

AGENDA

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

TUESDAY, MAY 19, 2020, 6:00 P.M.

In order to assist in maintaining the health of Council Members, staff and the public, this meeting will be conducted by *video conference*.

You may view this meeting as it's happening through the City's website at <http://www.ci.taylor.tx.us/660/Taylor-Videos>

For citizen comments, please contact the City Clerk's office at Dianna.barker@taylor.tx.gov prior to 5:30p.m. Tuesday, May 19th.

The agenda packet is available at <http://www.ci.taylor.tx.us/calendar>

CALL TO ORDER AND DECLARE A QUORUM

CITIZEN COMMENTS

(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. Public comments are limited to 3 minutes.)

PUBLIC HEARINGS / ORDINANCES

1. Consider introducing Ordinance 2020-07 temporarily suspending portions of Ordinance No. 2018-09 in order to allow possession of an open container or the consumption of an alcoholic beverage in the central business district of the City of Taylor, Texas. (Brian LaBorde/Mark Schroeder)

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 including: Section 551.071 (Consult with attorney); Section 551.072 (Real Property); Section 551.073 (Gifts and Donations); Section 551.074 (Personnel Matters); Section 551.076 (Security Devices); and Section 551.087 (Economic Development). I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 p.m. on May 15, 2020 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 Press.

In compliance with the ADA the City Hall and Council Chambers is wheelchair accessible. Reasonable accommodations will be provided for persons attending city council meetings in need of special assistance. Please contact the City Clerk at least 24 hours prior to the meeting for special assistance.

Posted By: Dianna Barker Date 5-15-2020
Dianna Barker, City Clerk



City Council Meeting May 19, 2020 Transmittal Letter

STRATEGIC PILLAR

- ☐ Streets/Infrastructure
- ☒ Quality of Life
- ☒ Economic Vitality

Agenda Item #: 1

Agenda Title: Consider introducing Ordinance 2020-07 temporarily suspending portions of Ordinance No. 2018-09 in order to allow possession of an open container or the consumption of an alcoholic beverage in the central business district of the City of Taylor, Texas.

Council Action to be taken: Introduce Ordinance

Department Submitted: City Attorney/City Manager

Staff Contact: Mark Schroeder/Brian LaBorde

1. PURPOSE/DESCRIPTION

The purpose of this agenda item is to introduce a possible temporary suspension of Ordinance No. 2018-09 in order to allow possession and consumption of alcoholic beverages in public areas within the Central Business District.

2. STAFF ANALYSIS / BACKGROUND / PRIOR COUNCIL ACTIONS

The CDC and state and county health officials have strongly recommended that restaurants and other businesses in which people congregate to consume food or beverages provide outdoor seating for their customers whenever possible. The Central Business District of Taylor contains numerous bars and restaurants that do not have outdoor seating available to them except in the public right of way. The city currently prohibits the possession of open containers or the consumption of alcoholic beverages except in permitted areas adjacent to the business. This prohibition prevents many restaurants from offering full-service outdoor seating for their customers.

The City adopted Ordinance No. 01-03-94, prohibiting the consumption and possession of an open container and consumption of alcoholic beverages in the Central Business District. The Central Business District roughly covers the historic downtown, as well as parts of South Main Street.

In 2018, the City adopted Ordinance No. 2018-09, amending Ordinance No. 01-03-94 in order to allow the possession of an open container and consumption of alcoholic beverages in the Central Business District under limited circumstances in an area immediately adjacent to the business. A business must apply to the City for a permit to

allow open containers and consumption in the adjacent area within the city right of way and the application must be approved by the City.

Due to the risks associated with COVID-19 it is recommended by the Centers for Disease Control and Prevention, Governor Greg Abbot, and Williamson County Health officials that when possible restaurants and bars should provide outdoor seating and service to their customers. If the prohibition against open containers and consumption of alcoholic beverages outside of local businesses and restaurants within the Central Business District was permitted, the businesses will be better able to provide full-service dining or accommodations to their customers in a safer outdoor environment to dine or congregate. This ordinance will also speed up the ability of the business owners to take advantage of the outdoor area outside of their place of business by bypassing the permit process. It will also allow for a great area for the customers to spread out in the available outdoor space. This ordinance would not override any TABC regulations or rules and will terminate automatically unless extended by council.

3. PROS and CONS

<u>PROS</u>	<u>CONS</u>
• restaurants can provide full-service outdoor seating for their customers. • recommended by the Centers for Disease Control and Prevention, Governor Greg Abbot, and Williamson County Health officials.	• N/A

4. RECOMMENDATION

Introduce Ordinance

5. FUNDING SOURCE

N/A

6. TIMELINE

Ordinance to be considered for adoption at the May 20, 2020 special called Council meeting.

7. OTHER OPTIONS (In order of preference)

Do not introduce ordinance.

8. ATTACHMENTS

1a. Draft Ordinance 2020-07

1b. Central Business District map

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY OF TAYLOR TEMPORARILY SUSPENDING PORTIONS OF ORDINANCE NO. 2018-09 IN ORDER TO ALLOW POSSESSION OF AN OPEN CONTAINER OR THE CONSUMPTION OF AN ALCOHOLIC BEVERAGE IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF TAYLOR, TEXAS.

WHEREAS, the City of Taylor, Texas, adopted Ordinance No. 01-03-94, prohibiting the consumption and possession of an open container and consumption of alcoholic beverages in the Central Business District; and

WHEREAS, the City of Taylor, Texas, adopted Ordinance No. 2018-09, amending Ordinance No. 01-03-94 in order to allow the possession of an open container and consumption of alcoholic beverages in the Central Business District under limited circumstances as stated in Section 2 of Ordinance No. 2018-09;

WHEREAS, the City Council of the City of Taylor, Texas, has determined that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Taylor and also to provide its local business owners the ability to continue to provide services to their customers in a safe manner; and

WHEREAS, it is recommended by the Centers for Disease Control and Prevention, Governor Greg Abbot, and Williamson County Health officials that when possible restaurants and bars should provide outdoor seating and service to their customers; and

WHEREAS, by allowing alcoholic beverage consumption outside of local businesses and restaurants within the Central Business District, the businesses will be better able to provide their customers a safer outdoor environment to dine or congregate; and

WHEREAS, in order to make this option available for many downtown business within the Central Business District, it is the desire of the City Council to temporarily suspend the prohibition of the possession of open containers or the consumption of alcoholic beverages in the Central Business District and permit such activity unless it is otherwise not allowed under state law or local ordinances; and

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

SECTION 1. The prohibition against alcoholic beverages and open containers, as defined by the Texas Alcoholic Beverage Commission ("TABC) and Ordinance No. 01-03-94, on any public street or right of way as ordered in Section 2 of Ordinance 2018-09 of the City of Taylor, Texas, is hereby temporarily suspended so long as:

A. the alcoholic beverage is sold to the public by a business licensed by the TABC authorizing the public sale of such alcoholic beverage ("Business"); and

B. the consumption of any alcoholic beverage in the Central Business District does not violate any other ordinance or law.

SECTION 2. The Businesses are encouraged to not allow their customers to leave the Business or the area adjacent to the business with a glass container and to provide plastic or paper cups to their customers if the customer is leaving the area adjacent to the business. If businesses and customers do not follow this recommendation and broken glass and litter become a problem within the Central Business District, then the City Council will consider amending this ordinance to include enforcement measures to address the problem.

SECTION 3. The City Council authorizes the City Manager for administrative purposes to make administrative decisions and rules and regulations regarding implementation and enforcement of the ordinance. The City Manager shall determine such rules and regulations and notify the public by publishing said rules and regulations on the city website and making them publicly available at city hall.

SECTION 4. Nothing herein is intended to abrogate or supersede any law regarding alcoholic beverages including, without limitation, the TABC, which shall be a requirement of the Business under this Ordinance.

SECTION 5. All provisions of any Ordinance of the City of Taylor, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all

other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Unless further action is taken by the City Council extending this ordinance, then this suspension shall terminate on _____, 2020.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2020.

Brandt Rydell, Mayor

ATTEST:

Dianna Barker, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Dianna Barker, 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. 2020-07, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2020, 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 _____, 2020.

Dianna Barker
City Clerk

CENTRAL BUSINESS DISTRICT



This map is created by the City of Taylor, Texas, Planning and Development Department.

"This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative location of property boundaries."

10/16/2017

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based on 1994 historic business district