MINUTES

CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
THURSDAY, MAY 9, 2013 AT 6:30 P.M.

Mayor Matt Powell
Stephen Thomas, Council Place One
Lyle Grimes, Council Place Three
Lowell Moore, Council Place Four
Mitch Fuller, Mayor Pro Tem
Jon Lux, Council Place Five
Donald J. Tracy, Council Place Six
Brenda Eivens, City Manager

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Powell called the meeting to order at 6:32 p.m.
Councilmember Grimes absent from meeting. All others present.

A.2 Invocation. (6)
Councilmember Tracy gave the Invocation.

A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.

A.4 Presentation: Proclamation For National Police Week, May 12 - May 18, 2013.
Mayor Powell read and presented a Proclamation in honor of National Police Week to Chief Mannix and members of the Police Department.

A.5 Presentation: Employee Recognition For Service With The City Of Cedar Park.
a. Ofc. Erik Detlefsen, Police Department - Ten Years Of Service.
Item withdrawn from Agenda.

A.6 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Wayne Walczak addressed Council regarding having the Recreation Center hours extended. He would like the facility to open earlier on Sundays and have extended hours on Saturday.

A.7 Mayor and Council Opening Comments.

Councilmember Tracy commented on Education Day for Leadership Cedar Park.

Mayor Pro Tem Fuller also commented on Leadership Cedar Park and recognized two students of the program in attendance at the Council Meeting. He also

commented on the Legislature and expressed his frustrations with the process and the need for action regarding water.

Mayor Powell commented on his visit to West and the need of good planning in advance of any disaster. He thanked the organizers for the National Day of Prayer and congratulated Representative Dale on the passing of his first bill.

A.8 City Manager Report: Recognition Of Kit Coates, Youth Services Manager, Recipient Of The Outstanding New Librarian Award.
Pauline Lam, Library Director, introduced Kit Coates and stated she is the recipient of the Outstanding New Librarian Award. Ms. Lam reviewed the many new programs implemented by Ms. Coates.

A.9 City Manager Report: Update On The Independence Day Event Planning - Curt Randa, Parks And Recreation Director.
Curt Randa, Parks And Recreation Director, gave an update on the events planned for July 4th, Independence Day.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.

Movant: Councilmember Moore
Second: Councilmember Tracy
Vote: 6-0 with Councilmember Grimes absent from meeting.

B.1 Receipt Of Minutes From The Cedar Park Economic Development Corporation (Type A) Meeting Of February 25, 2013.
Received under the Consent Agenda.

B.2 Receipt Of Minutes From The Arts Advisory Board Meeting Of March 6, 2013.
Received under the Consent Agenda.

B.3 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of February 19, 2013.
Received under the Consent Agenda.

B.4 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of March 19, 2013.
Received under the Consent Agenda.

C.1 Second Reading And Approval Of An Ordinance Amending Chapter 11, Zoning, Article 11.02 Zoning Districts And Regulations, Division 33 Corridor Overlay, Section 11.02.278 To Expand The Boundary Of The Corridor Overlay From 400 Feet To 500

Feet On Either Side Of The Street Right-Of-Way For All Roadways Identified In The Overlay. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment. (OA-13-001)**

Approved under the Consent Agenda.

Ordinance Number CO30.13.05.09.C1

C.2 Second Reading And Approval Of An Ordinance Amending Chapter 11, Article 11.01 Zoning Ordinance, Division 3 Administration, Section 11.01.016; And Article 11.02 Zoning Districts And Regulations, Division 35 Conditional And Special Use Permits; And Article 11.08 Performance Standards For All Districts, Division 1 Performance Standards, Section 11.08.001 Providing For Interpretation Of Conflicting Provisions Within The Zoning Ordinance. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment. (OA-13-003)**

Approved under the Consent Agenda.

Ordinance Number CO31.13.05.09.C2

C.3 Second Reading And Approval Of An Ordinance To Amend Chapter 11 Zoning, Article 11.02 Zoning Districts And Regulations, Division 11 Townhome Residential, Section 11.02.084; And Division 12 Condominium Residential, Sections 11.02.095 And 11.02.096; And Division 20 Commercial Services, Section 11.02.172; And Article 11.04 Accessory Structures, Division 1 Accessory Uses, Section 11.04.002; And Article 11.05 Architectural Design Standards, Division 2 Masonry Standards, Sections 11.05.008 And 11.05.009, Clarifying The Masonry Standards Within The Zoning Ordinance. **The Planning And Zoning Commission Voted 6-0 To Approve The Amendment. (OA-13-004)**

Approved under the Consent Agenda.

Ordinance Number CO32.13.05.09.C3

D.1 A Resolution Authorizing The Execution Of An Interlocal Agreement Between The City Of Cedar Park And Williamson County For An Alternative Access Route For The Brushy Creek Regional Trail.
Approved under the Consent Agenda.

Resolution Number R105.13.05.09.D1

D.2 A Resolution Authorizing And Directing The City Manager To Execute A Document Dedicating A Public Utility Easement On The Brushy Creek Regional Wastewater System West Treatment Plant Property.
Approved under the Consent Agenda.

Resolution Number R106.13.05.09.D2

D.3 A Resolution Approving The Assignment Of The ETS-Lindgren L.P. Enterprise Project Status To ETS-Lindgren Inc.
Approved under the Consent Agenda.

Resolution Number R107.13.05.09.D3

PUBLIC HEARINGS

E.1 (Z-13-004) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 5.64 Acres From General Retail (GR) To General Office (GO) For Property Located At 3620 East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Rawls Howard, Development Services Director, addressed Council regarding the applicant's request to rezone 5.64 acres of land from GR to GO.

Mayor Powell opened the Public Hearing.
No Public Comment.
Mayor Powell closed the Public Hearing.

E.2 (Z-13-005) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 41.17 Acres From Townhome Residential (TH) To Condominium Residential (CD) And Assign Original Zoning Of Condominium Residential (CD) To Approximately 1.03 Acres For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Rawls Howard, Development Services Director, addressed Council regarding the applicant's request to zone TH to CD.

Mayor Powell opened the Public Hearing.
No Public Comment.
Mayor Powell closed the Public Hearing.

E.3 First Reading And Public Hearing Of An Ordinance Allowing Implementation Of The February 11, 2013 Interim Rate Adjustment Filing Pursuant To The Texas Utilities Code Section 104.301 Of Texas Gas Service Company, A Division Of Oneok, Inc.
Charles Rowland, City Attorney, addressed Council regarding the Gas Reliability Infrastructure Program (GRIP) by Texas Gas Service. After a complete and thorough review of this GRIP filing, the City's third party rate consultant has indicated that TGS' proposal complies with the Texas Utilities Code, and is reasonable with respect to the costs and rate of return proposed through this GRIP filing.

Mayor Powell opened the Public Hearing.
No Public Comment.
Mayor Powell closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Second Reading And Consideration To Approve An Ordinance Amending Chapter 11 Zoning Ordinance, Article 11.03 Height, Setback And Lot Requirements For All Districts, Division 1 Building Setback, Height And Lot Standards, Sections 11.03.001 And 11.03.011 To Clarify The Minimum Setback Standards And To Reduce The Minimum Distance Between Two Principal Buildings From 15 Feet To 10 Feet For Structures Within The Condominium Residential (CD) Zoning District. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment. (OA-13-002)**

Rawls Howard, Development Services Director, reviewed the proposed amendment to eliminate the side setback requirement for cluster condominium units and to revise the building-to-building setback requirements to maintain one standard of 10 feet between principal buildings. The 10 foot separation would apply to any two principal buildings, whether cluster or detached buildings.

General discussion followed.

Councilmember Thomas inquired if the detached units are similar to single family homes in appearance.

Mayor Powell stated a future comprehensive look at ordinances could be conducted which would include broader discussions regarding safety and aesthetics.

Motion to approve the Ordinance as presented by staff.

Movant: Councilmember Thomas
Second: Mayor Pro Tem Fuller
Vote: 6-0 with Councilmember Grimes absent from meeting.

Ordinance Number CO33.13.05.09.F1

F.2 Consideration Of Cost Estimate For Undergrounding Of Overhead Utility Lines On Brushy Creek Road.
Sam Roberts, Assistant City Manager, reviewed the cost estimate to underground overhead utility lines on Brushy Creek Road. Mr. Roberts explained the double

circuit overhead electrical lines and stated there are other utility providers such as Time Warner, AT&T and Grande. The result of staff research determined a cost estimate of $2.2M.

General discussion followed.

Mayor Powell stated undergrounding has come up in past conversations and is important but he can't justify the cost. Mayor commented on working with PEC for roadway projects and the continued effort to have utilities placed underground. PEC predominantly is a rural provider where overhead utilities are common.

Mayor Pro Tem Fuller agreed with the Mayor's comments and stated it is a worthy thing to keep pressing in the future.

Councilmember Thomas commented on having an aggressive discussion with PEC and regarding their planning cycle.

Councilmember Moore stated he is unable to support the amount due to other priorities.

Mayor Pro Tem Fuller commented on LCRA regarding their electricity business. This may be a strategic and long term goal to search for alternative providers.

F.3 Consideration Of A Former Mayors And Council Coalition. (Moore)

Motion to table this item until the next meeting.

Movant: Mayor Powell
Second: Councilmember Tracy
Vote: 6-0 with Councilmember Grimes absent from meeting.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 7:26 p.m.

G.0 Executive Session:

G.1 Section 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:

a. Legal Issues Concerning Permitted Uses In The General Office ("GO") And Hospital ("H") Zoning Districts.
b. Legal Issues Concerning Council Appointments To Boards And Commissions.
c. Legal Issues Concerning Concealed Handgun Licensees And Governmental Facilities.

G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
a. Legal Issues Concerning Proposed Fire Station #5.

G.3 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
a. City Manager.
b. City Attorney.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

Council reconvened from Executive Session into Open Meeting at 8:38 p.m.

Motion to authorize the City Manager to execute a special warranty deed with Cedar Park Health Systems LP for the acquisition of 2.1 acres of land pursuant to the approval of the City Attorney.

Movant: Councilmember Tracy
Second: Councilmember Moore
Vote: 6-0 with Councilmember Grimes absent from meeting.

H.1 Mayor And Council Closing Comments.

Mayor Pro Tem Fuller requested a future agenda item for a Proclamation for Heroes Night Out.

Councilmember Tracy requested a future agenda to provide an update from the CAPCOG Executive and Economic Committee Meetings.

H.2 Adjournment.

Mayor Powell adjourned the meeting at 8:42 p.m.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2013.

Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary