

The City Council of the City of Taylor met on July 8, 2008 at City Hall, 400 Porter St., Taylor, Texas. Mayor Hortenstine noted the absence of Council Member Donald Hill, declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Mayor Pro Tem Ella Jez
Council Member Bernabe Gonzales
Council Member John McDonald

Frank Salvato, City Manager
Assistant City Manager, Jim Dunaway
City Attorney, Ted Hejl
City Clerk, Susan Brock

INVOCATION

Chief Jeff Straub led the group in prayer.

PLEDGE OF ALLEGIANCE

CITIZENS COMMUNICATION

No citizens came forward.

CONSENT AGENDA

1. MINUTES FOR JUNE 24, 2008.
2. ORDINANCE 2008-20 AMENDING SIGN ORDINANCE (ELECTRONIC BILLBOARDS, VARIANCES, BANNERS)

ORDINANCE 2008-20

AN ORDINANCE AMENDING RULES AND REGULATIONS FOR THE ERECTION, RECONSTRUCTION, ALTERATION OR REPAIR OF SIGNS WITHIN THE CITY OF TAYLOR, TEXAS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING CRIMINAL AND CIVIL VIOLATIONS AND PENALTIES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION"

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

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

3. CONSIDER APPROVING ORDINANCE 2008-21 AMENDING THE ANIMAL CONTROL ORDINANCE.

This Ordinance was introduced at the June 24th Council meeting and Chief Jeff Straub presented additional revisions as a result of Council input. The Ordinance now includes a more inclusive definition of fowl and the distance restriction on fowl changed from residence to "property of another", "public street" removed from public places where defecation is prohibited; and an expansion of the Animal Advisory/Appeals Board to five members.

ORDINANCE NO. 2008-21

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, ESTABLISHING GENERAL REGULATIONS FOR THE CONTROL OF ANIMALS WITHIN THE CITY; ESTABLISHING AN ANIMAL CONTROL OFFICER; ESTABLISHING AN ANIMAL CONTROL APPEALS BOARD; REQUIRING VACCINATIONS AND REGISTRATIONS OF REQUIRED ANIMALS; PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; 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 WHICH GOVERNS PUBLIC HEALTH OR SANITATION WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND PROVIDING EFFECTIVE DATE.

With no further discussion, Council Member Gonzales moved to adopt Ordinance 2008-21 and Council Member McDonald seconded the motion. VOTE: Four voted AYE. Motion passed.

4. CONSIDER APPOINTMENTS TO ANIMAL CONTROL ADVISORY BOARD.

Captain Don Georgens of the Taylor Police Department presented a request to consider appointing members to the Animal Control Appeals Board and Shelter Advisory Committee. The current state regulations require the committee be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter and one representative from an animal welfare organization. At the request of Council at the June 24th meeting, Captain Georgens presented one additional application for consideration increasing the group to a five member Board.

Council Member Gonzales moved to approve the appointments as presented:

Arlon W. Graef, D.V.M.	Licensed Veterinarian (Taylor)
Rhywnn Gaffney	T.C.S.A.R. animal welfare organization
Tom Waggoner	Taylor Animal Control Officer
Don Georgens	Taylor municipal official (Police Captain).
Pamela Tharp	Resident of Taylor

Mayor Pro Tem Jez seconded the motion. VOTE: Four voted AYE. Motion passed.

5. CONSIDER REQUEST FROM THE UNITED SENIORS OF TAYLOR TO WAIVE PERMIT FEES FOR THE RENOVATION OF THE NEW TAYLOR SENIOR CITIZENS CENTER.

Mr. Bob vanTil, Director of Community Development, presented a request from the United Seniors of Taylor to consider waiving the City permit fees to be incurred for the renovation of the facility at the old Taylor High/Middle School on 7th Street. Mr. vanTil estimated these fees could total \$1,325 for all plan review fees and remodeling per square foot fees. When completed the facility will house partner organizations WBCO for Meals on Wheels and the

Shepherd's Heart non-profit organization. Mr. Fred Switzer was present to respond to questions and to encourage the City to support this project by waiving the permit fees. He estimated the completion date between September and November of this year.

Mayor Pro Tem Jez moved to waive permit fees for the Senior Citizens Center and Council Member McDonald seconded the motion. VOTE: Four voted AYE. Motion passed.

6. CONSIDER INTERLOCAL AGREEMENT BETWEEN WILLIAMSON COUNTY AND THE CITY OF TAYLOR REGARDING THE EXPANSION OF BUSINESS HIGHWAY 79 AND ASSUMPTION OF OPERATION AND MAINTENANCE OF SAME FROM TEXAS DEPARTMENT OF TRANSPORTATION.

At the May 8th meeting Council authorized the City to move forward with an agreement to remove 2nd and 4th Streets from the Texas Department of Transportation Highway System and to begin improvements to these streets. Mr. Salvato presented a proposed interlocal agreement with the County regarding the proposed work to be done on Highway 79 within City limits. He indicated that the revised agreement under review does not include sidewalks and lighting which may be added back to the project in the event all funds are not expended by the end of the project.

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

7. CONDUCT PUBLIC HEARING AND CONSIDER INTRODUCING ORDINANCE 2008-22 MODIFYING THE ZONING ORDINANCE TO CREATE A DOWNTOWN NEIGHBORHOOD ZONING DISTRICT.

Mr. John Elsdon, City Planner, presented an ordinance creating a Downtown Neighborhood Zoning District. This item has been under review before the Planning and Zoning Commission for the past 18 months and presented for discussion at a Public Meeting on May 12, 2008 and a Public Hearing on June 10, 2008. Don McAlister, Chairman of the P&Z Commission, expressed his appreciation for the work done by both commission members and City staff and encouraged Council to introduce the Ordinance to create this zoning district.

Mayor Hortenstine opened the Public Hearing; hearing no comments, he declared the hearing closed and asked Mr. Hejl to read the caption to Ordinance 2008-22, declaring it officially introduced.

ORDINANCE NO. 2008-22

AN ORDINANCE FOR THE CITY OF TAYLOR, TEXAS, AMENDING ZONING ORDINANCE NO. 2001-17 ADOPTED MAY 2001, AS AMENDED BY ORDINANCES 2002-18, 2002-42, 2003-36, 2004-25, 2006-35, 2007-14, 2008-02, AND 2008-09 BY AMENDING CHAPTER 2, SECTION 2.11, OF THE ZONING ORDINANCE AS AMENDED AND AS CODIFIED IN THE TAYLOR CITY CODE, BY CREATING A MIXED USE DISTRICT OR DOWNTOWN NEIGHBORHOOD DISTRICT WHICH ALLOWS BOTH RESIDENTIAL AND COMMERCIAL USES IN THE DISTRICT AND BY AMENDING CHAPTER 11, SECTION 11.1 BY ADDING A DEFINITION FOR "SIGHT DISTANCE TRIANGLE"; REQUIRING NOTICE FOR PUBLIC HEARINGS REQUIRED UNDER THE ZONING CODE TO BE COMPLY WITH THE TEXAS LOCAL

GOVERNMENT CODE, AS AMENDED FROM TIME TO TIME; PROVIDING
A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE.

(As a current member on the Board, Mayor Pro Tem Jez recused herself prior to the discussion on the next agenda item.)

8. CONSIDER APPOINTING TWO MEMBERS TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG)

Mr. Dunaway presented a request from Council Member Hill and Mayor Pro Tem Jez to continue their appointments on the CAPCOG Board. Mayor Hortenstine has the option to make these appointments and he requested Council approval of his recommendation.

Council Member McDonald moved to approve the Mayor's reappointments of Donald Hill and Ella Jez to the CAPCOG Board and Council Member Gonzales seconded the motion.
VOTE: Three voted AYE. Motion passed.

(Mayor Pro Tem Jez rejoined the meeting.)

9. CONSIDER INTRODUCTION OF ORDINANCE NO. 2008-23 AMENDING THE EXISTING HOTEL/MOTEL TAX ORDINANCE TO PROVIDE FOR PENALTIES FOR NON-PAYMENT OF TAXES.

Mr. Dunaway presented a request to amend the current ordinance adopted in 1978 in order to provide a methodology for penalties associated with the failure of local hotels, motels, and bed and breakfast facilities to pay their respective taxes to the City of Taylor. Council Member McDonald raised the question of who monitors the amount of taxes paid by these facilities and staff agreed to research the issue.

Mr. Hejl to read the caption to Ordinance 2008-23 and Mayor Hortenstine declared it officially introduced.

ORDINANCE 2008-23

AN ORDINANCE ADOPTING CHAPTER 351 OF THE TEXAS TAX CODE AND ANY AMENDMENTS HEREAFTER TO COLLECT OR ENFORCE THE HOTEL AND MOTEL OCCUPANCY TAX; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH DAY AN OFFENSE IS COMMITTED OR CONTINUED, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, OR FOR ANY VIOLATION OF ANY PROVISION WHICH GOVERNS FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION, WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND PROVIDING EFFECTIVE DATE.; AND A REPEALER CLAUSE.

10. CONSIDER CHANGE ORDER FOR THE MURPHY LAKE DAM REPAIR.

Mr. Dunaway presented a request to approve additional funding for a change order in the repairs to the Murphy Lake Dam. He reminded Council that no contingency funds were included in the original bid award and the contractor has encountered a problem during

demolition of the west wingwall. Engineers for the project from Freese & Nichols have determined that both wingwalls need to be redesigned and costs estimates for design and construction are estimated to be \$33,000.

Mayor Pro Tem Jez moved to approve the change order as presented not to exceed \$35,000 with funds to come from sales tax for the current fiscal year. Council Member Gonzales seconded the motion. VOTE: Four voted AYE. Motion passed.

11. CONSIDER SCHEDULING DATES FOR FUTURE CITY COUNCIL MEETINGS IN AUGUST AND SEPTEMBER.

Mr. Salvato advised Council that additional meetings will be needed during the Budget process and submitted a proposed calendar to include these dates.

Council agreed to schedule future Council meetings on August 5, 15, 26, and to move the September meetings to September 4 and 23.

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

13. CONSIDER ACTION ON EXECUTIVE SESSION.

Mayor Hortenstine opted to hold the Executive Sessions consecutively and any action taken would be at the end of all sessions.

(Council Member McDonald recused himself from the next agenda item.)

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

15. CONSIDER ACTION FROM EXECUTIVE SESSION.

Council met in Executive Sessions consecutively beginning at 7:10 p.m. Mayor Hortenstine reconvened the meeting into Open Session at 7:51 p.m. and stated that no action was taken during any of the Executive Sessions.

ADJOURN

With no further business; Mayor Hortenstine adjourned the meeting at 7:52 p.m.

Rod Hortenstine, Mayor

ATTEST:

Susan Brock, City Clerk