoning/Land Use
B-1 Local Business

Utilities in Right of Way
A wastewater line runs east-west approximately 12' south of the fence and proposed abandonment. No other utilities exist or are planned in the alleyway.

Future Use of Right of Way
No future use of the right of way is proposed

Survey:



EAST PECAN STREET
(BEARING BASIS)
N 85°20'00" E 50.00'
53.77'
ONE STORY FRAME
LOT 3, BLK. 88
4406 SQ. FT.
0.101 ACRES
LOT 5
LOT 4
LOT 2
S 77°56'28" W 52.12'
RIO GRANDE STREET
(VARIABLE WIDTH R.O.W.)
LEGEND
Westar Alamo
LAND SURVEYORS, LLC.
MARK J. EWALD
Registered Professional Land Surveyor

Photo of Site: 608 E. Pecan

Rear of 608 E. Pecan showing Rio Grande:

Discussion and Recommendation

At this time the current owner is in the process of selling this house to Ernesto and Bridget Herrera.

A survey was done during 2010 showing the rear of the house and the porch encroaching into the right of way of Rio Grande Street. The house was moved in during 2008 and the lot dimensions provided with the building permit were different than the dimensions on the recent survey. The lot dimensions on the permit application more closely equaled to the dimensions in the city's plat book than the 2010 survey. The plat book dimensions resemble more closely the dimensions that are in the field, especially when you look at the fence lines.

An existing fence in the back yard is shown to be within the ROW of E Rio Grande, and has been at this location for a number of years. Abandoning this ROW will allow the property owner to avoid being within the City ROW (as shown on the survey).

Rio Grande Street is a variable width right of way, generally over 100' wide at this location in the ROW. City wastewater is located 12' south of the proposed abandonment and the existing fence.

A License Agreement is also being prepared and presented to Council. The Agreement may take the place of the abandonment if for some reason the abandonment is denied.

Staff recommends approval of this right of way abandonment.

Please let me know if you have any questions or concerns by calling me at 512-365-3863 or contacting me via email at john.elsden@taylortx.gov.

Attachments
Application
Aerial Photo

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**3**
Agenda Title:	Consider Resolution R10-14, authorizing signatures on the City's investment and bank accounts.
Council Action:	Adopt Resolution R10-14
Initiating Department:	Finance Department
Staff Contact:	**Rosemarie Dennis, Director of Finance**

1. INTRODUCTION/PURPOSE

The purpose of this item is to update the list of authorized signatures on the City's financial accounts related to investment of local funds. Affected accounts include the City's bank accounts, investment pools and primary brokers.

2. DESCRIPTION/ JUSTIFICATION

a) Background

At the last City Council Meeting, the council approved the depository contract with Citizens National Bank, which made it necessary to update the bank account. To be included as a signer on the City's bank accounts and investment accounts, the Interim Assistant City Manager has been added to the accounts. This resolution will allow the City to formally update the signatures that are authorized to withdraw funds from time to time, to issue letters of instruction and to take all other actions deemed necessary or appropriate for the investment of local funds. This is a simple housekeeping matter that will occur anytime there is a new depository contract and changes in personnel.

b) Issues and Analysis

This resolution would be the most formal and efficient way of notifying the financial institutions of the changes.

3. FINANCIAL/BUDGET

N/A

4. TIMELINE CONSIDERATIONS

Immediate consideration is needed so the banks and investment firms may be notified of the authorized signers.

5. RECOMMENDATION

Staff recommends approval of Resolution R10-14 by consent.

6. REFERENCE FILES (Attachments)

3a. Resolution R10-14

RESOLUTION NO. R10-14

THE CITY OF TAYLOR, TEXAS IS A LOCAL GOVERNMENT OF THE STATE OF TEXAS AND IS EMPOWERED TO DELEGATE TO FINANCIAL INSTITUTIONS THE AUTHORITY TO INVEST FUNDS AND TO ACT AS CUSTODIAN OF INVESTMENTS PURCHASED WITH LOCAL INVESTMENT FUNDS; AND

WHEREAS, the City of the City of Taylor, 400 Porter Street; Taylor, Texas 76574 is a local government of the State of Texas and is empowered to delegate to financial institutions the authority to invest funds and to act as custodian of investments purchased with local funds; and

WHEREAS, it is in the best interest of the City of Taylor to invest local funds in investments that provide for the preservation and safety of principal, liquidity and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool, TexPool, TexStar, Citizens National Bank, City National Bank, JP Morgan Chase, Cutwater Asset Management (formerly, MBIA Municipal Investors Service Corporation) and Principal Financial Group, are qualified financial institutions to invest funds and to act as custodian of investments purchased with local investment funds whose investment objectives in order of priority are preservation and safety of principal, liquidity and yield consistent with the Public Funds Investment Act;

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

A. The individuals whose signatures appear in this Resolution are Authorized Representatives of the City of Taylor and a combination of any two of the Authorized representatives are hereby authorized to transmit funds for investment in TexPool, TexStar, Citizens National Bank, City National Bank, JP Morgan Chase, Cutwater Asset Management and Principal Financial Group. Any two of the Authorized Representatives are further authorized to withdraw funds from time to time, issue letters of instruction and take all other actions deemed necessary or appropriate for the investment of local funds.

B. That an Authorized Representative of the City of Taylor may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the individuals, whose signatures appear in this Resolution, are (1) deemed by the City's Management to no longer require access to the City of Taylor's TexPool, TexStar, Citizens National Bank, City National Bank, JP Morgan Chase, Cutwater Asset Management and Principal Financial Group accounts or (2) are no longer employed by the City of Taylor.

C. That the City of Taylor may, by amending this Resolution, add an Authorized Representative provided the additional Authorized Representative is an officer, employee or agent of the City of Taylor.

The following is a list of the Authorized Representatives of the City of Taylor:

ORIGINALS REQUIRED

1. ______________________________ Title: Mayor

Rodney Hortenstine_____________ Phone: 512-352-3675

2. ______________________________ Title: City Manager

Jim D. Dunaway_______________ Phone: 512-352-3677

3. ______________________________ Title: Interim Assistant City Manager

Jeff Straub__________________ Phone: 512-352-3675

4. ______________________________ Title: Finance Director

Rosemarie Dennis______________ Phone: 512-352-3675 ext. 21

5. ______________________________ Title: Accountant

Alice Benjiman_________________ Phone: 512-352-3675 ext. 37

Any new individuals will be issued a personal identification number to transact business with TexPool, TexStar, Citizens National Bank, City National Bank, JP Morgan Chase, Cutwater Asset Management and Principal Financial Group.

The named Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Operation Agreement with the named financial institution is:

Name: Alice Benjiman, Accountant

Email: alice.benjiman@taylortx.gov Fax: 512-352-8483

The following is an additional Authorized Representative designated to perform only inquiries of selected information. This limited representative cannot perform transactions.

6. ______________________________ Title: City Clerk

Susan Brock__________________

This Resolution and its authorization shall continue in full force and effect until amended or revoked by the City of Taylor and until TexPool, TexStar, Citizens National Bank, City National Bank, JP Morgan Chase, Cutwater Asset Management and Principal Financial Services receives a copy of any such amendment or revocation. This resolution is hereby introduced and adopted by the City of Taylor at its regular meeting held on this the _____ day of ________________, 2010.

NAME OF PARTICIPANT: City of Taylor, Texas

By: ______________________________

John McDonald, Mayor Pro Tem
City of Taylor, Texas

ATTEST:

____
Susan Brock, City Clerk
City of Taylor, Texas

This document supersedes all prior Authorized Representative designations.

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #: **4**

Agenda Title: Proclamation: Recognizing Harry "Trey" Robertson, III, of the Taylor Fire Department.

Council Action to be taken: Mayor to present Proclamation

Initiating Department: Fire Department

Staff Contact: **Pat Ekiss, Fire Chief**

1. INTRODUCTION/PURPOSE

Driver/Operator Trey Robertson is being commended for heroic actions while off duty on March 3, 2010.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

4a. Proclamation

PROCLAMATION

Honoring Driver/Operator Harry "Trey" Robertson III

WHEREAS, on Wednesday, March 3, 2010, Driver/Operator Trey Robertson was off duty taking his children to school, and came upon a vehicle accident; and

WHEREAS, calling on his years of training, he stopped to render aid to a young child and a woman slumped over in the front seat; and

WHEREAS, he began C-Spine Immobilization, opening the woman's airway until help arrived from the Williamson County EMS and Georgetown Fire Department; and

WHEREAS, Driver/Operator Robertson's professional actions resulted in a life being saved and he is recognized as a true credit to the fire service and to the community.

NOW, THEREFORE, the City Council of the City of Taylor does hereby issue this proclamation publicly commending Driver/Operator Robertson for his exemplary behavior as a citizen and firefighter.

PROCLAIMED this the 8th day of July, 2010.

____

Rod Hortenstine, Mayor
City of Taylor

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #: **5**

Agenda Title: Receive presentation about the Taylor Mission of Mercy Dental Event

Council Action to be taken: None

Initiating Department: Community Development

Staff Contact: **Bob van Til, Director of Community Development**

1. INTRODUCTION/PURPOSE

On June 10, 11, and 12, 2010 the Texas Dental Association Smiles Foundation held the Taylor Mission of Mercy event in the Taylor high school on N. Main Street. The event helped 875 patients and provided over $517,000 worth of free dental care.

The focus of the presentation is to say thanks for the City's $2,000 sponsorship. In addition, the presenters would like to share some pictures and stories.

Annie Burwell, with Williamson County, Katie Vandersall and Tricia van Til, Interagency Council, will be present to address the Council.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Receive presentation.

6. REFERENCE FILES

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**6**
Agenda Title:	Consider Resolution R10-13 regarding public sale of property located at 2704 N. Main Street, Taylor, Texas, placed in trust to the City of Taylor.
Council Action to be taken:	Approve, deny, or table for additional information
Initiating Department:	City Administration
Staff Contact:	**Jeff Straub, Interim Assistant City Manager**

1. INTRODUCTION/PURPOSE

The "Heartwood property" at 2704 N. Main Street has failed to receive minimum bids at tax sales for the amount of taxes due. This resolution, if approved, will allow the city council to set a lower minimum bid for the property, thus possibly generating greater interest on the part of investors.

2. DESCRIPTION/ JUSTIFICATION

Tax collections for the City of Taylor are conducted by the Williamson County Appraisal District. Williamson County Tax sales are conducted by their delinquent tax attorneys, McCreary, Veselka, Bragg & Allen (MVBA). The representative assigned to assist us is Craig Morgan.

The "Heartwood property" located at 2704 N. Main Street has failed to receive the minimum required bid at previous tax sales (for the amount of taxes due). The property was then placed in trust to the City of Taylor, pending a future tax sale (scheduled for August).

It is the recommendation of Mr. Morgan of MVBA that Council consider the attached resolution, allowing MVBA to lower the minimum bid (to $100,000) for the property in question, thereby hopefully generating great interest in its acquisition by investors.

3. FINANCIAL/BUDGET

The amount of net tax payment received from this sale will be revenue in the General Fund's budget.

4. TIMELINE CONSIDERATIONS

As soon as possible in that this property is scheduled for the August county tax sale.

5. RECOMMENDATION

Staff recommends approval.

6. REFERENCE FILES

6a Resolution R10-13

STATE OF TEXAS

COUNTY OF WILLIAMSON

RESOLUTION REQUESTING A PUBLIC SALE OF PROPERTY ACQUIRED BY THE CITY OF TAYLOR AT A DELINQUENT TAX SALE

WHEREAS, the following described properties were offered for sale by the Constable of Williamson County, Texas at a public auction pursuant to a judgment of foreclosure for delinquent taxes by the District Court of Williamson County; and

WHEREAS, the following described property did not receive sufficient bids as set by law and were struck off to The City of Taylor, Texas, Trustee, for the use and benefit of itself and the other taxing units which levied taxes on the properties, pursuant to Section 34.01 (j) Texas Tax Code; and

WHEREAS, TEX. TAX CODE § 34.05 (c) and (d) provides that a taxing unit may request that the Constable sell this property at a public sale to the highest bidder with no minimum bid required,

THEREFORE, BE IT HEREBY RESOLVED that The City of Taylor, Texas, does hereby request the Constable of Williamson County, Texas to conduct a public sale in the manner prescribed by the Texas Rules of Civil Procedure and § 34.05 (c) and (d) of the Texas Tax Code and sell the following described property to the highest bidder for cash with a minimum bid of $100,000.

Property to be sold:

Tax Account #R019562, 5.00 Acres out of Abstract 495 of the J. Pharrass Survey, City of Taylor, Williamson County, Texas being that property more particularly described in Document #2008056358 of the Official Public Records, Williamson County, Texas (approximate situs address: 2704 N. Main, Taylor, Texas)

BE IT FURTHER RESOLVED that the Mayor of the City of Taylor, Texas, is authorized to execute any deed necessary to convey the property sold pursuant to this Resolution.

THIS RESOLUTION WAS ADOPTED this ______ day of ___________, 2010 by the City Council of The City of Taylor, Texas.

____

Mayor, City of Taylor, Texas

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**7**
Agenda Title:	Conduct Public Hearing and consider introducing Ordinances 2010-21 and 2010-22 regarding rezoning lands and modifying the Future Land Use Plan for areas annexed to the City during December 2009.
Council Action to be taken:	Hold Public Hearing and consider introducing Ordinances 2010-21 and 2010-22.
Initiating Department:	Community Development
Staff Contact:	**John Elsden, AICP** **City Planner**

1. INTRODUCTION/PURPOSE

The purpose of this item is to hold a Public Hearing and consider introducing Ordinances 2010-21 and 2010-22 for the rezoning and Future Land Use of property annexed to the City during December 2009.

2. DESCRIPTION/ JUSTIFICATION

Future Land Use

A Future Land Use Map indicates the desired future land uses around the community. The changes proposed for your consideration will apply to newly annexed areas and some areas adjacent and within the ETJ, similar to the way the map was developed during 2004 when the City's Comprehensive Plan was developed.

The Future Land Use is not the same as zoning, in that it drives the justification for zoning on future requested changes. When a property owner requests a zoning change, it is the Future Land Use Plan that determines whether or not staff will support the rezone request. The main corridors (North and South Main St, and US 79) are shown as Commercial, and the designations do not always follow existing parcel lines.

As with zoning, staff held an Open House meeting on April 29, and Public Hearings with the Planning and Zoning Commission May 11 and June 8. There were no disagreements from property owners on the proposed Future Land Use Maps.

Zoning

One of the last tasks left over from the annexation completed last December is to approve a Zoning Map for the newly annexed areas. Newly annexed areas are automatically zoned R1 as required by our Zoning Ordinance and state law. The Future Land Use Map guides the designation of zoning in these areas. Existing land uses also guide the zoning process for the newly annexed areas.

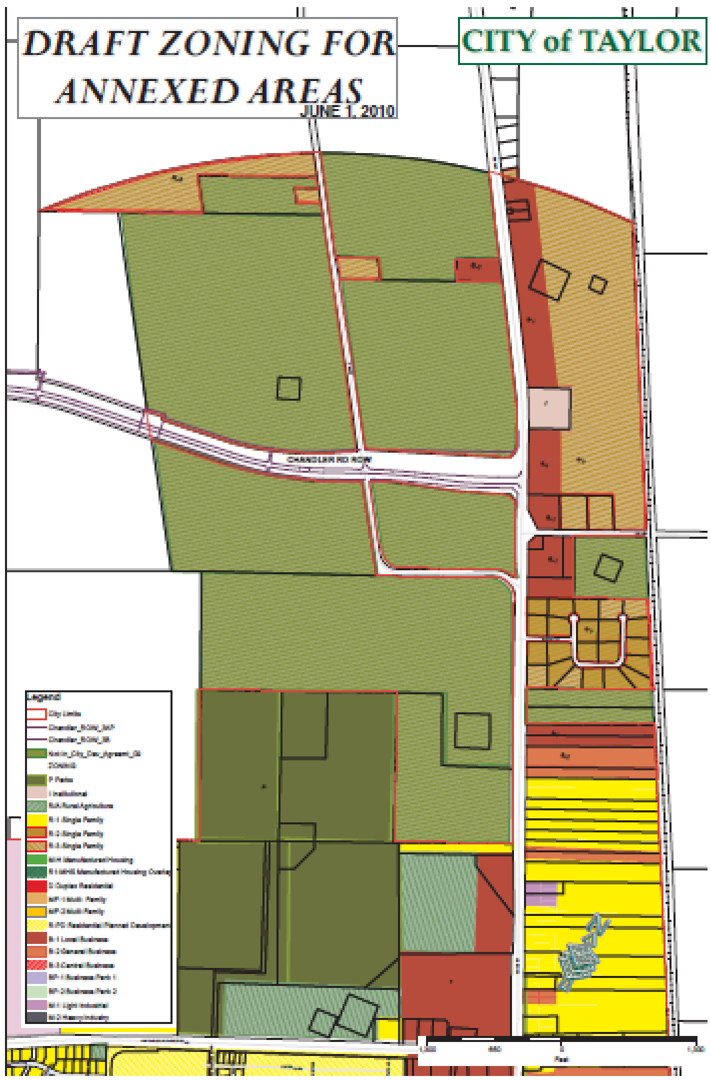
On April 29 staff held an Open House meeting to allow property owners to look at the proposed zoning maps and discuss zoning for their property.

The Planning and Zoning Commission held a Public Hearing on May 11, and continued it to June 8. On June 8, the Commission forwarded their recommendation. Two property owners did not agree with the new zoning classifications for their properties: Mr. Art Baisley (property labeled #2 on the South Zoning Map), who owns property at 330 CR 406, requested a B2, General Business Zoning. The Planning and Zoning Commission recommended R-3 since there is no major road serving this property and the commercial use is incompatible with the surrounding area.

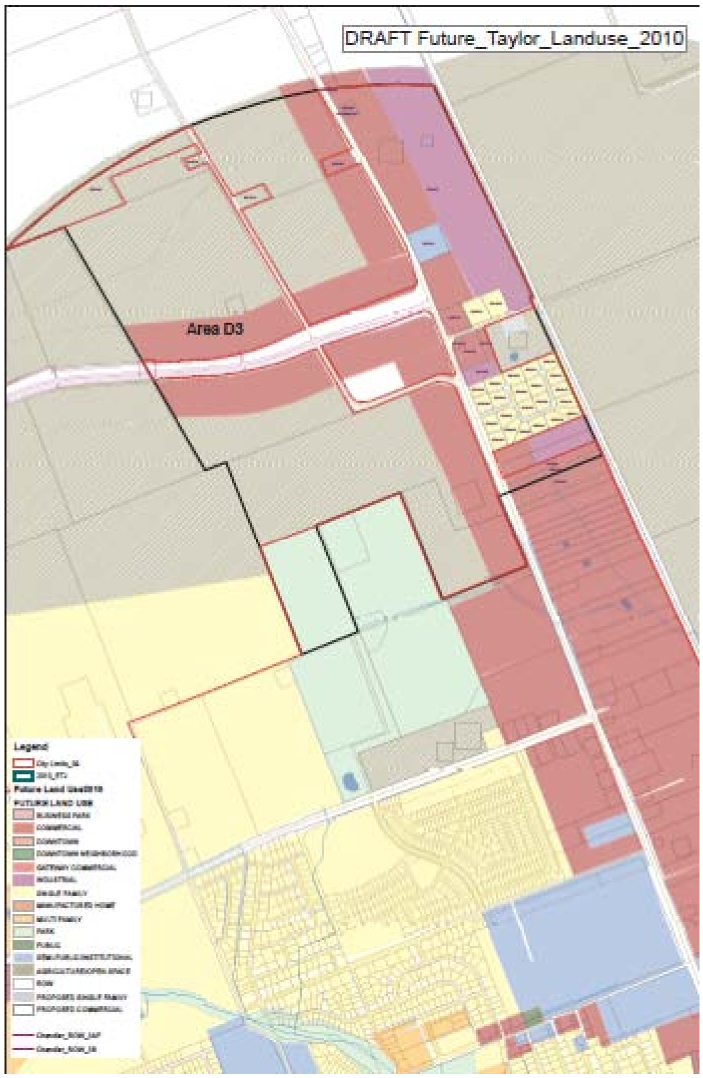
Secondly, Mr. Buentello, who owns property on the NW corner of CR 400 and US 95, requested M-2, heavy industrial, zoning. Mr. Buentello's property (property labeled #1 on the South Zoning Map) was originally proposed for B-1 (along the highway), and R-1 zoning on the eastern portion of the property. He requested this zoning due to his investments in a recycling company that he indicated he started late in 2009 just before the annexation. However, the actual physical development of the company did not start until after the new year. The Commission recommended his property to be zoned M-2, which will allow a recycling facility (it will subsequently need a specific use permit).

The following maps reflect the Planning and Zoning Commission's recommendations for zoning and future land use for annexed lands:

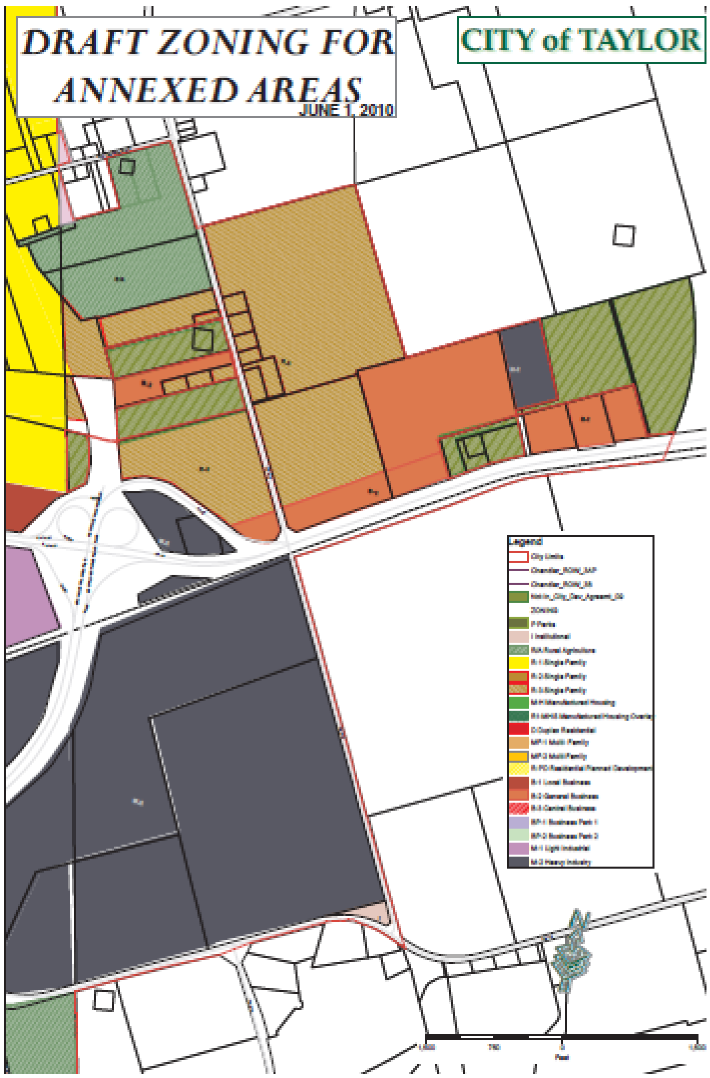
Draft Zoning for the north annexed area:



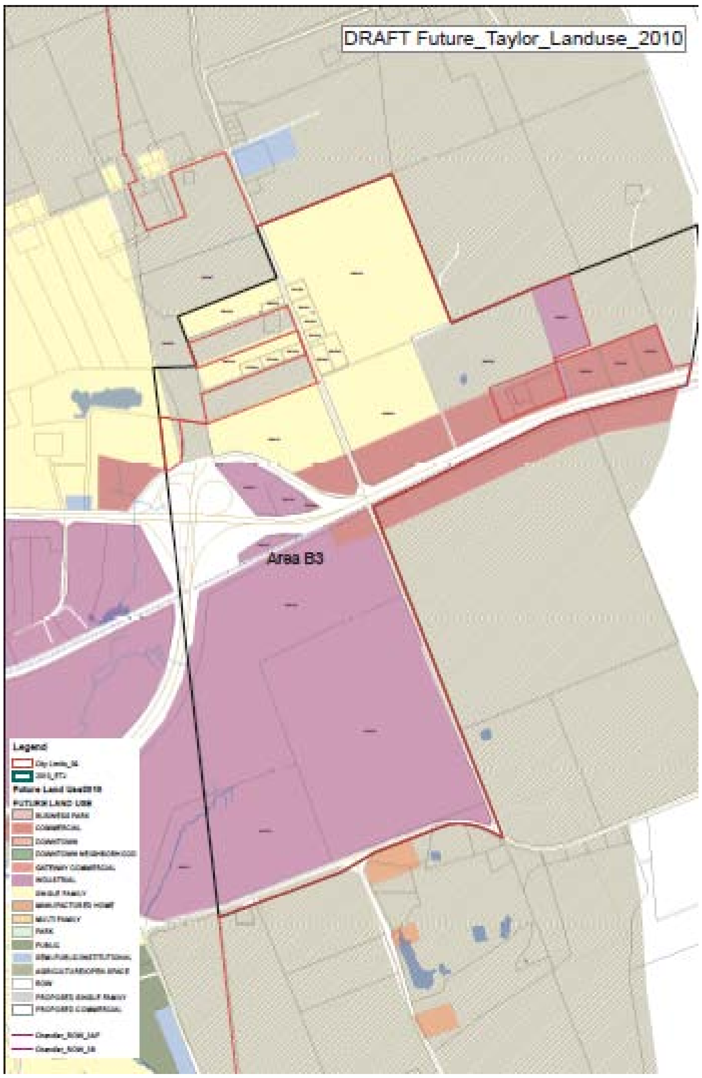
Draft Future Land Use for the north annexed area:



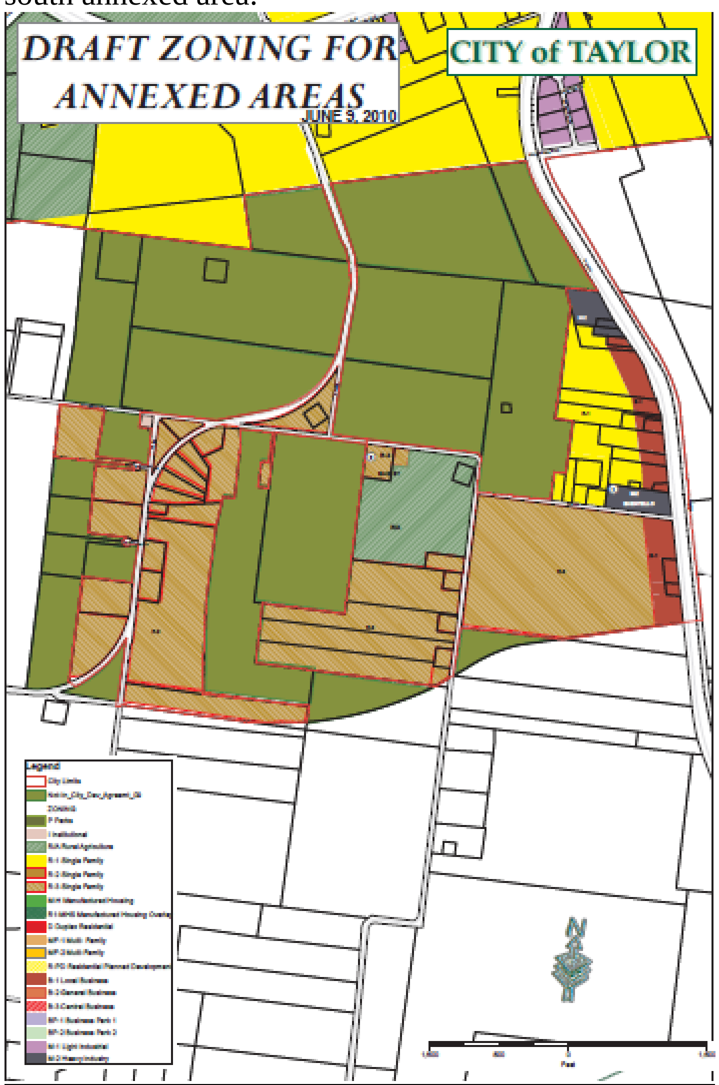
Draft Zoning for the east annexed area:



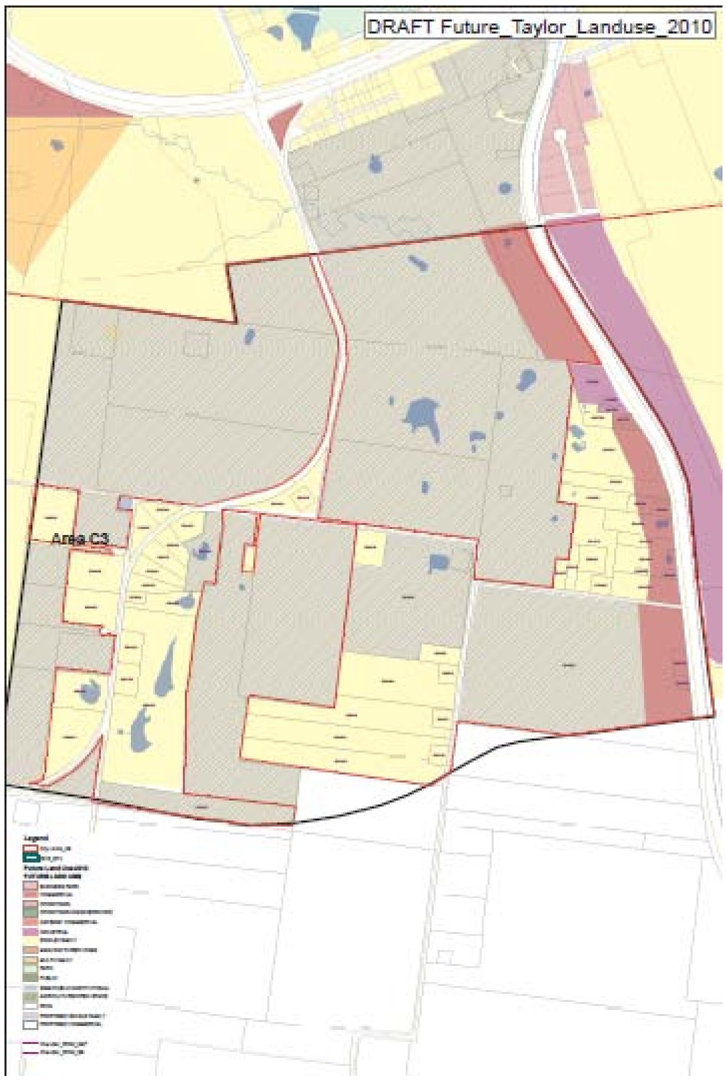
Draft Future Land Use for the east annexed area:



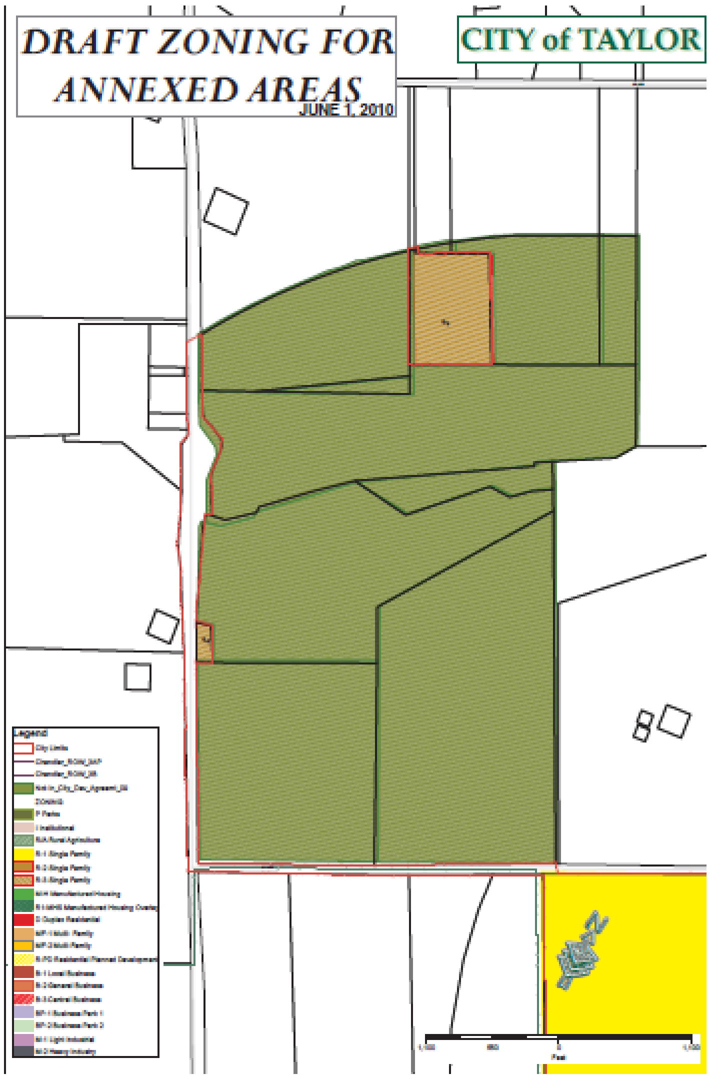
Draft Zoning for the south annexed area:



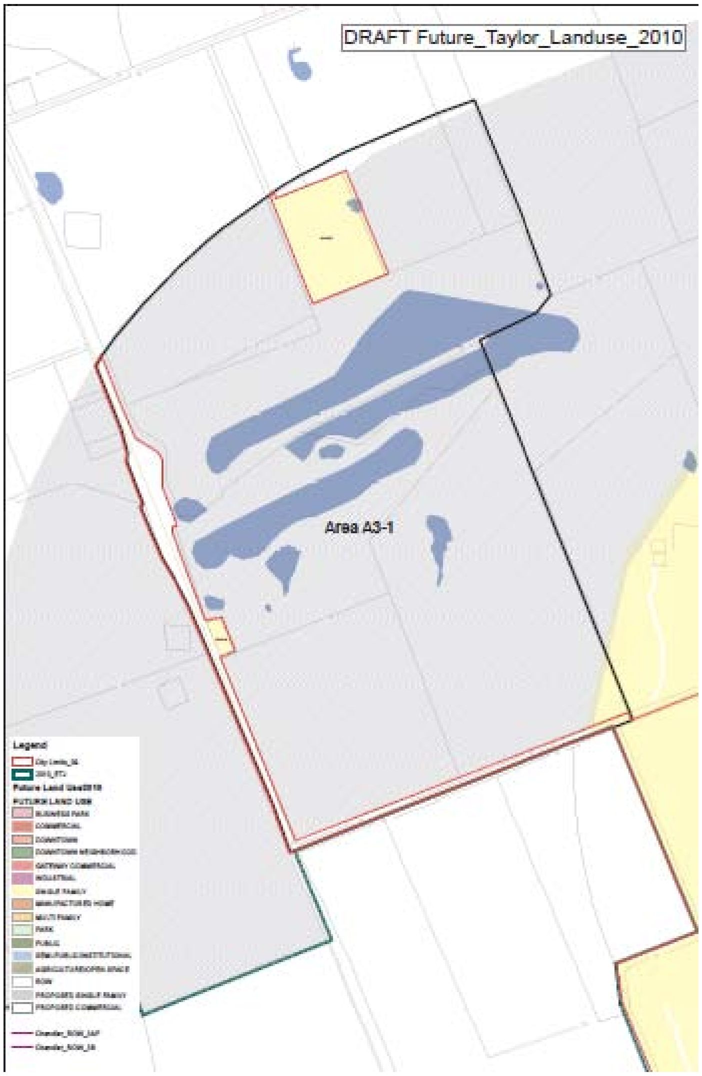
Draft Future Land Use for the south annexed area:



Draft Zoning for the west annexed area:



Draft Future Land Use for the west annexed area:



3. REFERENCE FILES

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Hold a Public Hearing and consider introducing Ordinances 2010-21 and 2010-22.

These Items were recommended for approval by the Planning and Zoning Commission after their Public Hearing on June 8, 2010.

6. REFERENCE FILES

7a. Ordinance 2010-21
7b. Ordinance 2010-22

ORDINANCE NO. 2010-21

AN ORDINANCE CHANGING THE ZONING TO ANNEXED AREAS AS SHOWN ON ORDINANCES 2009-33 AND 2009-34; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE ZONING CHANGES ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

Whereas, the Taylor City Council conducted a public hearing July 8, 2010, to consider changing the zoning for those areas annexed on December 17, 2009, and as shown in Ordinances 2009-33 and 2009-34 as shown on Exhibit "A" incorporated by reference herein for all purposes ("Property"); and

Whereas, the Planning and Zoning Commission, after conducting public hearings on May 11, 2010, and June 8, 2010, to consider the new zoning, recommended the zoning to the City Council; and

Whereas, the City Council, after public hearing, approves the request for the Property zoning.

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

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

SECTION 2. The Property is zoned in accordance with Exhibit A.

SECTION 3. The Official Zoning map of the City of Taylor, Texas, is changed to show the City's new zoning districts within annexed areas.

SECTION 4. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 5. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 6. In accordance with Article 8 of the City Charter, Ordinance 2010-21 was introduced before the Taylor City Council on the 10th day of June, 2010.

PASSED, APPROVED, and ADOPTED on the ______ day of ____________, 2010.

____
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. 2010-21, passed and approved by the City Council of the City of Taylor, Texas, on the ______ day of _________________, 2010, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _________ day of _____________, 2010.

____
Susan Brock
City Clerk

ORDINANCE NO. 2010-22

AN ORDINANCE ADDING FUTURE LAND USES TO ANNEXED AREAS AND ADJACENT AREAS WITHIN TAYLOR'S EXTRATERRITORIAL JURISDICTION AS SHOWN ON EXHIBIT A; AMENDING THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE FUTURE LAND USE CHANGES ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

Whereas, the Taylor City Council conducted a public hearing July 8, 2010, to consider the addition of Future Land Use designations to areas annexed and adjacent areas within Taylor's ETJ, and as shown on Exhibit "A" incorporated by reference herein for all purpose; and

Whereas, the Planning and Zoning Commission, after conducting a public hearing May 11, 2010, and June 8, 2010 to consider the changes to the Future Land Use Map, recommended them to the City Council; and

Whereas, the City Council, after public hearing, approves the changes for the Future Land Use map.

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

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

SECTION 2. The Official Future Land Use Map of the City of Taylor, Texas, is changed to show the new future land use areas.

SECTION 3. All other terms and conditions contained in the official land use map, except as amended herein, shall continue and remain in full force and effect.

SECTION 4. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 5. In accordance with Article 8 of the City Charter, Ordinance 2010-22 was introduced before the Taylor City Council on the 8th day of July, 2010.

PASSED, APPROVED, and ADOPTED on the ______ day of ____________, 2010.

____
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. 2010-22, passed and approved by the City Council of the City of Taylor, Texas, on the ______ day of _________________, 2010, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _________ day of _____________, 2010.

____
Susan Brock
City Clerk

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**8**
Agenda Title:	Conduct Public Hearing and consider introducing Ordinance 2010-26 granting a Specific Use Permit to David and Terese Svoboda for a Bed and Breakfast facility located at 829 McClure Street.
Council Action:	Conduct Public Hearing and consider introduction of Ordinance 2010-26
Initiating Department:	Community Development
Staff Contact:	**John Elsden, City Planner**

1. INTRODUCTION/PURPOSE

Conduct a Public Hearing and consider introducing Ordinance 2010-26 for a Bed and Breakfast facility at 829 McClure Street for rental of three rooms.

2. DESCRIPTION/ JUSTIFICATION

Location and Acres of the Property
829 McClure, 0.48 acres

Property Owner and Applicant
David & Terese Svoboda

Applicant's intentions for the property (development objective)
Convert residence to Bed & Breakfast

Existing Zoning
R-1

Proposed Zoning
Specific Use Permit

Future Land Use Map
Single Family

Current Use of Property
Residence

Zoning of Surrounding Property
R-1

Land Use of Surrounding Property
Residential

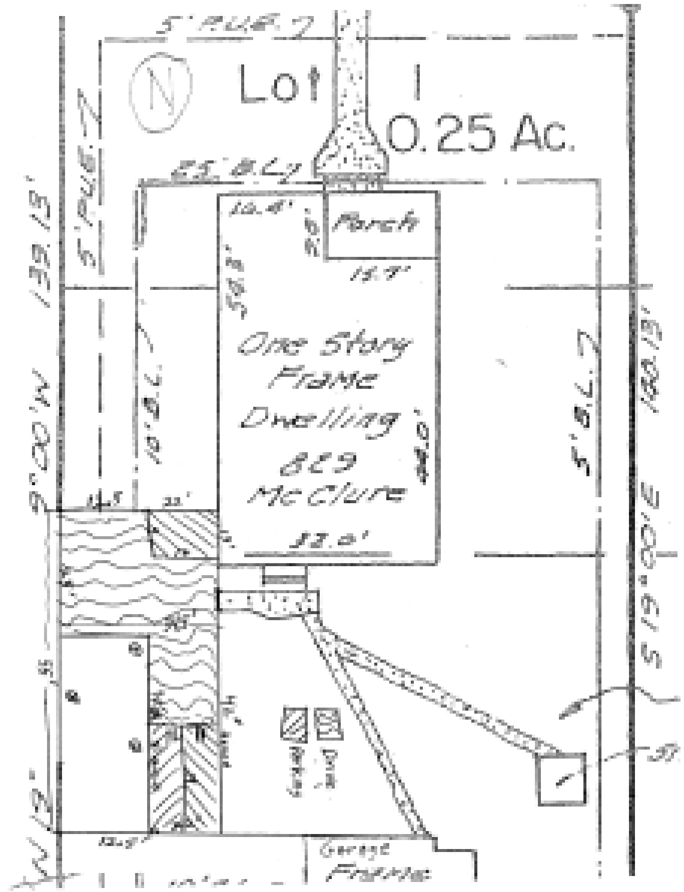
Right of Way Issues
None

Platting Information
Platted

Traffic Analysis Waiver
The applicant has requested a waiver of the Traffic Analysis. This analysis is required for rezones and Specific Use Permits, and is generally waived for smaller projects.

Other Information
View of House along McClure Street:

Site Plan



5' P.U.E.
Lot 1
0.25 Ac.
25' B.L.
5' P.U.E.
Porch
One Story
Frame
Dwelling
829
McClure
32.0'
10' B.L.
5' B.L.
139.13'
N 19°00'W
S 19°00'E
180.13'
Garage
Frame

Aerial Photo

Discussion and Recommendation
The applicant would like to convert the single family residence to a 3 bedroom Bed and Breakfast. The parking is shown on the site plan, and appears to be adequate for three rental rooms (3 parking spots) and the full time residents (2 parking spots).

Staff recommends approval of this request with the following conditions:

- Parking must consist of a dust free surface
- Meet requirements of the Texas Department of State Health Services for food services, administered by the Williamson County and Cities Health District
- The applicant will pay a hotel-motel tax to the City – Get Certificate of Registration with Taylor
- Signage is allowed per the Taylor Sign Ordinance

3 FINANCIAL/BUDGET

N/A

4 RECOMMENDATION

Hold Public Hearing and Introduce Ordinance 2010-26 allowing a Bed and Breakfast Facility at 829 McClure Street.

The Planning & Zoning Commission recommended approval of this request on June 8, 2010 following their public hearing.

5 REFERENCE FILES

8a Ordinance 2010-26

ORDINANCE NO. 2010-26

AN ORDINANCE ALLOWING A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST FACILITY ON PROPERTY DESCRIBED AS 829 MCCLURE STREET; AND PROVIDING A SAVINGS CLAUSE

WHEREAS, notices for the proposed specific use permit were published in accordance with the Zoning Ordinance and the request referred to the Planning and Zoning Commission.

WHEREAS, David & Terese Svoboda, property owners, requested a specific use permit to allow a Bed and Breakfast Facility at 829 McClure Street. That after a public hearing held by the Planning and Zoning Commission on June 8, 2010, the Planning and Zoning Commission voted to recommend a specific use permit to allow a Bed and Breakfast Facility on said property.

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

1.0 That after public hearing held on July 8, 2010 before the City Council of the City of Taylor for the purpose of considering an application submitted by David & Terese Svoboda to allow a Bed and Breakfast Facility on property described as 829 McClure Street with rental of three (3) rooms, a specific use permit is hereby granted to David & Terese Svoboda to the property described.

2.0 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 here of, as if copied herein verbatim.

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

4.0 In accordance with Article 8, of the City Charter, Ordinance No. 2010-26 was introduced before the City Council on the 8th day of July, 2010.

PASSED, APPROVED, and **ADOPTED** on the _______ day of ____________, 2010.

____
Rod Hortenstine, Mayor

ATTEST:

____
Susan Brock, City Clerk

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**9**
Agenda Title:	Conduct Public Hearing and consider introducing Ordinance 2010-20 to rezone City Parks and Trails to "P" Park Zoning.
Council Action:	Conduct Public Hearing and consider introduction of Ordinance 2010-20
Initiating Department:	Community Development
Staff Contact:	**John Elsden, City Planner**

1. INTRODUCTION/PURPOSE

Conduct a Public Hearing and consider introducing Ordinance 2010-20 to rezone City Parks and Trails to "P" Park Zoning.

2. DESCRIPTION/ JUSTIFICATION

During November, 2009, the City Council created a new zoning district titled "P" Park Zoning. New definitions were also included for a number of Park related uses. The reason for this new district is to provide a zoning district specifically designed for publicly owned parks and recreational facilities.

The Future Land Use Plan (FLP) includes a land use category called "Park." The FLP describes the types of land uses anticipated in the next 20 years or so. There are no recommendations in the Plan to create a "P" zoning district. However, the creation of the "P" district will put the land use more in line with the FLP and will not detract from the objectives in the Plan, create something in conflict with the Plan, and will put all of the city's park land and trails under one zoning category more suitable for park uses as opposed to multiple zoning such as single-residential, multi-family, commercial, industrial, and agricultural zoning.

The new Park District will be shown on the Zoning Map, and is already shown on the FLP.

3 FINANCIAL/BUDGET

N/A

4 RECOMMENDATION

Conduct a Public Hearing and Introduce Ordinance 2010-20 rezoning City Parks and Trails to "P" Park Zoning.

The Planning & Zoning Commission considered this item during their May 11 and June 8, 2010 meetings. They recommended approval of this Item on June 8, 2010 following their public hearing.

5 REFERENCE FILES

9a Ordinance 2010-20
9b. Parks and Trails Zoning map

ORDINANCE NO. 2010-20

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, BY CHANGING THE ZONING OF ALL CITY OWNED PARKS AND TRAILS TO "P" PARK ZONING; TO SHOW THE ZONING CHANGES ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

Whereas, the Taylor City Council conducted a public hearing July 8, 2010, to consider rezoning all parks and trails owned by the City of Taylor, as shown on Exhibit "A" incorporated by reference herein for all purposes ("Property"); and

Whereas, the Planning and Zoning Commission, after conducting a public hearing on May 11, 2010, and June 8, 2010 to consider the new zoning, recommended the zoning to the City Council; and

Whereas, the City Council, after public hearings, approves the rezoning of property.

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

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

SECTION 2. The Property is zoned "P" Park in accordance with Exhibit A.

SECTION 3. The Official Zoning map of the City of Taylor, Texas, is changed to show the City's parks and trails to be zoned "P" Park.

SECTION 4. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 5. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 6. In accordance with Article 8 of the City Charter, Ordinance 2010-20 was introduced before the Taylor City Council on the 8th day of July, 2010.

PASSED, APPROVED, and ADOPTED on the ______ day of ____________, 2010.

____
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. 2010-20, passed and approved by the City Council of the City of Taylor, Texas, on the ______ day of _________________, 2010, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _________ day of _____________, 2010.

____
Susan Brock
City Clerk

CITY of TAYLOR PARKS & TRAILS

CITY OF TAYLOR FOUNDED 1876

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**10**
Agenda Title:	Consider request from the Legacy Early College High School to use the City Hall auditorium for daily lunch program.
Council Action to be taken:	Approve, deny, or ask for additional information
Initiating Department:	City Administration
Staff Contact:	**Jim D. Dunaway, City Manager**

1. INTRODUCTION/PURPOSE

Please see the attached letter from Norma Marquardt, Legacy Early College High School Principal. Staff has reviewed this request thoroughly and feels that we can adequately address Ms. Marquardt's request as submitted. I feel that since this is the first year for Legacy to have all four grades present all day on the EWCHEC campus and since they must receive food service during the school day, this option proves most beneficial to all concerned. Certainly, this would demonstrate the City's support of the Legacy program.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends approval as requested.

6. REFERENCE FILES

10a. Ms. Marquardt's letter.

Proposal for use of the large meeting space at City Hall
2010/2011 School Year

As Legacy Early College High School moves to a full day school next year, we will need to provide a place for students to eat lunch. Although plans for a new location with Temple College include a food court/cafeteria space that will accommodate the Legacy students, next year's temporary portable solution to the facility needs does not address this need. I would like to ask the city of Taylor to allow us to use the large meeting space from 11 to 1:15 Monday through Thursday and 12:15-1:15 on Fridays to accommodate our lunch needs. Legacy student population will be 169 students next year with two lunch hours based on students' college schedules.

Monday through Thursday we anticipate from 40 to 50 students during the 11 to 12 time frame. We will have 118-127 during the 12:15-1:15 time frame. On Fridays, the entire student population will have lunch during the 12:15-1:15 time frame. Although the seniors (31) will have off-campus privileges, I do not anticipate all of them leaving campus to eat lunch.

Taylor ISD Food Service will be delivering meals but would like a place to set up the delivery and offer students some variety. I am working with Anita to determine how to coordinate this in a quick, efficient and orderly manner. Legacy staff would monitor both lunch times and students would be expected to clean up after themselves and demonstrate responsibility in the shared space. We would need to have tables and chairs set up in the space to accommodate the students.

We would ask that we be able to utilize the space on those days that school is in session beginning August 23rd and ending June 2nd. We do not have school September 6th, Nov. 24th, 25th and 26th, December 20th –January 3rd, January 17th, March 14th -18th , April 22nd or May 30th. I realize that the city may have already promised the space on some of the days in question and will be willing to be flexible on those days.

Thank you for your consideration.

Norma Marquardt
Principal, Legacy Early College High School

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #: **11**

Agenda Title: Consider authorizing the City Manager to negotiate and execute an agreement with Taylor Independent School District and Temple College at Taylor to locate portable classrooms for the Legacy Early College High School.

Council Action to be taken: Approve, deny or table

Initiating Department: Community Development

Staff Contact: **Bob van Til,**
Director of Community Development

1. INTRODUCTION/PURPOSE

Taylor ISD requested approval to place four portables near the TCAT-EWCHEC campus downtown for the Legacy Early College High School program.

2. DESCRIPTION/ JUSTIFICATION

The portables are 24' by 60' and can house up to 40 students per portable (up to 20 per classroom).

At first we discussed placing two portables on the parking lot behind TCAT on E 6^{th} Street and two east of the 1935 City Hall.

However, placing the portables in E 5^{th} Street appears to be a more viable option. It provides more space, eliminates the need for students to cross streets, and would not hinder access to the bay doors at the 1935 City Hall. Nor would it reduce parking in the parking lot on E 6^{th} Street.

An outline of the proposed agreement is attached.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends that the Council authorize the City Manager to negotiate and execute an agreement with the Taylor ISD and TCAT for the placement of four portables in E 5th Street.

6. REFERENCE FILES

11a. Proposed outline of the agreement.

Interlocal Agreement Outline

Placement of Portables in E. 5th Street
Between City, Taylor Independent School District (TISD), and Temple College at Taylor Foundation (TCAT).

City agrees to:

1. Recognize the placement of the portable buildings as temporary,
2. Allow the TISD to place four (4) 24' x 64' portable class rooms in E. 5th Street for 24 months for Legacy High School students in accordance with the attached site plan,
3. Not require the buildings to be connected to sanitary sewer or water,
4. Waive all development related fees,
5. Close E. 5th Street during the time the portables are in place.

TISD and TCAT agree to:

1. Conduct Legacy High School classes in the two portable buildings
2. Install four (4) 24' x 64' portable classrooms in E. 5th Street for Legacy High School students in accordance with the attached site plan,
3. Provide general liability insurance naming the City of Taylor as additionally insured,
4. Obtain all the necessary permits and approvals,
5. Remove the portable class rooms within 60 days following the end of the 24 month period of time,
6. Once removed, repair any damage that may have been caused by the placement or removal of the portables or the operation of the class rooms at no cost to the City,
7. If needed, request an extension of time not to exceed an additional 24 months. Needs to request this extension a minimum of 60 days prior to the end date of this interlocal agreement,
8. Provide a schedule of classes to the City

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**12**
Agenda Title:	Consider Mutual Aid Agreement with Williamson County.
Council Action to be taken:	Approve, deny, or request additional information.
Initiating Department:	Fire Department
Staff Contact:	**Pat Ekiss, Fire Chief/EMC**

1. INTRODUCTION/PURPOSE

Mutual aid agreements exist to provide additional resources during large scale fires or disasters. The County mutual aid agreement was recently reviewed by the Williamson County Fire Chiefs Association. The purpose of the review was to make certain that the agreement met current practices and procedures as well as any applicable laws or regulations. It was determined that no significant changes were necessary. Minor alterations were made to the word structure allowing the document to flow a bit better as well as eliminate any misinterpretation that might have existed in its previous format. Seeing that the document had not been reviewed in several years and noting that several participating agencies had changed leadership, a new enrollment process was called for.

2. DESCRIPTION/ JUSTIFICATION

Working mutual aid agreements for fire protection are common and allowable under Texas Government Code Chapter 791. The purpose is to meet the needs of any participating department during events that have taxed the ability of that agency to provide additional resources. The City of Taylor has benefited from this agreement in the past and it is our goal to re-establish this working relationship.

3. FINANCIAL/BUDGET

There is no financial impact to the city budget by entering into this agreement.

4. TIMELINE CONSIDERATIONS

Until the agreement is executed, the city will neither participate in nor fully benefit from mutual aid

5. RECOMMENDATION

This is a housekeeping issue. The city will benefit from entering into this agreement. It is my recommendation that Council approve execution of the agreement.

6. REFERENCE FILES

12a. Mutual Aid Agreement

THE STATE OF TEXAS

MUTUAL AID FIRE PROTECTION AGREEMENT

COUNTY OF WILLIAMSON

THIS AGREEMENT entered into this _____ day of ________________ 2010, by and between the undersigned Political Subdivisions (Cities and Emergency Service Districts) and/or volunteer fire departments, all who belong to the Williamson County Fire Chiefs Association (WCFCA), herein referred to as the member Organizations;

WITNESSETH

WHEREAS the governing officials of the members Organizations, Political Subdivisions and/or volunteer fire departments of the State of Texas, desire to secure for each such Organization the benefits of mutual aid in fire prevention and protection of life and property from fire and in firefighting;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That upon request of one Organization, who is party hereto each having fire suppression equipment and personnel, by the Fire Chief or their designee of said Organization, firefighting equipment and personnel of said responding Organization, who is a party hereto, will be dispatched to any point within the geographical limits of said requesting member Organization, or to a point which such Organization has a written agreement, pursuant to Local Government Code section 42.044 to provide fire protection, designated by said Fire Chief or their designee of requesting Organization, subject to the emergency conditions herein stated.

2. All Organizations represented in this Agreement will use the National Incident Management System (NIMS) when participating in mutual aid responses.

3. It is hereby declared and agreed that if an emergency condition exists within the geographical limits or extraterritorial jurisdiction of a requesting Organization hereto at a time when one or more emergencies are in progress, and that when such condition exists, the requested Organization Fire Chief or their designee shall determine the availability of sending firefighting equipment beyond the geographical limits of the requested party, and the judgment of the requested Organization Fire Chief or their designee shall be final.

4. Any dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:

a. Any request for aid hereunder shall specify the amount and type of equipment and number of personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment to be furnished shall be determined by a representative of the responding Organization.

b. Responding Organization shall report to the Incident Commander or their designee of the requesting Organization at the designated location.

c. Responding Organization shall be released by the requesting Organization when the services of the responding Organization are no longer required or when the responding Organization is needed within the area for which it normally provides fire protection services.

5. Any civil liability related to the furnishing of services hereunder is the responsibility of the requesting member Organization, in accordance with the Texas Government Code Chapter 791. However, all claims for Workers' Compensation benefits arising out of this agreement shall be the sole responsibility of the party who is the general employer of the employee or volunteer filing such claim. At no time shall the employees or volunteers of the responding party be considered to the borrowed servants or on loan to the requesting party to this agreement. Notwithstanding the terms of this paragraph the responding Organization shall hold the requesting Organization harmless from all liability for injuries or damages to persons or property that might occur as a result of the act or omission of an act of the employees or volunteers of responding Organization.

6. No member Organization shall be reimbursed by any other member Organization for costs incurred pursuant to this agreement.

7. All equipment used by the responding Organization in carrying out this agreement will, at the time of action hereunder be owned or contracted by it; and all personnel acting for said member Organization under this agreement will, at the time of such action be an employee or volunteer member of said member Organization.

8. Responding Organizations shall comply with all applicable federal, state, county, and local government laws, regulations, and ordinances.

9. It is further agreed by and between the parties hereto that either party hereto shall have the right to terminate this agreement upon thirty (30) days written notice to the other parties hereto.

10. This agreement is made pursuant to Texas Government Code Chapter 791, commonly referred to as the Interlocal Corporation Contracts.

11. If for any reason any one or more of the paragraphs of this Agreement are held invalid, such holding shall not affect, impair, or invalidate the remaining paragraphs of this Agreement, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Agreement held invalid, and the invalidity of any section, sentence, clause, or parts of this Agreement in any one or more instances shall not affect or prejudice in any way the validity of this Agreement in other instances.

12. The original of this Agreement with original signatures will be kept in the custody of the Secretary of the WCFCA and will be made available for inspection upon demand by any Organization signing hereto.

13. Effective date of this Agreement shall be on the date signed by the member Organizations and shall continue in full force and effect unless otherwise terminated.

* * * The Rest of this Page is Intentionally Left Blank * * *

WCFCA INTERLOCAL/MUTUAL AID AGREEMENT
"MEMBER ORGANIZATION SIGNATURE PAGE"

Executed and effective on the date or dates indicated below.

____
Member Organization Name

By:____
Name/Signature Title/Position

Date:____________

ATTEST:

By:____
Name/Signature Title/Position

Date:____________

Williamson County Fire Chiefs Association

By:____
Name/Signature Title/Position

Date:____________

ATTEST:

By:____
Name/Signature Title/Position

Date:____________

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #:	**13**
Agenda Title:	Consider introducing Ordinance 2010-25 to rename a portion of Sycamore Street within Murphy Park to Veterans Drive.
Council Action to be taken:	Introduce Ordinance 2010-25
Initiating Department:	Community Development
Staff Contact:	**John Elsden, AICP, City Planner**

1. INTRODUCTION/PURPOSE

The purpose of this item is to Introduce Ordinance 2010-XX which will begin the 30-day comment period to rename a portion of Sycamore Street to Veterans Drive within Murphy Park.

2. DESCRIPTION/ JUSTIFICATION

This ordinance will begin the 30-day comment period for residents to comment on the proposed name of Veterans Drive, which will replace Sycamore Street within Murphy Park. Once the 30-day comment period has expired, a Public Hearing will be held for consideration of the name change to Veterans Drive.

Notification for the Public Hearing will include posting on the City's Web Site, and a Legal Notice in the Taylor Daily Press. All properties on this section of Sycamore are owned by the City of Taylor.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Introduce Ordinance 2010-25 and begin the 30-day comment period to accept comments from residents of Taylor for the street renaming.

6. REFERENCE FILES

13a. Ordinance 2010-25
13b. Map of Sycamore Street

ORDINANCE NO. 2010-25

"AN ORDINANCE PROVIDING FOR THE RENAMING OF SYCAMORE STREET WITHIN MURPHY PARK; PROVIDING FOR A PUBLIC HEARING; PROVIDING A REPEALING CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE"

WHEREAS, it is the desire of the City Council of the City of Taylor, Texas to rename Sycamore Street within Murphy Park; and

WHEREAS, the City Council held a public hearing on August 24, 2010 to receive citizen comment on this action; and

WHEREAS, the City of Taylor is the owner of all real property located on Sycamore Street that is located within the confines of Murphy Park.

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

SECTION 1.0 That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2.0 The City Council hereby renames Sycamore Street within Murphy Park to Veterans Drive.

SECTION 3.0 Exhibit A indicates the location of Sycamore Street to be renamed Veterans Drive.

SECTION 4.0 All other ordinances; parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

SECTION 5.0 If any portion of the Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

SECTION 6.0 In accordance with Article 8 of the City Charter, Ordinance No. 2010-25 was introduced before the City Council on the 8th day of July, 2010.

PASSED, APPROVED, and ADOPTED on the 9th day of September, 2010.

Rod Hortenstine, Mayor
Taylor City Council

ATTEST:

Susan Brock, City Clerk

EXHIBIT A


N LYNN ST
W LAKE DR
VETERANS DR
VETERANS DR
SYCAMORE ST
SYCAMORE ST
HACKBERRY ST
FOWZER ST
VANCE ST
W 12TH ST
Miles

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #: **14**

Agenda Title: Consider setting initial fee for the Municipal Drainage Utility System.

Council Action to be taken: Approve, deny or table

Initiating Department: City Administration

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

1. INTRODUCTION/PURPOSE

Please see the enclosed letter from Halff Associates. Casey Sledge, Consulting City Engineer will also be present to address any questions or comments you may have. The rate recommended in the letter will be a flat rate for all residential customers and commercial customers will pay a fee of $2.00 per each 2,500 square feet of impervious cover.

2. DESCRIPTION/ JUSTIFICATION

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

As you can see from the enclosed letter, Staff is suggesting that this fee be implemented on October 1, 2010, with the rate payers seeing this for the first time on their November, 2010 bill.

5. RECOMMENDATION

Staff recommends setting the initial MDUS rate at $2.00.

6. REFERENCE FILES

14a. Halff and Associates Memo

4030 West Braker Lane, Ste 450
Austin, Texas 78759
(512) 25-8184
Fax (512) 252-8141

MEMORANDUM

TO:	Jim Dunaway City Manager City of Taylor 400 Porter Street Taylor, TX 76574	**DATE:**	June 28, 2010
FROM:	Eric Scheibe, PE, CFM Michael A. Moya, PE, CFM	**AVO:**	24582 Taylor MDUS Project
EMAIL:	escheibe@halff.com		
SUBJECT:	Taylor MDUS ERU Rate Update - City Council		

Mr. Dunaway,

Halff Associates has completed our updated estimate of the total impervious cover for the city of Taylor, required by State law to evenly and fairly assign a Municipal Drainage Utility System (MDUS) rate to the various property owners of the city. It is our understanding that the city desires to fund $2 million in drainage improvements through a bond program that is to be paid off over 20 years. Under this assumption, Halff recommends that the city set the Equivalent Residential Unit (ERU) billing rate for the MDUS at $2.00, which will generate roughly $340,000 per year; enough revenue to retire the $2 million bond in 20 years plus provide an additional $130,000 a year for miscellaneous drainage improvements, maintenance and studies. It should be noted that this estimate assumes TISD (including the new HS) is included in the MDUS billing system.

At this point, we still have roughly 100 parcels with no assigned water account, and roughly 10 water accounts with no parcel and impervious area assigned. A detailed list of these properties and accounts will be provided in a follow-up submittal. It should be noted that the estimated revenue of $340,000 per year assumes that that city will be able to bill these unmatched owners.

Upon your approval of this rate recommendation, Halff plans to continue to assist the city with implementation of the MDUS, scheduled to start in October 2010.

Please let us know if you have any questions regarding this memo.

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #: **15**

Agenda Title: **Executive Session**. (Acquisition of Real Property)

Council Action to be taken: Adjourn into Closed session.

Initiating Department: City Administration

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

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/ JUSTIFICATION

The Taylor City Council will conduct a closed meeting under Section 551.072 of the Texas Government Code which allows such a closed meeting to conduct deliberations regarding the purchase, exchange, lease, or value of real property.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

15a. Executive Session form 551.072

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 July 8, 2010 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 551.072 of the Texas Government Code to conduct deliberations regarding the purchase, exchange, lease, or value of real property.

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 ____________, 2010.

____
Rod Hortenstine, Mayor

City Council Meeting
July 8, 2010
Agenda Item Transmittal

Agenda Item #: **16**

Agenda Title: **Executive Session**. (Economic Development)

Council Action to be taken: Adjourn into Closed session.

Initiating Department: City Administration

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

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/ JUSTIFICATION

The Taylor City Council will conduct a closed meeting under Section 551.087 of the Texas Government Code which allows such a closed meeting and which Rules conflict with the Texas Open Meetings Act.

3. FINANCIAL/BUDGET

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

6. REFERENCE FILES

16a. Executive Session form 551.087

TAYLOR CITY COUNCIL
CERTIFIED AGENDA - EXECUTIVE SESSION

1. OPEN MEETING ANNOUNCEMENT

THE CITY OF TAYLOR CITY COUNCIL BEING CONVENED IN OPEN SESSION AND DECLARING A QUORUM, ON THIS DATE July 8, 2010 AFTER POSTING AN OFFICIAL AGENDA INDICATING THE NEED FOR AN EXECUTIVE SESSION AND PURSUANT TO SECTION 551.087, TEXAS GOVERNMENT CODE, THE COUNCIL WILL ADJOURN INTO EXECUTIVE SESSION 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.

ANY ACTION RESULTING FROM THIS EXECUTIVE SESSION WILL BE TAKEN IN OPEN SESSION IMMEDIATELY FOLLOWING THE EXECUTIVE SESSIONS.

2. BACK TO OPEN SESSION

THE TIME IS ________ P.M. AND WE WILL NOW RESUME THE OPEN SESSION OF THE COUNCIL MEETING. NO ACTION OR VOTE WAS TAKEN ON ANY MATTER DISCUSSED IN EXECUTIVE SESSIONS.

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 8th day of July, 2010.

____
Rod Hortenstine, Mayor