



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, JANUARY 13, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:31 p.m.
Mayor Pro Tem Fuller arrived at 6:50 p.m.
All Council present.
- A.2 Invocation.
Invocation given by Mayor Lemon.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Brian Collins, Cedar Park, addressed Council regarding the completion of the trails located in the Town Center.
Ken Walsh, Cedar Park, addressed Council regarding the completion of the trails in the Town Center.
Jennifer Maw, Cedar Park, addressed Council regarding the completion of sidewalks on Bagdad Road to Leander High School.

A.5 Mayor and Council Opening Comments.
Mayor Lemon commented on the CAMPO meeting and funding for Cedar Park.

Councilmember Powell commented on the ponds and trails located in the Town Center and future development of the area. He also commented on his visit with Councilmember Dale to visit with the local delegation at the Capitol.

Councilmember Dale commented on a meeting he attended regarding ESD #14, and a meeting with Commissioner Long pertaining to fire protection in non-contracted areas.

Councilmember Tracy congratulated Mayor Pro Tem Fuller on his recent appointment by Governor Perry to the Commission on State Emergency Communications. He also congratulated Councilmember Dale on working on the K-2 legislation with Senator Shapiro.

Mayor Pro Tem Fuller arrived at 6:50 p.m.

A.6 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

i. Pauline Lam, Library Director - Thirty Years.

Jose Madrigal, Assistant City Manager, presented Pauline Lam with a plaque in honor of thirty years of service with the City of Cedar Park.

A.7 City Manager Report: Bed And Breakfast Establishments In Single Family Districts - Rawls Howard.

Rawls Howard, Development Services/Planning Director, provided Council with a background on bed and breakfast establishments. Currently there are no existing establishments; however, one is currently in development in the City's ETJ. The current zoning ordinance does not allow B&B establishments in single-family residential. The zoning ordinance does allow B&B establishments to be located in transitional commercial, limited retail and general retail zoning categories. Mr. Howard briefly reviewed comparable cities and their zoning requirements.

Councilmember Mitchell briefly commented on the recent inquiry for a bed and breakfast establishment. Typically such business is low impact and quiet for the surrounding area.

Councilmember Powell commented on the European type of B&B, a possible special permit process and issues with on-street parking.

Mayor Lemon stated off-street parking in residential areas would need to be addressed or be a requirement.

Mayor Pro Tem Fuller commented on similar establishments in Fredericksburg.

A.8 City Manager Report: Comparative Review Of Area City Commercial Development Costs. Mark Lewis, Building Inspections, Larry Holt, Economic Development, Amy Link And Emily Barron, Planning.

Mark Lewis, Building Inspections Director, provided Council with a comparative overview of development costs in area cities. Mr. Lewis provided information on Austin, Georgetown, Hutto, Leander, Pflugerville, Round Rock and Cedar Park.

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.

Agenda Item D.1 removed from the Consent Agenda by Mayor Pro Tem Fuller

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C, and D excluding D.1

Movant: Councilmember Powell

Second: Councilmember Moore

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of December 9, 2010.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Historic And Cultural Preservation Commission Meeting Of August 25, 2010.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Cedar Park Historic And Cultural Preservation Commission Meeting Of September 29, 2010.
Received under the Consent Agenda.
- C.1 Z-10-009 Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 3.75 Acres Of Land, Located On The West Side Of Toro Grande Just North Of E. Whitestone Boulevard, In Williamson County, Texas. **The Planning And Zoning Commission Voted To Recommend Approval Of Commercial Services (CS) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z12-11-01-13-C1
- C.2 Z-10-014 Second Reading And Approval Of An Ordinance To Rezone Approximately 3.568 Acres Of Land From General Retail (GR) To Open Space Greenbelt (OSG), Owned By NEC Hwy 183/Walton Way, Located On The East Side Of US Highway 183 Just North Of Walton Way, In Williamson County, Texas. **The Planning And Zoning Commission Voted To Recommend Approval Of Open Space Greenbelt (OSG) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z14-11-01-13-C2

- C.3 Z-10-015 Second Reading To Affirm The Planning And Zoning Commission Recommendation To DENY A Request By Pedro Amaya To Rezone Approximately 1.37 Acres Of Land From Single Family (SF) To Manufactured Home (MH), Located At The Southwest Corner Of East Park Street and South Mustang Avenue, In Williamson County, Texas.
Approved under the Consent Agenda.

Affirmation of the Planning & Zoning Commission's recommendation to deny the zoning request approved. Zoning denied.

- D.1 A Resolution Authorizing And Directing The City Manager To Execute A Professional Services Agreement With SEC Planning, LLC For The Design Of Gateway and Entryway Signs In The Amount of \$26,500.
Removed from the Consent Agenda by Mayor Pro Tem Fuller.

Mayor Pro Tem Fuller inquired about the budget for the project.

Motion to approve the Resolution authorizing and directing the City Manager to execute a Professional Services Agreement with SEC Planning, LLC for the design of Gateway and Entryway Signs in the amount of \$26,500.

Movant: Mayor Pro Tem Fuller
Second: Councilmember Mitchell
Vote: 7:0

Resolution Number R53-11-01-13-D1

- D.2 A Resolution Authorizing The Purchase Of A Playscape For Milburn Park From The Playwell Group In The Amount Of \$145,582.50.
Approved under the Consent Agenda.

Resolution Number R54-11-01-13-D2

- D.3 A Resolution Authorizing The Purchase Of New and Replacement Civilian Vehicles And Equipment Approved In The FY11 Budget, The Sale Of Existing Civilian Vehicles And Equipment, And Authorize Gaston Sheehan Auctioneers To Represent The City In The Sale Of Retired Civilian Vehicles And Equipment.
Approved under the Consent Agenda.

Resolution Number R55-11-01-13-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Possession And Use Agreement Between William Wilson Jr, Lou Loving And The City Of Cedar Park Under The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project.
Approved under the Consent Agenda.

Resolution Number R56-11-01-13-D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute An Additional Services Agreement With Lockwood, Andrews, And Newnam, Inc. Under The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project In The Amount Of \$28,145.
Approved under the Consent Agenda.

Resolution Number R57-11-01-13-D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute A License Agreement With Capital Metro For City Installation And Maintenance Of A New 12-inch Water Line And Roadway Improvements Within Capital Metro Right-Of-Way.
Approved under the Consent Agenda.

Resolution Number R58-11-01-13-D6

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing: No Items For Consideration.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Update On The Veterans Memorial Project: Fundraising Totals To Date And Recommended Next Steps For The Memorial Project.
Agenda F.1 called after Agenda Item F.4

Katherine Woerner, Utility Program Manager, addressed Council regarding the Veterans Memorial Project. Mr. Don Schliesser and Lisa Morris, Veteran Memorial Citizen Advisory Group, were also present to provide Council with an update on the fundraising efforts, current balances, and future funds to be committed. Currently the fundraising shortfall is \$18,643. Ms. Woerner stated that in order to meet the unveiling deadline for Veterans Day 2011 Council will need to consider the following options: (1) use the City's Fund Balance to close the gap, (2) amend the Grand Opening date, or (3) amend the design of the monument to fit within the current funds available.

General discussion followed regarding Council's support to use General Funds to fund the difference to complete the Memorial.

- F.2 Consideration To Approve A Resolution Adopting The Cedar Park Fire Department 2011-2013 Strategic Plan.
Chief Chris Connealy, Fire Department, addressed the Council regarding the adoption of the Cedar Park Fire Department Strategic Plan for 2011-2013.

General discussion followed regarding the commitment and dedication of the Public Safety Departments in Cedar Park.

Motion to approve the Resolution adopting the Cedar Park Fire Department 2011- 2013 Strategic Plan.

**Movant: Councilmember Powell
Second: Mayor Pro Tem Fuller**

Resolution Number R59-11-01-13-F2

F.3 Update On Communications Plan Related To Timeline For Modification Of Service To Non-Contract Areas Of The City's Extra Territorial Jurisdiction. (ETJ)

Jennie Huerta, Communications Manager, addressed Council on the communication plan to notify homeowners of the timeline for modifications to the current process of providing fire protection services in the non-contracted areas in the City's ETJ.

General discussion followed regarding possible signage in the area to notify homeowners, homeowners' consideration to develop ESD's in the non-contract areas, and the City providing information pursuant to State statutes.

F.4 Consideration Of Appointment To Place Six On The Tourism Advisory Board With A Term To Expire July 31, 2012.

Agenda Item F.4 called after the Consent Agenda.

Councilmember Tracy stated he had met with applicant Elijah May regarding his interest in serving on the Tourism Advisory Board. Councilmember Tracy reviewed Mr. May's background and experience relevant to tourism, communication marketing and public relations. H

Motion to appoint Elijah May to Place Six on the Tourism Advisory Board.

**Movant: Councilmember Tracy
Second: Councilmember Moore
Vote: 7:0**

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 8:39 p.m.

G.0 Executive Session:

G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

- a. Legal Issues Concerning The Cedar Park Tax Increment Reinvestment Zone #1 Development Agreement.
- b. Legal Issues Concerning The Terms And Conditions Of The Proposed Pass-Through Toll Financing Agreement With The Texas Department Of Transportation.
- c. Legal Issues Concerning The Water Meter Department.

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 9:26 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Powell asked for the following agenda items: reappointment to the TIRZ board, appointment to the Civil Service Commission, renaming Parmer Lane to Ronald Reagan within the City limits. He also asked if all applications for 4A could be forwarded to him.

Councilmember Dale commented on his recent K-2 article in the magazine published by the Texas Municipal League.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 9:30 p.m.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, JANUARY 27, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:45 p.m.
Councilmember Dale arrived at 8:31 p.m. after Executive Session was called.
All Council present.
- A.2 Invocation.
Mayor Lemon gave the Invocation.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Targeted Spay/Neuter Clinic For Free Roaming Cats Event, Cheryl Schneider, Williamson County Shelter Director.
Cheryl Schneider, Williamson County Shelter Director, addressed Council regarding the upcoming clinic for Free Roaming Cats. This event, funded by a grant, will target free roaming cats for spay or neuter surgeries. Ms. Schneider reviewed the benefits of the program and the impact to the community.
- Mayor Lemon allowed Public Comment.**
- Kathy Korcz, Liberty Hill, spoke in support of the program (“TNR”).**
Genevieve Davis, Cedar Park, spoke in support of the program (“TNR”).

Dave Hargett, Point Venture, spoke in favor of the program (“TNR”).

A.5 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
None.

A.6 Mayor and Council Opening Comments.
Councilmember Tracy commented on a recent Youth Program he attended.

Councilmember Mitchell commented on feral cats.

Mayor Pro Tem Fuller commented on the Mayor’s recent article in the Hill Country News, appointment to the Commission on State Emergency Communications, and briefly commented on being good neighbors and working regionally on projects such as the BCRUA, regional Animal Shelter and other items.

Councilmember Powell commented on the Angelou Economics conference.

Mayor Lemon stated Councilmember Dale was in flight traveling back to Austin and would be late in arriving for the meeting.

A.7 City Manager Report: December 2010 Permit Activity And Revenue Report - Mark Lewis, Building Inspections.
Mark Lewis, Building Inspections Director, provided Council with the December 2010 Permit Activity Report.

A.8 City Manager Report: Review Of Quarterly Capital Improvement Program Progress Report - Katherine Woerner, Utility Program Manager.
Katherine Woerner, Utility Program Manager, updated Council on the current CIP projects. The updated provided status reports on facilities, parks, streets, and utility projects.

A.9 City Manager Report: Update on Texas Department of Transportation (TxDOT) Keep Texas Beautiful (KTB) Project.
Emily Truman, Project Manager, stated the City of Cedar Park had been awarded a TxDOT Keep Texas Beautiful Grant in the amount of \$250,000. The grant is to enhance the TxDOT right-of-way in the Cedar Park city limits. Once a project is selected, TxDOT designs, bids, and builds the proposed improvement. In addition, TxDOT maintains the improvement for a two (2) year establishment period. After that time period it becomes the City’s responsibility to maintain.

After meeting with the TxDOT Austin District Landscape Architect, the RM 1431 median west of Toll Road 183A was identified as a project to use the funds on. Ms. Truman provided Council with six options to consider. Each option has different funding requirements due to the schematics and landscaping being proposed. The 4B Corporation was approached to assist with additional funding and prefers Option 3.

General discussion followed regarding the additional funding needed for the options, future maintenance costs, pavers and plants, and the preference of Option 1 with no additional funding needed.

- A.10 City Manager Report: Monthly Financial Update Through November 2010 - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, presented Council with the November 2010 Monthly Financial Report.

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: Mayor Pro Tem Fuller

Vote: 6:0 with Councilmember Dale absent from meeting.

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of December 16, 2010.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Tourism Advisory Board Meeting Of October 8, 2010.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Tourism Advisory Board Meeting Of November 12, 2010.
Received under the Consent Agenda.
- B.4 Receipt Of Minutes From The Tourism Advisory Board Meeting Of December 10, 2010.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Cedar Park Community Development Corporation (Type B) Meeting Of November 9, 2010.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Cedar Park Community Development Corporation (Type B) Meeting Of December 14, 2010.
Received under the Consent Agenda.
- C.0 Second Reading Of An Ordinance: No Items For Consideration.
- D.1 A Resolution Amending The Future Land Use Plan For Property Located Along The East Side Of US Highway 183 Just North Of Walton Way From Regional Office/Retail/Commercial To Parks And Open Space.

Approved under the Consent Agenda.

Resolution Number R60-11-01-27-D1

- D.2 A Resolution Approving And Accepting Revised Rules And Procedures For The Tourism Advisory Board.

Approved under the Consent Agenda.

Resolution R61-11-01-27-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute Change Order #4 With FTWoods Construction Services Inc. Under The Park Street Reconstruction Project In The Amount Of \$62,296.91

Approved under the Consent Agenda.

Resolution Number R62-11-01-27-D3

- D.4 A Resolution For City Acceptance Of Gupton Way And Off-Site Improvements Including The Gupton Way/Brushy Creek Road Traffic Signal And Vista Ridge Turn Lane Improvements.

Approved under the Consent Agenda.

Resolution Number R63-11-01-27-D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Contract With Southwest Monument And Sign In The Amount Of \$130,148 Related To The Veterans Memorial Monument Project.

Approved under the Consent Agenda.

Resolution Number R64-11-01-27-D5

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance Amending Article 17.03 Speed Limits, Sec. 17.03.004 Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Establish A Prima Facie Speed Limit (40 MPH) For Gupton Way In The City Limits Of The City Of Cedar Park.

Tom Gdala, Transportation Planner, addressed Council regarding the prima facie speed limit for Gupton Way. Gupton Way is a new two lane roadway divided by a two-way left turn lane constructed between Brushy Creek Road and E. Park Street to provide alternate access to Gupton Stadium. Gupton Way is approximately seven-tenths of a mile in length and functions as a primary collector, which typically has a design speed of 40 miles per hour. Mr. Gdala reviewed the speed studies conducted and the proposed speed limit of 40 mph.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

General discussion followed regarding the proposed speed of 40 mph, support of 45 mph and future development on Gupton Way.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration Of Appointment To Places Two, Four And Seven On The Tax Increment Reinvestment Zone #1 Board.
Motion to appoint Mitch Fuller to Place Two, Lowell Moore to Place Four, and Don Tracy to Place Seven.

Movant: Councilmember Powell

Second: Councilmember Moore

Vote: 6:0 with Councilmember Dale absent from meeting.

- F.2 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Pass-Through Financing Agreement With The Texas Department Of Transportation (TxDOT) For Cost Sharing Of Improvements To RM 1431 From Ronald Reagan Boulevard And CR 175 (Sam Bass Road).

Sam Roberts, Assistant City Manager, reviewed the specifics of the Pass-Through Financing Agreement with TxDOT. The pass-through financing program allows local municipalities to pay the upfront costs for road improvement projects with reimbursement by TxDOT for a portion of the costs once the project is operational.

The project is for reconstruction and widening of a 2 mile section of RM 1431 from 4 to 6 lanes from Ronald Reagan Blvd. to CR175 (Sam Bass Rd). This section of RM 1431 has the highest traffic volumes of the RM 1431 corridor between Round Rock and Marble Falls.

Mr. Roberts reviewed the agreement, financial impact, and funding commitments.

General discussion followed regarding the commitment of future funds and transportation needs in Cedar Park.

Motion to approve a Resolution authorizing and directing the City Manager to execute a Pass-Through Financing Agreement with the Texas Department Of Transportation (TxDOT) For Cost Sharing Of Improvements To RM 1431 From Ronald Reagan Boulevard And CR 175 (Sam Bass Road).

Movant: Mayor Pro Tem Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Dale absent from meeting.

Resolution Number R65-11-01-27-F2

F.3 Consideration For Designation Of Representatives To Meet With Members Of The Texas Congressional Delegation.

Brenda Eivens, City Manager, stated in the past Cedar Park officials have traveled to Washington DC to meet with members of the Texas Congressional Delegation. The purpose of the trips have been to meet with the Congressional Delegation and present information on requests for Federal funding support for designated priority transportation and grant projects. This item is for Council to determine the need of a 2011 Federal legislative visit, determine delegates to represent the City of Cedar Park for such visit, if any, and to establish priorities to be presented to the Texas Congressional Delegation.

General discussion followed regarding cuts to Federal funding, cost of trip, accomplishments in the past, current local relationships, and involvement of surrounding cities for a regional effort.

No action taken.

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 8:31 p.m.

Councilmember Dale arrived after the calling of Executive Session.

G.0 Executive Session:

G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Concerning The Chapter 380 Economic Development Agreement Between The City Of Cedar Park, Cedar Park Land, LP; And AWP Management, LLC.

G.2 Section 551.087 Deliberation Regarding Economic Development Negotiations

a. Legal Issues And Incentive Considerations For A Technology And Bioscience Park.

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 9:03 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.
Mayor Pro Tem Fuller commented on the 20th anniversary of the Gulf War.
- H.2 Adjournment.
Mayor Lemon adjourned the meeting at 9:06 p.m.

PASSED AND APPROVED THIS 24TH DAY OF FEBRUARY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
FRIDAY, JANUARY 28, 2011 AT 1:30 P.M.
Cedar Park Police Department Training Room
911 Quest Parkway, Cedar Park, TX 78613**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

Mayor Lemon called the meeting to order at 1:55 p.m.

All Council Present.

B. Pledges of Allegiance.

Council conducted the Pledges of Allegiance.

C. Mayor and Council Opening Comments.

None.

D. Discussion Only: Review, Evaluate and Update

1. Vision and Comprehensive Plan

No discussion.

2. Goals and Priorities of 2010 - 2011 Strategic Map

i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions;

Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.

No discussion.

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

No discussion.

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

No discussion.

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

No discussion.

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

No discussion.

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

No discussion.

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

No discussion.

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

No discussion.

3. Invocation Process.

No discussion.

4. Council Dynamics, Interaction and Participation With:

i) Council.

ii) City Staff.

iii) Boards and Commissions.

iv) Intra-Governmental Agencies.

General discussion followed.

Councilmember Powell left meeting at 3:30 p.m. during general discussion.

E. Mayor and Council Closing Comments.
None.

F. Adjournment.
Mayor Lemon adjourned the meeting at 6:26 p.m.

PASSED AND APPROVED THIS 24TH DAY OF FEBRUARY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
SATURDAY, JANUARY 29, 2011 AT 8:30 A.M.
Cedar Park Police Department Training Room
911 Quest Parkway, Cedar Park, TX 78613**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

Mayor Lemon called the meeting to order at 8:30 a.m.

Present: Mayor Lemon, Councilmembers Dale, Tracy and Mayor Pro Tem Fuller.

Absent: Councilmember Powell, Mitchell, and Moore.

B. Pledges of Allegiance.

Council conducted the Pledges of Allegiance.

C. Mayor and Council Opening Comments.

None.

Council recessed at 8:35 a.m.

Council reconvened from recess at 10:51 a.m.

Councilmember Powell absent from meeting. All others present.

Council recessed at 10:52 a.m.

Council reconvened from recess at 11:43 a.m.

Councilmember Powell arrived at approximately 12:10 p.m.

D. Discussion Only: Review, Evaluate and Update

1. Vision and Comprehensive Plan

No discussion.

2. Goals and Priorities of 2010 - 2011 Strategic Map
 - i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions; Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.
No discussion.
 - ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.
No discussion.
 - iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.
No discussion.
 - iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.
No discussion.
 - v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.
No discussion.
 - vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.
No discussion.
 - vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.
No discussion.
 - viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.
No discussion.
3. Invocation Process.
No discussion.
4. Council Dynamics, Interaction and Participation With:
 - i) Council.

- ii) City Staff.
- iii) Boards and Commissions.
- iv) Intra-Governmental Agencies.

General discussion followed.

E. Mayor and Council Closing Comments.

None.

F. Adjournment.

Mayor Lemon adjourned the meeting at 2:53 p.m.

PASSED AND APPROVED THIS 10TH DAY OF MARCH, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
FRIDAY, FEBRUARY 4, 2011 AT 3:30 P.M.
Cedar Park Police Department Training Room
911 Quest Parkway, Cedar Park, TX 78613**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

A. **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.**
Mayor Lemon called the meeting to order at 3:43 p.m.
All Council present.

B. Pledges of Allegiance.
Council conducted the Pledges of Allegiance.

C. Mayor and Council Opening Comments.
None.

D. Discussion Only: Review, Evaluate and Update
1. Vision and Comprehensive Plan
No discussion.

2. Goals and Priorities of 2010 - 2011 Strategic Map
i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions; Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

Agenda Items D.2 i.-viii. called together.

General discussion followed regarding updates on each goal, areas of focus, and future actions.

3. Invocation Process.

No discussion.

4. Council Dynamics, Interaction and Participation With:

i) Council.

ii) City Staff.

iii) Boards and Commissions.

iv) Intra-Governmental Agencies.

No discussion.

E. Mayor and Council Closing Comments.

None.

F. Adjournment.

Mayor Lemon adjourned the meeting at 7:35 p.m.

PASSED AND APPROVED THIS 24TH DAY OF FEBRUARY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
CITY COUNCIL RETREAT
SATURDAY, FEBRUARY 5, 2011 AT 8:30 A.M.
Cedar Park Police Department Training Room
911 Quest Parkway, Cedar Park, TX 78613**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Lemon called the meeting to order at 8:38 a.m.
All Council present.**

B. Pledges of Allegiance.

Council conducted the Pledges of Allegiance.

C. Mayor and Council Opening Comments.

None.

D. Discussion Only: Review, Evaluate and Update

1. Vision and Comprehensive Plan

No discussion.

2. Goals and Priorities of 2010 - 2011 Strategic Map

i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions; Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

Agenda Items D.2 i.-viii. called together.

General discussion continued regarding updates on each goal, areas of focus, and future actions.

3. Invocation Process.

No discussion.

4. Council Dynamics, Interaction and Participation With:

i) Council.

ii) City Staff.

iii) Boards and Commissions.

iv) Intra-Governmental Agencies.

No discussion.

E. Mayor and Council Closing Comments.

None.

F. Adjournment.

Mayor Lemon adjourned the meeting at 2:00 p.m.

PASSED AND APPROVED THIS 24TH DAY OF FEBRUARY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, FEBRUARY 10, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
**Mayor Lemon called the meeting to order at 6:31 p.m.
Councilmember Powell absent, all others present.**
- A.2 Invocation.
Mayor Lemon 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 Recognizing February 2011 As Cedar Park Reads Month.
Mayor Lemon read and presented to Pauline Lam, Library Director, a Proclamation recognizing February 2011 as Cedar Park Reads Month.
- A.5 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Caroline Ruggins, Half Price Books, announced the Half Price Books Half Pint Program event kick off. This program accepts new or gently used children's books to assist with establishing libraries across the nation. Mayor Lemon donated the first book in honor of the event.

Katie Krampitz, Cedar Park Chamber of Commerce Convention and Visitors Bureau Director, introduced herself to Council.

Andrew Shell, WBC Opportunities, addressed Council regarding the recent fire at the Bagdad Senior Center. The Center provides kitchen facilities for Meals On Wheels and is needing additional funding to rebuild the facility.

A.6 Mayor and Council Opening Comments.

Mayor Lemon commented on the recent events held at the Cedar Park Center.

Councilmember Dale commented on the recent Council retreat.

Councilmember Moore commented on the concert held at the Cedar Park Center and the icy road conditions on Wednesday.

A.7 City Manager Report: Review Of Process For Consideration To Rename Parmer Lane To Ronald Reagan Boulevard Within Cedar Park City Limits. (Powell)

Tom Gdala, Transportation Planner, outlined the process for renaming roads within the City. The steps involved including compiling list of all impacted property owners, commercial tenants and residents. Notices must be sent to all names identified on the list. Public meetings are held to determine public support and then the item is forwarded to Council for possible adoption by ordinance. Upon successful adoption all entities including the compiled list of names, Post Office, 911, County, TxDOT, Police, Fire are notified of the change, databases are updated, and new street signage is coordinated with the appropriate entity.

Mayor Lemon inquired about the percentage of developed and undeveloped land on Parmer.

Councilmember Mitchell commented on the personal cost to residents and businesses located on Parmer.

A.8 City Manager Report: Update On the Sidewalk Gaps Along Bagdad Road.

Tom Gdala, Transportation Planner, updated Council on a concern raised by a citizen at a previous meeting pertaining to the lack of sidewalks on Bagdad Road. Mr. Gdala stated the sidewalk gaps were identified by staff in early 2010. Mr. Gdala further explained the reason for the gaps. Design plans for the Bagdad Road reconstruction project from RM 1431 to the City limits include sidewalk design for the areas where gaps exist. Construction of the project, estimated at \$4.7 million, has not been funded at this time. Mr. Gdala stated any work completed on the sidewalk gaps for the west side of Bagdad Road would need to be removed and reconstructed once the Bagdad Road project is funded.

Councilmember Dale inquired about the school walking and busing radius in this area.

Mayor Lemon stated this item should be added to the CIP listing for possible funding once the FY2012 budget discussions begin.

- A.9 City Manager Report: Review Of The Quarterly Investment Report For The Period Of October 1, 2010 To December 31, 2010.
Josh Selleck, Finance Director, presented Council with the Quarterly Investment Report.
- A.10 City Manager Report: Review Of The Process For The Website Redesign Project.
Jennie Huerta, Media Communications Manager, stated the City will be issuing a request for proposals for website redesign. The current City's website is in need of upgrading. Ms Huerta reviewed the process and timeline for Council. A committee will be utilized to assist with evaluating proposal responses, conducting interview and making a final recommendation on a firm. The committee will be comprised of staff, citizens, business leaders and Council representation.

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 Mitchell

Vote: 6:0 with Councilmember Powell absent from meeting.

- B.1 Approval Of The City Council Minutes From The Meeting Of January 13, 2011.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Economic Development Sales Tax Corporation ("4A") Meeting Held On October 18, 2010.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Amending Article 17.03 Speed Limits, Sec. 17.03.004 Of The Code Of Ordinances Of The City Of Cedar Park, Texas, To Establish A Prima Facie Speed Limit For Gupton Way In The City Limits Of The City Of Cedar Park.
Approved under the Consent Agenda.

Ordinance Number CO15-11-02-10-C1

- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Engineering Services Agreement With Kimley-Horn And Associates For The Design Of The Internally Lighted Street Name Sign Project.
Approved under the Consent Agenda.

Resolution Number R66-11-02-10-D1

D.2 A Resolution Authorizing The Execution Of A Cooperative Purchasing Agreement Between The City Of Cedar Park And The City Of Fort Worth Related To Participation In A Consortium Based Purchasing Card Program Administered By JP Morgan Chase Which Was Competitively Bid By The City Of Fort Worth.

Approved under the Consent Agenda.

Resolution Number R67-11-02-10-D2

D.3 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With Freese And Nichols, Inc. For The Engineering Design Of Buttercup Wastewater Interceptor Replacement.

Approved under the Consent Agenda.

Resolution Number R68-11-02-10-D3

D.4 A Resolution Setting A Date, Time, And Place For Public Hearings On The Petition By Wilson Land And Cattle Company For Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road. (ANX-11-001).

Approved under the Consent Agenda.

Resolution Number R69-11-02-10-D4

D.5 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With Lockwood, Andrews And Newman, Inc. (LAN) For The Engineering Design Of Cottonwood Creek Wastewater Collection System Phase C.

Approved under the Consent Agenda.

Resolution Number R70-11-02-10-D5

D.6 A Resolution Authorizing And Directing The Mayor To Execute A Social Service Agency Annual Funding Agreement With Faith In Action Caregivers Northwest.

Approved under the Consent Agenda.

Resolution Number R71-11-02-10-D6

D.7 A Resolution Granting A Non-Exclusive License To At Your Disposal, Inc. For The Collection, Transportation And Disposal Of Multi-Family, Industrial And Commercial Waste And Recycling Within The City Of Cedar Park.

Approved under the Consent Agenda.

Resolution Number R72-11-02-10-D7

D.8 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With K. Friese And Associates, Inc. For The Engineering Design Of Lakeline Blvd.- Old Mill Bore And Garner Influent Line.

Approved under the Consent Agenda.

Resolution Number R73-11-02-10-D8

- D.9 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With Bury And Partners, Inc. For The Engineering Design Of Ronald Reagan Boulevard Wastewater Improvements.
Approved under the Consent Agenda.

Resolution Number R74-11-02-10-D9

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing: No Items For Consideration.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Contract With McCreary, Veselka, Bragg & Allen, P.C., Attorneys At Law For Collection Services For Delinquent Municipal Court Fines, Fees, Court Costs, Forfeited Bonds, And Restitution.

Withdrawn from Agenda.

- F.2 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Execute Addendum 2 To The Central Texas Refuse Solid Waste Agreement Amending Appendix B "Rates For Residential And City Services".

Jose Madrigal, Assistant City Manager, addressed the Council regarding the rates for residential trash and recycling services in Cedar Park and the current contact with Central Texas Refuse. In accordance with the contract terms, Central Texas Refuse is requesting a 5% increase in their rate for service. With a 5% increase the monthly rate would increase from \$13.86 to \$14.55 a month, this rate does not include the administrative fee, cart fee or sales tax. The final cost to single family residents will increase from \$18.38 to \$19.13. Ralph Rocco, Central Texas Refuse, addressed Council regarding the request.

Motion to approve a Resolution authorizing and directing the Mayor to execute Addendum 2 to the Central Texas Refuse Solid Waste Agreement authorizing Appendix B, Rates for Residential and City Services.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 6:0 with Councilmember Powell absent from meeting.

Resolution Number R76-11-02-10-F2

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 7:47 p.m.

- G.0 Executive Session:
- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning A Proposed State and Local Task Force Agreement With The United States Department Of Justice In Regards To Narcotics Investigation And Enforcement.
 - b. Concerning The Chapter 380 Economic Development Agreement Between City of Cedar Park And Cedar Park Land, LP Regarding Performance Of Contract Terms And Conditions.
 - c. Legal Issues Regarding Meet and Confer Requirements With The Cedar Park Fire Department.
 - d. Legal Issues Concerning The Suite Rental Agreement With Hicks Sports Group, LLC.
 - e. Legal Issues Concerning Creation Of An Emergency Services District in Travis County, being the North Rim Neighborhood. (Amendment)
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
- a. Acquisition Of Properties For The Cottonwood Creek Trail (CR 185) And New Hope Drive Widening Project.
 - b. Purchase Of Real Property For Public Facilities. (Amendment)

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 10:00 p.m.

Agenda Item G.1a

Motion to authorize and direct the Police Chief to enter into a State and Local Task Force Agreement With The United States Department Of Justice In Regards To Narcotics Investigation And Enforcement.

Movant: Councilmember Mitchell

Second: Councilmember Dale

Vote: 6:0 with Councilmember Powell absent from meeting

Agenda Item G.1d

Motion to authorize and direct the City Manager to execute the Suite Rental Agreement between Cedar Park and Hicks Cedar Park LLC upon final approval of the City Attorney.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Tracy

Vote: 6:0 with Councilmember Powell absent from meeting

Resolution Number R77-11-02-10-G.1d

H.1 Mayor And Council Closing Comments.

Councilmember Dale complimented Commissioner Long and Josh Selleck for their work on the fire service meeting for non-contracted areas in the ETJ.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:07 p.m.

PASSED AND APPROVED THIS 10TH DAY OF MARCH, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION
SPECIAL CALLED MEETING
THURSDAY, FEBRUARY 17, 2011 AT 6:30 P.M.
Cedar Park Public Library – Council Chambers
550 Discovery Boulevard, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon
Mayor Pro Tem Mitch Fuller
Matt Powell, Place One
Scott Mitchell, Place Three

Lowell Moore, Place Four
Tony Dale, Place Five
Don Tracy, Place Six
Brenda Eivens, City Manager

PLANNING AND ZONING COMMISSION

Sandy Trujillo, Chair
Lorena Echeverria, Place One
Thomas Balestiere, Place Two
Alan Yore, Place Three

Stephen Thomas, Vice Chair
Jon Lux, Place Four
Nicholas Kauffman, Place Five

MINUTES

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Lemon called the Council to order at 6:34 p.m.

Chair Sandy Trujillo called the P&Z to order at 6:34 p.m.

All Council present. All Commissioners present.

2. Welcome/Introductions.

Roundtable introductions were conducted.

3. Discussion Only:

Agenda Items 3.A – 3.C called together.

- a. Review Of Long Range Planning And Incorporation Of The City's Vision And Strategic Goals.

- b. Review Of The Planning And Zoning Commission’s Draft Strategic Plan.
Rawls Howard, Director of Planning & Development Services, briefly reviewed the Planning & Zoning Commission’s draft strategic plan.

General discussion followed on each of the draft goals:

Goal One – Diversified Tax Base

Goal Two – Redevelopment

Goal Three – Transportation and Mobility

Goal Four – Strategic Prioritization and Ordinance Review

- c. Review Of The Planning & Zoning Board’s Roles And Expectations In Policy Implementation And Procedural Processes.
General discussion followed regarding meeting formats for the Commission and citizens comment/communication.

4. Closing Comment.
Roundtable closing comments were conducted.

Councilmember Powell asked for a future agenda item pertaining to speed limits in Cedar Park.

5. Adjournment Of Planning And Zoning Commission.
The Planning & Zoning Commission convened at 8:40 p.m.

6. 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”:

- a. Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property.
 - i. Purchase Of Real Property For Public Facilities.

Council convened into Executive Session at 8:57 p.m.

The Council Reconvenes into General Session.

OPEN MEETING

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

7. Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.
Council reconvened from Executive Session into Open Meeting at 10:21 p.m.

Motion to authorize and direct the City Manager to make an offer to purchase real property for a City Hall complex.

Movant: Councilmember Moore

Second: Councilmember Tracy

Vote: 7:0

8. Closing Comments.
Councilmember Dale congratulated Stacy Rudd on his appointment to the Chamber of Commerce President position.
9. Adjournment.
Mayor Lemon adjourned the meeting at 10:44 p.m.

PASSED AND APPROVED THIS 10TH DAY OF MARCH, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, FEBRUARY 24, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:35 p.m.
Councilmember Mitchell and Tracy absent from meeting.
All other Council present.
- A.2 Invocation.
Mayor Lemon gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Pedernales Electric Cooperative - Tessa Doehrman, Community Development Representative.
Tessa Doehrman, PEC, introduced herself to the Council and updated Council on recent activities for PEC.
- A.5 Presentation: Update On The City of Cedar Park 2011 Household Hazardous Waste Event Scheduled For April 2, 2011- Nanette McCartan, Utility Billing Supervisor.
Nanette McCartan, Utility Billing Supervisor, addressed Council regarding the 2011 Household Hazardous Waste Event. Ms. McCartan provided statistical information for the 2010 event.

- A.6 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Stacy Rudd, Chamber of Commerce, stated as the new Chairman he is looking forward to working with the City and offered the services of the Chamber.
- A.7 Mayor and Council Opening Comments.
Mayor Pro Tem Fuller congratulated Stacy Rudd on his Chairman position with the Chamber, and updated Council on the recent events he attended.
- Councilmember Powell commented on the Junior City Council Program.**
- Councilmember Dale commented on the Library Pet Parade and requested a future agenda item to update Council on the meeting he had with Congressman Carter.**
- Councilmember Moore commented on the Chamber of Commerce banquet.**
- A.8 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
i. Nanette McCartan - Five Years.
Josh Selleck, Finance Director, presented Nanette McCartan with a plaque in recognition of five years of service with the City of Cedar Park.
- A.9 City Manager Report: January 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections.
Mark Lewis, Building Inspection Director, reviewed the January 2011 Permit Activity and Revenue report.
- A.10 City Manager Report: Monthly Financial Update Through December 2010 - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, reviewed the Monthly Financial Update report for Council.
- A.11 City Manager Report: Update On The 2010 Census Report.
Jose Madrigal, Assistant City Manager, addressed Council regarding the 2010 Census figures recently released. The 2010 Census population for Cedar Park was 48,937. This number differs from the projections made by staff with an approximate population of 54,279. Mr. Madrigal reviewed the protest process and stated staff will be reviewing information once released by the Census Department. Challenges to the official Census number will be accepted beginning on June 1st.

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.

Councilmember Powell requested Agenda Item B.3 be removed from the Consent Agenda and motioned for the item to be tabled pending clarification of the minutes. Seconded by Councilmember Dale. Motion passed 5:0 with Councilmember Mitchell and Tracy absent from meeting.

Motion to approve all items on the Consent Agenda consisting of Agenda Items consisting of Agenda Items B, C and D excluding Item B.3

Movant: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 5:0 with Councilmember Mitchell and Tracy absent from meeting.

- B.1 Approval Of City Council Minutes From The Regular Called Meeting Of January 27, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Special Called Meeting Of January 28, 2011.
Approved under the Consent Agenda.
- B.3 Approval Of City Council Minutes From The Special Called Meeting Of January 29, 2011.
Item removed from the Consent Agenda and tabled by Councilmember Powell.
- B.4 Approval Of City Council Minutes From The Special Called Meeting Of February 4, 2011.
Approved under the Consent Agenda.
- B.5 Approval Of City Council Minutes From The Special Called Meeting Of February 5, 2011.
Approved under the Consent Agenda.
- C.0 Second Reading Of An Ordinance: No Items For Consideration.
- D.1 A Resolution Approving The Submission Of A Grant Application For The 2011 Criminal Justice Program.
Approved under the Consent Agenda.
Resolution Number R78-11-02-24-D1
- D.2 A Resolution Approving The Submission Of A Grant Application For The 2011 Texas Reads Grant.
Approved under the Consent Agenda.
Resolution Number R79-11-02-24-D2
- D.3 A Resolution Authorizing A Special Permit To Hold A Skateboard Competition At Brushy Creek Sports Park.
Approved under the Consent Agenda.
Resolution Number R80-11-02-24-D3
- D.4 A Resolution Authorizing The Cedar Park Police Department To Purchase One New Vehicle And Eight Replacement Vehicles From Dallas Dodge And Two Replacement Vehicles From Philpott Motors.

Approved under the Consent Agenda.

Resolution Number R81-11-02-24-D4

- D.5 Excuse The Absence Of Councilmember Powell From The Regular Called Meeting Of February 10, 2011.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 Z-10-018 First Reading And Public Hearing On An Ordinance To Rezone Approximately 1.229 Acres Of Land From Transitional Office (TO) To Transitional Commercial With A Conditional Overlay To Limit The Hours Of Operation From 7am To 8pm (TC-CO), Owned By Torabi Properties, Located At 13402 Anderson Mill Road, In Travis County, Texas. **The Planning And Zoning Commission Voted To Recommend Approval Of Transitional Commercial-Conditional Overlay (TC-CO) For This Tract.**

Rawls Howard, Planning & Development Services Director, stated this item is for the rezoning of property currently designated as Transitional Office (TO) to be rezoned to Transitional Commercial with a conditional overlay to limit the hours of operation to 7am to 8pm located at 13402 Anderson Mill Road. The Planning and Zoning Commission voted 5-2 to approve the request with the condition of hours of operations limited to 7am to 8pm.

Mayor Lemon inquired about the Transitional Office zoning classification and if it was intended to be utilized for tracts next to single family residential.

Mayor Lemon opened the Public Hearing.

The following people spoke in opposition to the proposed rezoning:

Jennifer Kost: no more commercial needed in area.

Caleb Magee – unable to evaluate impact of zoning change.

Robert Halper – MUD’s unable to control zoning, impact assessment needed.

Denise Little – yielded time to Robert Halper.

Ken Wilke – against zoning next to residential.

The following people spoke in favor of the proposed rezoning.

Liz Hasler – owns tract north of area.

Laura Mecanick – yielded time to Jennifer Boes.

Ray Mecanick – yielded time to Jennifer Boes.

Mike Torabi – yielded time to Jennifer Boes.

Jennifer Boes, Applicant, addressed Council regarding the proposed rezoning. She addressed the six lane major arterial, conditional operating hours, and the masonry fence between the property and residential homes.

Mayor Lemon closed the Public Hearing.

General Discussion followed regarding conditional uses, private property rights, infrastructure on Anderson Mill Road, and transitional zonings.

- E.2 Z-10-016 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 3.329 Acres Of Land, Located At 3200 Woodall Drive, In Travis County, Texas. **The Planning And Zoning Commission Voted To Recommend Approval Of Commercial Services (CS) For This Tract.**

Rawls Howard, Planning & Development Services Director, stated this item is to assign original zoning of Commercial Services (CS) for property located at 3200 Woodall Drive. The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

Gary Jones, Applicant, stated this rezoning request was for a pending business.

- E.3 Z-10-017 First Reading And Public Hearing On An Ordinance To Rezone Approximately 25.499 Acres Of Land From Planned Development-Business (PD-B) To General Office (GO) And General Retail (GR), Owned By RealTex Ventures LP, Located On The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive, In Williamson County, Texas. **The Planning And Zoning Commission Voted To Recommend Approval Of General Office (GO) And General Retail (GR) For This Tract.**

Rawls Howard, Planning & Development Services Director, stated this item is to rezone approximately 25.499 acres of land located at the northeast corner of East Whitestone Boulevard and Arrow Point Drive from Planned Development-Business (PD-B) to General Office (GO) and General Retail (GR). The Planning and Zoning Commission voted 7-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.4 First Reading And Public Hearing On An Ordinance Amending Chapter 18 Utilities Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park.

Katherine Woerner, Utility Program Manager, addressed the Council regarding the approved revisions to LCRA's Drought Contingency Plan (DCP) modifying the firm water supply target reduction goals and drought response measures. Ms. Woerner reviewed the amendments and stated that the LCRA rules require that LCRA customers have Drought Contingency Plans consistent with LCRA's own plan. The proposed amendments to the ordinance will comply with LCRA's DCP.

**Mayor Lemon opened the Public Hearing.
No Public Comment.
Mayor Lemon closed the Public Hearing.**

Councilmember Dale inquired about enforcement and the percentages.

- E.5 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2010-11 Operating Expenditure Budget By An Increase Of \$5,699,516 And The Fiscal Year 2010-11 Capital Expenditure Budget By \$5,500,000.

Josh Selleck, Finance Director, reviewed the proposed budget amendments. The largest portion of the proposed amount is for the purchase of a facility for a future City Hall. Mr. Selleck reviewed the purchase of the new facility located on Cypress Creek Road, Galleria Oaks.

**Mayor Lemon opened the Public Hearing.
No Public Comment.
Mayor Lemon closed the Public Hearing.**

Motion to approve a Resolution Amending The Fiscal Year 2010-11 Operating Expenditure Budget By An Increase Of \$5,699,516 And The Fiscal Year 2010-11 Capital Expenditure Budget By \$5,500,000.

**Movant: Councilmember Mitchell
Second: Mayor Pro Tem Fuller
Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.**

General discussion followed regarding the purchase of the new City Hall, secure financial management, and no bond issuances or increase in taxes to purchase.

Resolution Number R82-11-02-24-E5

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration To Approve A Resolution Authorizing The Purchase Of Replacement Civilian Vehicles Fueled By Propane Approved In The FY11 Budget And Propane Equipment Related To The Low Emission Propane Equipment Grant Initiative.
Katherine Woerner, Utility Program Manager, stated the City has been awarded a grant by the Texas Railroad Commission for the Low Emission Propane Equipment Grant Initiative. This grant covers 100% of the incremental cost of the equipment necessary for a vehicle to be fueled by propane. Additionally, if an entity commits to the purchase of ten (10) vehicles within one calendar year than the grant also covers 100% of the cost for a 2,000 gallon fuel tank, pump, dispenser and crash protection bollards.

Ms. Woerner reviewed for Council the vehicles to be purchased. Due to the current limited availability of propane trucks, staff proposes purchasing a combination of new trucks with manufacturer-installed propane equipment as well as equipment for after-market conversions to propane.

Motion to approve a Resolution Authorizing The Purchase Of Replacement Civilian Vehicles Fueled By Propane Approved In The FY11 Budget And Propane Equipment Related To The Low Emission Propane Equipment Grant Initiative.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Powell

Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

Resolution Number R83-11-02-24-F1

- F.2 Consideration For Annexation Of The Ranch At Cypress Creek. (Fuller)
Mayor Pro Tem Fuller asked for this item to be placed on the Agenda.

Jose Madrigal, Assistant City Manager, provided an overview of the annexation discussions for the Ranch at Cypress Creek and the 2011 feasibility analysis. Due to costs associated with the annexation and debt incurred by the MUD it is not feasible at this time for the area to be annexed.

Public Comment:

Paul Klein addressed Council regarding his support of the annexation.

Max Moss addressed Council regarding the history of annexation discussions, plans to move forward, and support of the future annexation of the Ranch at Cypress Creek.

General discussion followed regarding the process, election by the MUD, and a future annexation plan.

No action taken.

- F.3 Consideration To Approve A Resolution Approving Option 1 Modified For The RM 1431 Median Enhancement Project Funded By The TxDOT Keep Texas Beautiful (KTB) And Green Ribbon Grants.

Emily Truman, Project Manager, stated this item was presented to Council at a previous meeting and staff was asked to revise Option 1. Ms. Truman reviewed the modified Option 1, which still remains at no cost to the City.

Motion to approve a Resolution Approving Option 1 Modified For The RM 1431 Median Enhancement Project Funded By The TxDOT Keep Texas Beautiful (KTB) And Green Ribbon Grants.

Movant: Councilmember Dale
Second: Councilmember Moore
Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

Resolution Number R84-11-02-24-F3

F.4 Consideration To Rename Parmer Lane To Ronald Reagan Boulevard Within Cedar Park City Limits. (Powell)

Tom Gdala, Transportation Planner, addressed Council on the process to rename Parmer Lane to Ronald Reagan Blvd. Mr. Gdala reviewed the questions asked at the last meeting by Council and also reiterated the cost and impact to residential and business owners in the area.

General Discussion followed on the cost associated with the name change to the City, residents and business owners, streets with multiple names, monument signs currently erected by businesses, and the public input process to guarantee name change is supported.

Motion to direct staff to begin the public process for renaming Parmer Lane to Ronald Reagan Boulevard.

Movant: Councilmember Powell
Second: Mayor Pro Tem Fuller

Mayor Lemon offered a friendly amendment to add for the cost not to exceed \$2000. Friendly amendment accepted by movant and second.

Motion restated for the record:

Motion to direct staff to begin the public process for renaming Parmer Lane to Ronald Reagan Boulevard with a cost not to exceed \$2000.

Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

F.5 Consideration To Appoint A Council Representative To The Website Redesign Project Proposal Review Committee And Approve The Final Committee.

Motion to appoint Don Tracy as the Council Representative on the Website Redesign Project Committee.

Movant: Councilmember Dale
Second: Councilmember Moore
Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

Jennie Huerta, Media and Communications Manager, addressed Council regarding the Committee for the Website Redesign Project. The final committee will be comprised of the following individuals:

Jennie Huerta, Staff

Andrew Manhein, Staff
Jose Madrigal - Staff
Larry Holt, Staff
Don Tracy, Council Representative
Elijah May, Citizen Representative
Emily Pataki, Citizen Representative
Stacy Rudd, Business Representative

Motion to approve the final Website Redesign Project Committee.

Movant: Councilmember Powell

Second: Mayor Pro Tem Fuller

Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

Councilmember Dale commented on the experience and possible utilization of John Miri.

- F.6 Consideration Of Appointment To Place Five On The Economic Development Sales Tax Corporation (4A) With A Term To Expire January 2014. (Dale)

Motion to appointment Don Olson to Place Five On The Economic Development Sales Tax Corporation (4A) With A Term To Expire January 2014.

Movant: Councilmember Dale

Second: Councilmember Moore

Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

- F.7 Consideration Of Appointment To Place Five On The Board Of Adjustments With A Term To Expire January 2013. (Dale)

Motion to appointment John Miri to Place Five On The Board Of Adjustments With A Term To Expire January 2013.

Movant: Councilmember Dale

Second: Mayor Pro Tem Fuller

Vote: 5:0 with Councilmembers Mitchell and Tracy absent from meeting.

- F.8 Discussion Regarding Speed Limits In Cedar Park. (Powell)
Sam Roberts, Assistant City Manager, stated staff is currently in the process of collecting data pertaining to current and future speed limits in Cedar Park. This will be compiled into a report and presented to Council at a future meeting.

Councilmember Powell asked for this item to be placed on the agenda. He commented on the issues with current traffic flow, increases in the number of stoplights and increasing the efficiency of traffic flow in Cedar Park.

No action taken.

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 9:53 p.m.

- G.0 Executive Session:
- G.1 Section 551.071 (1)(A) And (2) Consultation With Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
 - a. Legal Issues Concerning City Charter Amendments And Charter Amendments Election.
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 - a. Legal Issues Concerning Negotiations For The Purpose Of Purchasing Real Property For A City Hall Complex.

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 10:03 p.m.

No action taken on any items discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.
Councilmember Dale requested two future agenda items for the sale of the current City Hall and other City facilities, and for an item related to Council's Strategic Goal for a Williamson County Transportation Summit.

- H.2 Adjournment.
Mayor Lemon adjourned the meeting at 10:05 p.m.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, MARCH 10, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:33 p.m.
All Council present.
- A.2 Invocation.
Councilmember Powell gave the Invocation.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Mayor John Cowman, City of Leander, addressed Council regarding the Leander Senior Center and the need for additional funding to complete the interior finish out for the fire damaged building. Upgrades to the cooking facilities were needed and costs exceeded the insurance reimbursements.
- A.5 Mayor and Council Opening Comments.
Mayor Lemon commented on a recent meeting with Representative Charles Schwertner.
Councilmember Moore commented on the growth of Cedar Park.

Councilmember Dale commented on Military Appreciation Night at the Texas Stars Game and fundraising efforts for the Veterans Memorial.

Councilmember Tracy commented on the recent grand opening of a new surgical center on Cypress Creek Road and also fundraising efforts for the Leukemia Lymphoma Society at the Toros and Stars games.

Councilmember Powell also addressed the Veteran Memorial fundraising efforts, meeting with Representative Schwertner, and the first meeting of the transportation sub-committee.

Mayor Pro Tem Fuller commented on the recent passing of Hutto's Mayor, recent meetings with LCRA, Representative Schwertner and Leadership Cedar Park.

Councilmember Mitchell commented on CAPCOG and the decrease of \$5M from their operating budget.

- A.6 City Manager Report: Introduction Of Jessica Jackson, Emergency Management Coordinator. **Jose Madrigal, Assistant City Manager, introduced Jessica Jackson. Ms. Jackson is the new Emergency Management Coordinator for the City.**
- A.7 City Manager Report: Update On The Parks And Recreation Department Spring Events - Curt Randa, Parks And Recreation Director.
Including: March 25th, April 8th and April 22nd - Movies In The Park, April 9th - Heritage Festival And Parade, April 17th - Spring Egg-Stravaganza and May 6th - Concert In The Park.
Curt Randa, Parks Director, provided updates on the many upcoming activities hosted by the Park and Recreation Department.

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.

Agenda Item D.7 removed from the Consent Agenda by Mayor Pro Tem Fuller

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D., excluding Agenda Item D.7.

Movant: Councilmember Mitchell

Second: Councilmember Moore

Vote: 7:0

- B.1 Approval Of Council Minutes From The Special Called Meeting Of January 29, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of Council Minutes From The Regular Called Meeting Of February 10, 2011.
Approved under the Consent Agenda.

- B.3 Approval Of Council Minutes From The Special Called Joint Meeting With The Planning And Zoning Commission On February 17, 2011.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Arts Advisory Meeting Of January 5, 2011.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Arts Advisory Meeting Of November 3, 2010.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Historic And Cultural Preservation Commission Meeting Of December 15, 2010.
Received under the Consent Agenda.
- B.7 Receipt Of Minutes From The Economic Development Sales Tax Corporation (4A) Meeting Of January 24, 2011.
Received under the Consent Agenda.
- C.1 Z-10-016 Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 3.329 Acres Of Land, Located At 3200 Woodall Drive, In Travis County, Texas. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of Commercial Services (CS) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z16-11-03-10-C1

- C.2 Z-10-017 Second Reading And Approval Of An Ordinance To Rezone Approximately 25.499 Acres Of Land From Planned Development-Business (PD-B) To General Office (GO) And General Retail (GR), Owned By RealTex Ventures LP, Located On The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive, In Williamson County, Texas. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of General Office (GO) And General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z17-11-03-10-C2

- C.3 Z-10-018 Second Reading And Approval Of An Ordinance To Rezone Approximately 1.22 Acres Of Land From Transitional Office (TO) To Transitional Commercial With A Conditional Overlay To Limit The Hours Of Operation To 7am To 8pm (TC-CO), Owned By Torabi Properties, Located At 13402 Anderson Mill Road, In Travis County, Texas. **The Planning And Zoning Commission Voted To Recommend Approval Of Transitional Commercial-Conditional Overlay (TC-CO) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z18-11-03-10-C3

- C.4 Second Reading And Approval Of An Ordinance Amending Chapter 18 Utilities Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park.

Approved under the Consent Agenda.

Ordinance Number CO19-11-03-10-C4

- D.1 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of Neighborhood Park Improvements At Creekside Park Located at 1100 Buttercup Creek Blvd. In An Amount Not To Exceed \$59,078.

Approved under the Consent Agenda.

Resolution Number R85-11-03-10-D1

- D.2 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development (4B) Board For Funding Of Neighborhood Park Improvements At Wild Rose Park Located At 700 Cluck Creek Trail In An Amount Not To Exceed \$40,919.

Approved under the Consent Agenda.

Resolution Number R86-11-03-10-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute A Fireworks Display Agreement With Pyrotechnico, LLC, For The July 4th Event.

Approved under the Consent Agenda.

Resolution Number R87-11-03-10-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Fireworks Display Agreement With Pyrotechnico, LLC, For The September 4th Event.

Approved under the Consent Agenda.

Resolution Number R88-11-03-10-D4

- D.5 A Resolution Authorizing The Execution Of An Interlocal Agreement Between The City Of Cedar Park And Williamson County For The Purpose Of Participating In Cooperative Purchasing.

Approved under the Consent Agenda.

Resolution Number R89-11-03-10-D5

- D.6 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Construction Manager at Risk Agreement With SpawGlass Contractors, Inc. For The Construction Of The Field Operations Building.

Approved under the Consent Agenda.

Resolution Number R90-11-03-10-D6

- D.7 A Resolution Amending The Future Land Use Plan For Property Located At The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive From Employment Center To Regional Office/Retail/Commercial. **The Planning And Zoning Commission Voted 7-0 To Approve This Amendment.**

Removed from the Consent Agenda.

Mayor Pro Tem Fuller asked for this item to be removed from the Consent Agenda. He wanted to praise staff and commented on the analysis of the land and the hard work involved with this process.

Motion to approve a Resolution Amending The Future Land Use Plan For Property Located At The Northeast Corner Of East Whitestone Boulevard And Arrow Point Drive From Employment Center To Regional Office/Retail/Commercial.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R91-11-03-10-D7

- D.8 A Resolution Authorizing The Use Of The Construction Manager At Risk (CMR) Alternative Delivery Method For Construction Of The Finish Out Improvements To The New City Hall Complex.

Approved under the Consent Agenda.

Resolution Number R92-11-03-10-D8

- D.9 A Resolution Authorizing And Directing The City Manager To Execute A Change Order With RGM Constructors LP Under The Brushy Creek Road (183A To Parmer Lane) Reconstruction Project In The Amount Of \$51,090.10

Approved under the Consent Agenda.

Resolution Number R93-11-03-10-D9

- D.10 A Resolution Authorizing And Directing The City Manager To Execute A Purchase Contract Between The Carssow Family Partnership, LTD And The City Of Cedar Park Under The Cottonwood Creek Trail (RM 1431 To New Hope Drive) Reconstruction Project.

Approved under the Consent Agenda.

Resolution Number R94-11-03-10-D10

- D.11 A Resolution Ordering And Calling A City Council General Election For May 14, 2011; Making Provisions For Conducting The Election; And Resolving Other Matters Related To Such Election.

A Resolución Ordenando Una Elección General Para Oficiales De La Cuidad Que Se Llevara Acabo El Día 14 De Mayo, 2011; Adoptar Provisiones Par Conducir La Elección; Y Resolver Otros Asuntos Asociados Con La Elección.

Approved under the Consent Agenda.

Resolution Number R95-11-03-10-D11

- D.12 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Lower Colorado River Authority ("LCRA") To Use The Household Hazardous Waste Trailer For The Fourth Annual Household Hazardous Waste Cleanup On April 2, 2011.

Approved under the Consent Agenda.

Resolution Number R96-11-03-10-D12

- D.13 A Resolution Authorizing And Directing The City Manager To Execute The Texas Commission On Environmental Quality ("TCEQ") Agreed Order Docket No. 2010-1951-MWD-E Regarding A Notice Of Enforcement Action.

Approved under the Consent Agenda.

Resolution Number R97-11-03-10-D13

- D.14 A Resolution Designating Jessica M. Jackson As The Emergency Management Coordinator For The City Of Cedar Park.

Approved under the Consent Agenda.

Resolution Number R98-11-03-10-D14

- D.15 Authorization To Excuse The Absences Of Councilmember Mitchell And Tracy From The Regular Called Meeting Of February 24, 2011.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 First Public Hearing And Commentary On The Petition By Wilson Land and Cattle Company For Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road and Breakaway Road.

Rawls Howard, Planning & Development Services Director, stated this is the first of two statutory required public hearings on the proposed voluntary annexation of approximately

41.059 acres of land located at the northwest corner of Brushy Creek Road and Breakaway Road.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.2 First Reading And Public Hearing Of An Ordinance Suspending The Implementation Of The Interim Rate Adjustment for Infrastructure Construction and Improvements Under Section 104.301 Of The Texas Utilities Code By Texas Gas Service.

Charles Rowland, City Attorney, stated this item pertains to Texas Gas Service (TGS) filing for a Gas Reliability Infrastructure Program (GRIP) as provided by law for the recovery of costs associated with infrastructure construction and improvements. As with previous TGS filings, the cities of Austin, Cedar Park, Kyle, Rollingwood, Sunset Valley and Westlake Hills have engaging the services of Marilyn Fox of Fox, Smolen & Associates to examine the filings in detail and give recommendations. This suspension will allow for sufficient time for the filing review and will prohibit the automatic approval.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Consulting Services Agreement With EnviroMedia Social Marketing For The Development And Implementation Of A Water Conservation Public Education And Promotion Program.

Katherine Woerner, Utility Program Manager, reviewed the Request for Proposal process for the Water Conservation Public Education and Promotion Consulting Services. The City received six (6) proposals from prospective consultants within Texas. A committee of four staff members including the Communications Manager, Utility Program Manager, Senior Utility Engineer and Utility Billing Manager reviewed the proposals and participated in an interview process with the top four (4) firms which included: Emmis Communications, EnviroMedia, Hahn, Texas and Tribe Creative Agency. Based on the ranking process, staff is recommending EnviroMedia Social Marketing be chosen to develop and implement the water conservation program.

Motion to approve a Resolution authorizing And Directing The City Manager To Negotiate And Execute A Consulting Services Agreement With EnviroMedia Social Marketing For The Development And Implementation Of A Water Conservation Public Education And Promotion Program.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R99-11-03-10-F1

- F.2 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Service Agreement With PGAL Architects For The Design Of The New City Hall Complex Remodel Project.

Sam Roberts, Assistant City Manager, addressed Council regarding the selection of an architect for the recently purchased building for a new City Hall. Mr. Roberts reviewed the extensive experience PGAL has with the engineering, planning, design and construction phase services for municipalities throughout the country. PGAL Architects will be working on the build-out for the City Hall complex. Council authorized the use of a construction manager at risk for the project.

General Discussion followed regarding the process for professional services, bidding processes, time period for completion of the project, and negotiation of the contract.

Motion to approve a Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Service Agreement With PGAL Architects For The Design Of The New City Hall Complex Remodel Project.

Movant: Councilmember Mitchell

Second: Councilmember Moore

Vote: 5:2 with Councilmember Powell and Mayor Pro Fuller voting against.

Resolution Number R100-11-03-10-F2

- F.3 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Sign A Letter To Atmos Energy Clarifying The Definition Of Gross Revenues As Used In The Existing Franchise Agreement Between Cedar Park And Atmos Energy.

Josh Selleck, Finance Director, stated this item is related to the definition of “Gross Revenues” as used in the City’s franchise agreement with Atmos Energy. Mr. Selleck reviewed the franchise fee and calculation process. The item provides the opportunity to add franchise fees to the definition of Gross Revenues, conditioned upon the ability of the Company to recover in full all franchise fees paid. Additionally, the election letter provides the opportunity to make the election effective as of January 1, 2009, resulting in an additional payment that reflects the inclusion of franchise fees in Gross Revenues for prior periods beginning January 1, 2009.

Motion to approve a Resolution Authorizing And Directing The Mayor To Sign A Letter To Atmos Energy Clarifying The Definition Of Gross Revenues As Used In The Existing Franchise Agreement Between Cedar Park And Atmos Energy.

Movant: Councilmember Moore

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R101-11-03-10-F3

- F.4 Consideration To Authorize And Direct The City Manager To Sell The Current City Hall And Former Police Property. (Dale)

Agenda Item F.4 discussed in Executive Session.

Refer to Agenda Item H.0 for action taken.

- F.5 Consideration Of Appointments To Place Four and Place Six On The Planning And Zoning Commission With Terms To Expire July 31, 2012. (Moore and Tracy)

Motion to appoint Jon Lux to Place Four on the Planning and Zoning Commission.

Movant: Councilmember Moore

Second: Councilmember Powell

Vote: 7:0

Motion to appoint Sandy Trujillo to Place Six on the Planning and Zoning Commission.

Movant: Councilmember Tracy

Second: Councilmember Moore

Vote: 7:0

- F.6 Consideration Of Council's Strategic Goal Related To A Possible Williamson County Transportation Summit. (Dale)

Councilmember Dale had requested this item to be placed on the Agenda. He would like to receive feedback from Council on this goal.

General discussion followed regarding staff conducting meetings between staff and the County on specific projects, enhancing regional efforts, utilizing the Mayors' Alliance group, assistance from the Chamber of Commerce to coordinate regional meetings, and an unified approach for regional transportation.

No action taken.

- F.7 Discussion And Update On Meeting With Congressman Carter And Transportation Issues. (Dale)

Councilmember Dale provided an update on his meeting with Congressman Carter. The main topic included discussion and focus on 5307 funds being collected by Capital Metro.

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 8:10 p.m.

- G.0 Executive Session:
- G.1 Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.
a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.
b. Cause No. D-1-GN-11-000651; Stephen Isham and Lisa Isham vs. City of Cedar Park; In the 250th Judicial District Court of Travis County, Texas.
- G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
a. Legal Issues Concerning City Charter Amendments And Charter Amendments Election.
b. Legal Issues Concerning Flood Damage.
c. Legal Issues Concerning The Lease And Development Agreement Between The City Of Cedar Park And Hicks Cedar Park LLC.
- G.3 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
a. Legal Issues Concerning A Release Of Easement In Fenway Park Subdivision.
- F.4 Consideration To Authorize And Direct The City Manager To Sell The Current City Hall And Former Police Property. (Dale)

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 10:03 p.m.

Agenda Item F.4

Motion to authorize the City Manager to sale the existing City Hall, demolition of the former Police Department and sale property.

Movant: Councilmember Dale

Second: Councilmember Tracy

Vote: 7:0

- H.1 Mayor And Council Closing Comments.
Mayor Pro Tem Fuller wished Joan Rowland a Happy Birthday.
Councilmember Dale commented on his parent's 44th wedding anniversary.
- H.2 Adjournment.
Mayor Lemon adjourned the meeting at 10:07 p.m.

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, MARCH 24, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
- All Council present.**
- A.2 Invocation.
Mayor Pro Tem Fuller gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: A Proclamation Recognizing April 10 - April 16, 2011 As National Crime Victims' Rights Week.
Mayor Lemon read and presented a Proclamation to representatives from the Cedar Park Police Department in recognition of National Crime Victims' Rights Week.
- A.5 Presentation: A Proclamation Recognizing April 10 - April 16, 2011 As National Public Safety Telecommunications Week.
Mayor Lemon read and presented a Proclamation to representatives from the Cedar Park Police Department in recognition of National Public Safety Telecommunications Week.

A.6 Presentation: A Proclamation Recognizing April 10 - April 16, 2011 As National Animal Control Appreciation Week.

Mayor Lemon read and presented a Proclamation to representatives from the Cedar Park Police Department in recognition of National Animal Control Week.

A.7 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)

Richard Summers, Cedar Park, addressed Council regarding uninsured motorists and encouraged the Council to adopt a zero tolerance policy.

A.8 Mayor and Council Opening Comments.

Mayor Lemon commented on the Transportation Sub-Committee Meeting.

Mayor Pro Tem Mitchell commented on the Chamber of Commerce Golf Tournament and the Central Texas Water Symposium held in Cedar Park. MPT Fuller requested two future agenda items in relation to a 911 Update and a BCRUA update.

Councilmember Powell commented on the City cancelling the Mayor election and stated it was an honor to serve the City.

Councilmember Tracy commented on the fundraising efforts at the Austin Toros game for the National Lymphoma Society on April 9, 2011.

Councilmember Dale commented on the new fire truck, uninsured motorist concerns and thanked Constable Dale Vannoy for his service.

Councilmember Moore commented on the City Hall complex purchase and the positive feedback received.

Mayor Lemon stated Biff Johnson, City Manager for the City of Leander, had passed away earlier that afternoon and held a moment of silence.

A.9 City Manager Report: Recognition For The Retirement Of Dale Fuller.

Jose Madrigal, Assistant City Manager, recognized the retirement of Dale Fuller from the City of Cedar Park. Dale Fuller worked for the City for 27 years in various roles as Police Officer, Fire Marshall and as an IT Specialist.

A.10 City Manager Report: Recognition Of The Parks And Recreation Department State Maintenance Rodeo Awards From The Texas Recreation And Parks Society (TRAPS) - James Hemenes, Parks And Recreation Assistant Director.

James Hemenes, Parks and Recreation Assistant Director addressed Council regarding the Park Staff's recent participation in the TRAPS State Maintenance Rodeo. Representing the City was Brad Warzon, Fernando Pinones, James Williams, and Joe Flores. The team placed third overall.

- A.11 City Manager Report: Update On The Creation Of A Public Preparedness Campaign For The City Of Cedar Park - Jessica Jackson, Emergency Management Coordinator.
Jessica Jackson, Emergency Management Coordinator, addressed Council regarding the creation and implementation of a Public Preparedness Campaign. Ms. Jackson reviewed highlights and goals for the plan.
- A.12 City Manager Report: February 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections.
Mark Lewis, Building Inspections Director, presented Council with the February 2011 Building Permit Activity and Revenue Report.
- A.13 City Manager Report: Monthly Financial Update Through January 2011 - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, presented Council with the monthly financial update through January 2011.

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: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Called Meeting Of February 24, 2011.
Approved under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Suspending The Implementation Of The Interim Rate Adjustment For Infrastructure Construction And Improvements Under Section 104.301 Of The Texas Utilities Code By Texas Gas Service.
Approved under the Consent Agenda.
- Ordinance Number G20-11-03-24-C1**
- D.1 A Resolution Approving And Accepting The Rules And Procedures For The Arts Advisory Board.
Approved under the Consent Agenda.
- Resolution Number R102-11-03-24-D1**
- D.2 A Resolution Authorizing A Special Permit To Hold A Chili Cook-Off And Trade Show At Milburn Park
Approved under the Consent Agenda.

Resolution Number R103-11-03-24-D2

- D.3 A Resolution Authorizing A Special Permit To Hold A Divisional Swim Meet At Milburn Park/Pool.
Approved under the Consent Agenda.

Resolution Number R104-11-03-24-D3

- D.4 A Resolution Authorizing A Special Permit To Hold A Rollerblade Competition At Brushy Creek Sports Park.
Approved under the Consent Agenda.

Resolution Number R105-11-03-24-D4

- D.5 A Resolution Authorizing And Directing The Mayor To Execute An Economic Development Performance Agreement With The Cedar Park Community Development (4B) Board And Walter Blount Investments, L.L.C. And Vanshire, L.P. To Provide An Economic Development Incentive For The Reimbursement Of Roadway Infrastructure Improvements On County Road 180 At The Intersection With East New Hope Drive In An Amount Not To Exceed \$150,000.
Approved under the Consent Agenda.

Resolution Number R106-11-03-24-D5

- D.6 A Resolution Authorizing The Approval For Accepting Funding From The Texas Railroad Commission For Participation In The Low Emission Propane Equipment Grant Initiative.
Approved under the Consent Agenda.

Resolution Number R107-11-03-24-D6

- D.7 A Resolution Authorizing The Submission Of The 2012-2013 Victim Coordinator And Liaison Grant From The Office Of The Attorney General, (OAG) Crime Victim Services Division.
Approved under the Consent Agenda.

Resolution Number R108-11-03-24-D7

- D.8 A Resolution Awarding The Construction Bid For The RM 1431 At Vista Ridge Right Turn Lane Construction Project To F.T. Woods Construction Services, Inc. For \$303,173.
Approved under the Consent Agenda.

Resolution Number R109-11-03-24-D8

- D.9 A Resolution Awarding The Construction Bid For The Shenandoah Standpipe Removal Project To TMI Coating, Inc. For \$99,600.
Approved under the Consent Agenda.

Resolution Number R110-11-03-24-D9

- D.10 A Resolution Authorizing And Directing The City Manager To Execute A Contract With ALFAC For Employee Paid Voluntary Group Supplemental Insurance.
Approved under the Consent Agenda.

Resolution Number R111-11-03-24-D10

- D.11 A Resolution For City Acceptance Of Cedar Park Town Center Section 9 Subdivision Improvements.
Approved under the Consent Agenda.

Resolution Number R112-11-03-24-D11

- D.12 A Resolution For City Acceptance Of The Ranch At Brushy Creek Section 7C Subdivision Improvements.
Approved under the Consent Agenda.

Resolution Number R113-11-03-24-D12

- D.13 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Engineering Services Agreement With LJA Engineering, Inc. For The Design Of The Sidewalk Gap Closure Project.
Approved under the Consent Agenda.

Resolution Number R114-11-03-24-D13

PUBLIC HEARINGS

- E.1 Second Public Hearing And Commentary On The Petition By Wilson Land and Cattle Company For Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road and Breakaway Road.
Rawls Howard, Planning & Development Services Director, stated this is the second of two required statutory public hearings on the proposed voluntary annexation of approximately 41.059 acres of land located at the northwest corner of Brushy Creek Road and Breakaway Road.

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

- E.2 First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bed And Breakfast; Article 11.02 Addition Of Regulations For Bed And Breakfasts As A Conditional Use In The Estate Lot (ES), Single Family (SF), Single Family Large Suburban (SF-1), And Bed And Breakfast Regulations For Transitional Commercial (TC), Local Retail (LR) And General Retail (GR) Zoning Districts.
The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.

Rawls Howard, Planning & Development Services Director, stated the proposed amendments are in relation to updating the terms for bed and breakfast businesses, and also for the regulation in zoning categories of Estate Lot (ES), Single Family (SF), Single Family Large Suburban (SF-1), Transitional Commercial (TC), Local Retail (LR) and General Retail (GR). Mr. Howard reviewed the proposed amendments for Council. The Planning and Zoning Commission voted 5-0 to recommend approval of the proposed amendments to the zoning ordinance regarding bed and breakfast term and regulations.

**Mayor Lemon inquired about commercial corners for a location.
Councilmember Dale inquired about the hotel/motel tax.**

**Mayor Lemon opened the Public Hearing.
No Public Comment.
Mayor Lemon closed the Public Hearing.**

- E.3 First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bars And Cocktail Lounges. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendment.**

Rawls Howard, Planning & Development Services Director, stated this item is proposing changes to the zoning ordinance to amend the definition for Bars and Cocktail Lounges. The proposed modification is to address the potential for a ‘bring your own beer’ site. The Planning and Zoning Commission voted 5-0 to recommend approval of the proposed amendment to the zoning ordinance regarding the definition for bars/cocktail lounges.

**Mayor Lemon opened the Public Hearing.
No Public Comment.
Mayor Lemon closed the Public Hearing.**

- E.4 First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.02.211 Addition Of Food Preparation As A Permitted Use In The Light Industrial (LI) District. The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.**

Rawls Howard, Planning & Development Services Director, stated this item proposes changes to the zoning ordinance to add food preparation as a permitted use to the Light Industrial (LI) district. Mr. Howard reviewed the current ordinance and the proposed amendments.

Councilmember Moore inquired about the wholesale aspect.

**Mayor Lemon opened the Public Hearing.
No Public Comment.
Mayor Lemon closed the Public Hearing.**

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Awarding Construction Bid For The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project To Chasco Constructors Ltd. For \$3,777,235.35.

Darwin Marchell, Engineering Director, stated this project is a 2008 General Obligation Bond project for the reconstruction and widening of Brushy Creek Road from a 2-lane undivided roadway to a 4-lane divided roadway with a raised median, wide outside lanes for bicycles, sidewalks, and illumination between Parmer Lane and Arrowhead Trail. This project is jointly funded by the City and Williamson County through an Interlocal Agreement.

Four (4) secure bids were received at the bid opening. Chasco Constructors LTD. submitted the lowest bid in the amount of \$3,777,235.35. This bid was reviewed by the City's design consultant, Lockwood, Andrews, and Newnam, Inc. (LAN). Staff and the City's consultant are recommending the bid be awarded to Chasco Constructors LTD.

Motion to approve the Resolution awarding Construction Bid For The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project To Chasco Constructors Ltd. For \$3,777,235.35.

Movant: Councilmember Mitchell

Second: Mayor Pro Tem Fuller

Vote: 7:0

Resolution Number R115-11-03-24-F1

F.2 Consideration Related To The Naming Of Three City Council Members To A New City Hall Complex Advisory Executive Committee To Work With City Staff On The Design And Finish Out Of The Recently Purchased City Hall Complex.

Sam Roberts, Assistant City Manager, stated this item is to select three Councilmembers to service on an executive committee for the new City Hall complex.

Mayor Lemon commented on Council on advising on the Council Chambers and not the City Hall complex.

Mayor Pro Tem Fuller inquired about the scope of the Committee and agreed with the Mayor that parameters need to be defined.

Brenda Eivens, City Manager, commented on the current condition of the complex and stated the finish out of the buildings and stated input is important for the benefit of the function of the building.

Councilmember Powell stated his interest in serving on the Committee.

Councilmember Moore stated his interest in serving on the Committee.

Councilmember Dale stated his interest in serving on the Committee.

Motion to appoint Councilmembers Powell, Moore and Dale to serve on the City Hall Complex Advisory Executive Committee.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Tracy

Vote: 7:0

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 8:12 p.m.

G.0 Executive Session:

G.1 Section 551.071 (1)(A) And (2) Consultation With Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Regarding Leases And Contracts Relating To The Galleria At Red Oaks.

b. Legal Issues Regarding The Capital Area Fire Chiefs Association's Memorandum Of Understanding For Mutual Aid In Fire Protection And Other Emergency Services Response Agreement.

c. Legal Issues Concerning Agreements For The Water Park Project.

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 9:24 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Powell requested two future agenda items to include selection of a Council representative at the ICSC tradeshow and also CTRMA share data.

H.2 Adjournment.
Mayor Lemon adjourned the meeting at 9:30 p.m.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, APRIL 14, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:30 p.m.
All Council present.
- A.2 Invocation.
Deacon Phil Roberge, St. Margaret Mary's, gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Stephen Thomas, Cedar Park, asked the Council to consider passing a resolution in support of the HB113 redistricting plan.
- A.5 Mayor and Council Opening Comments.
Mayor Lemon commented on being at the State Capitol for Williamson County Day.
Councilmember Moore commented on the Heritage Parade and Festival.

Councilmember Dale congratulated the Texas Stars for making the playoffs and also commented on Williamson County Day at the State Capitol.

Councilmember Tracy commented on the fundraising efforts by the Texas Stars for the National Lymphoma/Leukemia Society.

Councilmember Powell provided an update on the recent tours of city halls in the Houston area. He also commented on the first birthday of his daughter Lark.

Mayor Pro Tem Fuller commented on the Lakeline Oaks event for returning veterans, speaking to a 3rd grade class at Ronald Reagan Elementary, Heritage Parade and Festival event, and meetings with representatives at the State Capitol. He also wished Mary Dale good luck at the Boston marathon.

Councilmember Mitchell commented on the recent CAPCOG meeting, EPA air quality standards and attainment, and requested a future agenda item to present the presentation made to CAPCOG regarding current emissions and future attainment.

A.6 City Manager Report: Update On The Twin Creeks Historic Park Master Plan - Curt Randa, Parks And Recreation Director

Curt Randa, Parks and Recreation Director, provided a review of the Master Plan approved by Council on November 19, 2009 for the Twin Creeks Historic Park.

A.7 City Manager Report: Update On Veterans Memorial Park Phase Two Construction - James Hemenes, Parks And Recreation Assistant Director.

James Hemenes, Parks and Recreation Assistant Director, updated Council on the construction. The project is 90% complete with a Memorial Day Grand Opening date and is currently on-schedule. A new feature to Cedar Park is the Cedar Park Bark Park which is an off leash park for dogs that will feature doggie showers, drinking fountains, and a pond with launch pier.

A.8 City Manager Report: Review of Quarterly Capital Improvement Program Progress Report - Katherine Woerner, Utility Program Manager.

Katherine Woerner, Utility Program Manager, provided the quarterly status report on the Capital Improvement Program progress. Updates were provided for the City Hall complex, Brushy Creek Road improvements, Park Street improvements, RM 1431 improvements, Cottonwood and Buttercup wastewater interceptor projects.

Mayor Lemon inquired about the New Hope Road gap project.

Councilmember Dale inquired if the spreadsheet provided to Council was available online. He also requested if CIP could be spelled out to allow better recognition for citizens.

Councilmember Powell complimented the method for the lane closure at Little Elm and stated the closure was smooth and safe.

- A.9 City Manager Report: Monthly Financial Update Through February 2011 - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, presented Council with the Monthly Financial Report through February 2011.

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: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of March 10, 2011.
Approved under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bed And Breakfast; And Article 11.02 Addition Of Regulations For Bed And Breakfasts As A Conditional Use In The Estate Lot (ES), Single Family (SF), Single Family Large Suburban (SF-1), And Bed And Breakfast Regulations For Transitional Commercial (TC), Local Retail (LR) And General Retail (GR) Zoning Districts. **The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.**

Approved under the Consent Agenda.

Ordinance Number CO21-11-04-14-C1
- C.2 Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Bars And Cocktail Lounges. **The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendment.**

Approved under the Consent Agenda.

Ordinance Number CO22-11-04-14-C2
- C.3 Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.02.211 Addition Of Food Preparation As A Permitted Use In The Light Industrial (LI) District. **The Planning And Zoning Commission Voted 5-0 To Recommended Approval Of The Amendments.**

Approved under the Consent Agenda.

Ordinance Number CO23-11-04-14-C3

- D.1 A Resolution Affirming The Certification Of Unopposed Candidates For Council Places One, Three And Five In The May 14, 2011 General Election; Declaring Candidates Elected To Office Upon The Close Of The Official Canvassing Period As Set Forth By State Statute; Authorizing The Cancellation Of Election.

Approved under the Consent Agenda.

Resolution Number R116-11-04-11-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute An Amendment To The Texas Department Of Transportation (TXDOT) For The FY 2009 Comprehensive Selective Traffic Enforcement Program (STEP) Grant For The Cedar Park Police Department.

Approved under the Consent Agenda.

Resolution Number R117-11-04-11-D2

- D.3 A Resolution Authorizing The Execution Of An Interlocal Agreement Between The City Of Cedar Park And The Central Texas Regional Mobility Authority (CTRMA) For The Purpose Of Participating In Cooperative Purchasing.

Approved under the Consent Agenda.

Resolution Number R118-11-04-11-D3

- D.4 A Resolution Authorizing The Rejection Of All Construction Bids For The Brushy Creek Sports Park Irrigation Project.

Approved under the Consent Agenda.

Resolution Number R119-11-04-11-D4

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Division 2: Customary Home Occupations, Section 11.04.006 Regulations And Restrictions By Providing Definitions For Direct Selling And Direct Marketing And Authorizing Direct Marketing.

Charles Rowland, City Attorney, addressed Council regarding the proposed amendments to the definitions. The Home Occupations ordinance does prohibit direct selling and the amendments are to clarify the definitions associated with direct selling and direct marketing. Mr. Rowland addressed direct selling (prohibited) defined as the wholesale, retail sale, and/or transfer or delivery of merchandise directly to a customer or customer's agent for a business operation from Seller's residence as opposed to direct marketing (allowed) which is defined as the wholesale, retail sale and/or transfer or delivery of merchandise directly to a customer or customer's agent for a business operation away from Seller's residence.

Mayor inquired about direct marketing businesses that are allowed and what type of services or businesses that are not allowed.

Mayor Lemon opened the Public Hearing.

Public Comment:

Bob Flynn, Cedar Park, addressed the Council regarding the City of Round Rock rules regarding home occupations.

Mayor Lemon inquired about invitation selling and being invited into the house.

Mayor Lemon closed the Public Hearing.

- E.2 ANX-11-001 First Reading And Public Hearing On An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road, And Otherwise Described By Metes And Bounds In Williamson County, Texas. (ANX-11-001)

Rawls Howard, Director of Planning & Development Services, stated this is the first reading and public hearing for the voluntary annexation of 41.059 acres of land located at the northwest corner of Brushy Creek Road and Breakaway Road.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.3 Z-11-002 First Reading And Public Hearing On An Ordinance To Rezone Approximately 2.688 Acres Of Land From General Retail (GR) To General Office (GO), LADA One, Ltd., Located At The Southeast Corner Of East Whitestone Boulevard And Discovery Boulevard, In Williamson County, Texas. The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Office (GO) For This Tract.

Rawls Howard, Director of Planning & Development Services, stated this item is for the rezoning of property currently designated as General Retail (GR) to be rezoned to General Office (GO) for property located at the southeast corner of East Whitestone Boulevard and Discovery Boulevard. The Planning and Zoning Commission voted 5-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.4 Z-11-003 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 10 Acres Of Land Located At 1775 East Whitestone Boulevard, In Williamson County, Texas. The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Retail (GR) For This Tract.

Rawls Howard, Director of Planning & Development Services, stated this is item is to assign original zoning of General Retail (GR) to approximately 10 acres located at 1775 East Whitestone Boulevard. The Planning and Zoning Commission voted 5-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Update On The 2010 Census And Texas Department Of Transportation Notification Of City's Intention To Challenge Census.

Jose Madrigal, Assistant City Attorney, addressed Council regarding the 2010 Census for the City of Cedar Park and the City's protest of the official census number. TxDOT is seeking to begin installing new signs for the City. These signs do include the new census population. The population estimates were reviewed by an outside consultant and it was determined there is a discrepancy of 2200 housing units omitted in the census calculations. Reasonable estimates were used and the City's projected number of 54,279 residents is accurate.

Motion to authorize City Staff to notify TxDOT of the City's intent to challenge the 2010 Census.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Mitchell

Vote: 7:0 (taken after general discussion)

General discussion followed regarding the process to protest, legal representation, and possibility of the actual number being modified, statistics being based on actual counts or statistical analysis, and Council approval needed for outside legal representation expenses.

F.2 Consideration To Approve A Resolution Authorizing Up To \$105,000 Of Park Ordinance Funds For Neighborhood Park Improvements.

Curt Randa, Parks and Recreation Director, addressed Council on the specific projects for the neighborhood park improvements funded by the Park Ordinance Fund. The proposed amount has been approved by the Parks Advisory Board.

Councilmember Powell commented on Laws Park and if future improvements could include the signage to include the city seal in a future update.

Motion to approve a Resolution Authorizing Up To \$105,000 Of Park Ordinance Funds For Neighborhood Park Improvements.

Movant: Councilmember Powell
Second: Mayor Pro Tem Fuller
Vote: 7:0

Resolution Number R120-11-04-11-F2

- F.3 Consideration Of Appointing A Council Representative To Attend The International Council For Shopping Centers Conference As A City Representative For The Purposes Of Promoting Economic Development In Cedar Park. (Powell)

Phil Brewer, Economic Development Director, addressed Council regarding a Council representative attending the show. The event is held in May in Las Vegas.

General discussion followed regarding the event, attendance, benefits and expense. Councilmember Powell has expressed an interest in attending this year.

Motion to appoint Councilmember Powell as the Council Representative to attend the International Council of Shopping Centers Conference.

Movant: Councilmember Dale
Second: Councilmember Mitchell
Vote: 7:0

- F.4 Consideration To Approve A Resolution Designating The Cedar Park Citizen As The Official Newspaper Of The City Of Cedar Park.

Josh Selleck, Finance Director, addressed Council regarding designation of the official newspaper of the City of Cedar Park. The designation of an official newspaper is in accordance with the Home Rule Charter for the City. Two papers were evaluated, the Hill Country News and the Cedar Park Citizen. Mr. Selleck reviewed the selection criteria.

General discussion followed regarding publication notifications, circulation of papers, percentage of citizens served, website postings, and online technology capabilities.

Bob Freer, Publisher of the Cedar Park Citizen, addressed Council regarding the circulation.

Motion to designate the Cedar Park Citizen as the official newspaper of the City of Cedar Park.

Movant: Councilmember Dale
Second: Councilmember Tracy
Vote: 6:1 with Councilmember Moore voting against.

- F.5 Update On The State Emergency Communications And Regional Impact From Legislative Session. (Fuller)

Mayor Pro Tem Fuller asked for this item to be placed on the Agenda for further discussion. The Commission on State Emergency Communications (CSEC) is currently

under sunset review. MPT Fuller provided a brief overview of the Commission of which he currently serves on. The Legislature is currently considering a 12% reduction in funding. This impacts parts of Texas that do not have adequate funding to secure 911 programs.

General discussion followed in relation to CAPCOG, funding impacts, equipment replacement for 911 operating systems, changes in technology and impact to Cedar Park.

Sara Wright, Communications Director, addressed current and future emergency communications in the City of Cedar Park. Current technology in 911 call centers has not kept up with cell phones and emerging technology. Call centers do not have the ability to receive text messages or media such as pictures. Ms. Wright addressed the communication efforts between the City of Cedar Park and Williamson County and also the training requirements and time necessary to train dispatchers.

F.6 Update On The Brushy Creek Regional Utility Authority (" BCRUA") Project And Activities. (Fuller)

Mayor Pro Tem Fuller updated Council on Phase 1 of the BCRUA project. The project is currently 60% complete and in budget. MPT Fuller addressed the current board and stated according to the bylaws the City of Round Rock will take over the presidential duties of the board.

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 8:55 p.m.

G.0 Executive Session

G.1 Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.
a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.

G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
a. Legal Issues Concerning Terms And Conditions Regulating Commercial Leases For The City Hall Complex.

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 10:05 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Moore would like an update on the Trails Master Plan. He also stated a meeting regarding the proposed development on the Little Avery Ranch extension, would be held at the Rosemary Denny Clubhouse on April 20th at 5:30.

Councilmember Dale requested a future agenda item pertaining to the Legislature redistricting.

Councilmember Mitchell asked for a future agenda item for a Proclamation for Older Americans Month.

Councilmember Tracy commented on the fund raising event for the National Lymphoma/Leukemia Society on May 7th.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:14 p.m.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
THURSDAY, APRIL 21, 2011, AT 6:30 P.M.
Cedar Park Public Library – City Council Chambers
550 Discovery Boulevard, Cedar Park TX 78613**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:43 p.m.**

All Council present.

- B. Pledges of Allegiance.
Council led the audience in the Pledges of Allegiance.**

- C. Mayor and Council Opening Comments.
Mayor Lemon stated this is a special called meeting to discuss the 82nd Legislative Session.**

Councilmember Powell wished Mayor Lemon a Happy Birthday.

Council wished Mayor Lemon and Councilmember Powell a Happy Birthday.

- D. Discussion And Possible Action:**
- 1. Review Of The 82nd Legislative Session Affecting Cities:**
 - a) Redistricting Of Williamson County.**

Councilmember Dale reviewed the status of the redistricting item before the 82nd Legislative Session. The initial redistricting plan split the City of Cedar Park into 3,

possible 4, districts within Williamson County. This would have resulted in multiple representatives for Cedar Park.

Councilmember Dale displayed the initial map depicting House Districts 20, 52 and 149. The amended maps proposed by Schwertner/Gonzales depict a new House District for Cedar Park with the alignment encompassing all of Cedar Park. This is more of a suburban district.

April 25th is the deadline for all members to submit maps. April 27th is the proposed date for the vote for the adoption by the House.

Councilmember Dale stated the amended map is good for the citizens of Cedar Park and does not divide the representation. There will be one voice in the Texas House. Councilmember Dale presented a draft resolution for Council to consider adopting.

General discussion followed:

Councilmember Powell commented on his discussions with Rep. Schwertner and Rep. Gonzales regarding the redistricting. He saw the potential advantages to having 3-4 State Representatives however; there will be a stronger position with having one district for the entire area. Councilmember Powell commended Rep. Schwertner on his work and efforts.

Mayor Pro Tem Fuller commented on the efforts in the redrawing of the map. He also supported the first map, but the amended map is a great map. All the Council should sign the resolution if passed.

Mayor Lemon asked about the approval of the map thru the committee and inquired if the action only approves the Cedar Park portion or if it supports the entire map for the State.

Councilmember Dale clarified the specifics of the Resolution.

Councilmember Powell commented he is concerned the Resolution supports the entire State; however, he has only reviewed the impact to Cedar Park.

Councilmember Dale offered modifications to the proposed Resolution to add wording specifically for House District 20, 52 and 149. This would narrow the Resolution if approved by Council to only the Cedar Park area.

Motion to approve the Resolution as amended.

Movant: Councilmember Dale

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R121-11-04-21-D.1a

Councilmember Dale asked for the fully executed Resolution be sent to Representatives Schwertner and Gonzales.

2. The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.
 - a) Preservation Of The Local Budgeting Authority And Revenue Sources.
 - b) Ensure City's Adequate Water Supplies.
 - c) Priority Funding For Local Transportation Projects And Streamlined Processes.
 - d) Ensure Economic Development Programs.
 - e) Preserve Local Control Of Land Use Planning And Zoning.
 - f) Review Meet And Confer/Collective Bargaining Issues.
 - g) Review Legislation Pertaining To Emergency Service Districts And Annexations.
 - h) Protect City's Bonding Authority.

Brenda Eivens, City Manager, stated there were no further updates as it relates to these issues.

General discussion followed on overall comments on the Legislative Session.

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 7:08 p.m.

E. Executive Session

1. Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.
 - a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.
2. Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
 - a. Legal Issues Concerning Travis Emergency Service District #14 Contract Negotiations And Possibility Of Merger.

The Council Reconvenes into General Session.

OPEN MEETING

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

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

Council reconvened from Executive Session into Open Meeting at 9:28 p.m.

No action taken on any items discussed in Executive Session.

- G. Mayor And Council Closing Comments.

Councilmember Dale would like a standing agenda item regarding the City's Legislative Agenda and the 82nd Legislative Session.

Councilmember Tracy requested a future agenda item related to a business incubator concept.

Councilmember Powell would like a future agenda item related to traffic light timing controlled by other entities.

- H. Adjournment.

Mayor Lemon adjourned the meeting at 9:29 p.m.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City of Cedar Park**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, APRIL 28, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:31 p.m.
Councilmember Moore absent from meeting. All others present.
Councilmember Tracy arrived at 6:40 p.m. during Jr. City Council recognition.
- A.2 Invocation.
Mayor Lemon gave the Invocation.
- A.3 Installation Of Junior City Council Program Participants On Dais.
The Junior City Council participants replaced Council on the dais.
- A.4 Pledges of Allegiance. (U.S. and Texas)
The Junior City Council led the audience in the Pledges of Allegiance.
- A.5 Opening Comments By Junior City Council.
Grayson Roberts, Cedar Park High School
Jaclyn Dixon, Leander High School
Quentin Johnson, Leander High School
Richard Jacobs, Cedar Park High School
Bryana Wildung, Vista Ridge High School

A Public Service Announcement video for the Williamson County Regional Animal Shelter was shown. This PSA included the Junior City Council Participants.

- A.6 Presentation: Recognition Of Junior City Council Participants.
Council recognized the Junior City Council Participants for their participation in the program.

Councilmember Tracy arrived during the recognition.

- A.7 Re-Installation Of City Council On Dais.
Council reinstalled on the dais.

- A.8 Presentation: Proclamation Honoring Thursday, May 5th, 2011 As The 60th Annual National Day Of Prayer.
Mayor Lemon read the Proclamation honoring May 5th as the 60th Annual National Day of Prayer.

- A.9 Presentation: Proclamation Supporting Relay For Life Of Cedar Park/Leander On April 29-30, 2011.
Agenda Item called after Agenda Item. A.10

Mayor Pro Tem Fuller read the Proclamation supporting the 4th Annual Relay for Life Of Cedar Park/Leander.

- A.10 Presentation: Proclamation For Public Service Recognition Week May 1-7, 2011.
Read after Agenda Item A.8

Mayor Lemon read and presented a Proclamation for Public Service Recognition Week to City Staff. A Public Service Announcement regarding Public Service Recognition Week was shown.

- A.11 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Rick Coffman, Leander, introduced himself as the newly appointed Constable for Precinct Two.

- A.12 Mayor and Council Opening Comments.
Councilmember Dale commented on the Junior City Council program and thanked Councilmember Powell for coming up with the idea.

Councilmember Tracy also commented on the Junior City Council program.

Councilmember Powell praised Katherine Woerner and Philip Rodriguez for coordinating the Junior City Council program for the last two years. He also welcomed the new Constable, and recognized the Ride for Fallen Officers event coming to Cedar Park in honor of fallen Officer Reed.

Mayor Pro Tem Fuller commented on the Austin Community College Foundation Dinner he attended.

Mayor Lemon thanked the Cedar Park Police Department and congratulated them for their detective work in apprehending the suspects from the robbery.

A.13 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

i. Yvonne Lane, Grant Coordinator - Five Years.

Withdrawn from Agenda.

ii. Charles Rowland, City Attorney - Five Years.

Mayor Lemon presented Charles Rowland, City Attorney, with plaque in recognition of five years of service with the City of Cedar Park.

iii. James Mallinger, Assistant Fire Chief - Fifteen Years.

Chief Connealy, Fire Department, presented Assistant Chief Mallinger with a plaque in recognition of fifteen years of service with the City of Cedar Park.

A.14 City Manager Report: Recognition For The Retirement Of Roy "Bubba" Cox, Water Reclamation.

Eric Rauschuber, Kenneth Wheeler and Greg White honored Roy "Bubba" Cox for his twenty years of service with the City of Cedar Park.

A.15 City Manager Report: Household Hazardous Waste Event Follow-Up - Nanette McCartan.

Nanette McCartan, Utility Billing Supervisor, provided Council with an overview of the event held on April 2, 2011. This was a successful event with 1700 participants. A larger venue is being sought for next year.

Councilmember Powell inquired if the Cedar Park Center could be used as a venue.

Councilmember Dale inquired about the Cedar Park Conserves program.

A.16 City Manager Report: March 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections.

Mark Lewis, Building Inspections Director, presented Council with the March 2011 Permit Activity and Revenue Report.

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.

Agenda Item D.1 removed from the Consent Agenda by Mayor Pro Tem Fuller.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D, excluding D.1.

Movant: Councilmember Dale

Second: Councilmember Tracy

Vote: 6:0 with Councilmember Moore absent from meeting.

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of March 24, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Regular Scheduled Meeting Of April 14, 2011.
Approved under the Consent Agenda.
- B.3 Approval Of City Council Minutes From The Special Called Meeting Of April 21, 2011.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Economic Development Sales Tax Corporation (4A) Meeting Of February 28, 2011.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Division 2: Customary Home Occupations, Section 11.04.006 Regulations And Restrictions By Providing Definitions For Direct Selling And Direct Marketing And Authorizing Direct Marketing.
Approved under the Consent Agenda.
- Ordinance Number CO24-11-04-28-C1**
- C.2 Z-11-002 Second Reading And Approval Of An Ordinance To Rezone Approximately 2.688 Acres Of Land From General Retail (GR) To General Office (GO), LADA One, Ltd., Located At The Southeast Corner Of East Whitestone Boulevard And Discovery Boulevard, In Williamson County, Texas. **The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Office (GO) For This Tract.**
- Approved under the Consent Agenda.**
- Ordinance Number Z25-11-04-28-C2**
- C.3 Z-11-003 Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 10 Acres Of Land Located At 1775 East Whitestone Boulevard, In Williamson County, Texas. **The Planning And Zoning Commission Voted 5-0 To Recommend Approval Of General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z26-11-04-28-C3

- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Agreement With The Brushy Creek Regional Utility Authority For The Provision Of Accounting Services.

Agenda Item D.1 removed from the Consent Agenda by Mayor Pro Tem Fuller.

Mayor Pro Tem Fuller briefly reviewed the agreement.

Motion to approve a Resolution authorizing and directing the City Manager to execute an Interlocal Agreement with the Brushy Creek Regional Utility Authority for the provision of accounting services.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Moore absent from meeting.

Resolution Number R122-11-04-28-D1

- D.2 A Resolution For City Acceptance Of The Ranch at Brushy Creek Section 9A Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R123-11-04-28-D2

PUBLIC HEARINGS

- E.1 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2010-11 Operating Revenues By An Increase Of \$305,595 And Operating Expenditure Budget By An Increase Of \$416,075 And Amending The Fiscal Year 2010-11 Capital Revenues By an Increase of \$80,000 and Capital Expenditure Budget By An Increase Of \$135,000.

Josh Selleck, Finance Director, addressed Council regarding the specific amendments to the FY2011 operating budget and the capital budget.

Councilmember Powell inquired about the Police vehicle and the impact to the budget.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

Motion to approve the Resolution as presented by staff.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Moore absent from meeting.

Resolution Number R124-11-04-28-E1

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration And Report On The Veteran Memorial Project.

Don Schliesser and Lisa Morris, Veteran Memorial Citizen Advisory Group, updated Council on the funding and progress for the Veteran Memorial project. Approximately \$10,000 is still needed. The final pictures for the Memorial were presented to Council.

Councilmember Powell commented on receiving a picture of the leaves he had purchased.

Councilmember Dale commented on the pavers and being able to see the physical location.

Bob Carter presented the Mayor with a flag in honor of the Merchant Marines.

General discussion followed regarding the images for the Memorial statue.

Katherine Woerner clarified all the Council preferred all Options One as presented with the Coast Guard depiction to be Option Two.

F.2 Consideration Of Capital Area Metropolitan Planning Organization ("CAMPO") Call For Projects - Tom Gdala.

Agenda Item F.2 called after Agenda Item F.7

Tom Gdala, Transportation Planner, addressed Council regarding the CAMPO call for projects. The anticipated amount of STPMM funds is in the amount of \$74m for the central Texas area and all projects must adhere to the 2035 plan. Mr. Gdala reviewed the requirements for project submittals.

General discussion followed regarding break of funding for center development projects as opposed to bicycle or pedestrian projects, restriction of projects for Cedar Park, added capacity projects, funding matches for local governments, and environmental assessments.

Sam Roberts, Assistant City Manager, stated staff is compiling a list of projects in accordance with the guidelines of the funding. This list will be presented to Council at the May 12th meeting for further consideration.

F.3 Consideration To Approve A Resolution Authorizing And Directing the City Manager To Negotiate And Execute An Engineering Services Agreement With Klotz Associates For The Design Of The RM 1431 Roadway Improvement Project (Parmer Lane (FM 734) To Sam Bass Road (CR 175).

Agenda Item F.3 called after Agenda Item F.1.

Darwin Marchell, Engineering Director, addressed Council regarding the reconstruction of RM 1431 from Parmer Lane to Sam Bass Road. This project is in relation to the Pass-Through Agreement with TxDOT. Mr. Marchell reviewed the Request for Qualifications process and responses received.

Motion to approve a Resolution Authorizing And Directing the City Manager To Negotiate And Execute An Engineering Services Agreement With Klotz Associates For The Design Of The RM 1431 Roadway Improvement Project (Parmer Lane (FM 734) To Sam Bass Road (CR 175).

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 6:0 with Councilmember Moore absent

Resolution Number R125-11-04-28-F3

- F.4 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Construction Manager-At-Risk Agreement With Harvey-Cleary Builders For The Construction Of New City Hall Complex Finish-Out At 450 Cypress Creek Road.

Emily Truman, Project Manager, addressed Council regarding the Request for Proposal process for the selection of a Construction Manager at Risk for the City Hall complex finish out. Ms. Truman reviewed the RFP responses received and the scoring system.

Motion to approve a Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Construction Manager-At-Risk Agreement With Harvey-Cleary Builders For The Construction Of New City Hall Complex Finish-Out At 450 Cypress Creek Road.

Movant: Councilmember Mitchell

Second: Councilmember Dale

Vote: 6:0 with Councilmember Moore absent

Resolution Number R126-11-04-28-F4

- F.5 The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.
- a) Preservation Of The Local Budgeting Authority And Revenue Sources.
 - b) Ensure City's Adequate Water Supplies.
 - c) Priority Funding For Local Transportation Projects And Streamlined Processes.
 - d) Ensure Economic Development Programs.
 - e) Preserve Local Control Of Land Use Planning And Zoning.
 - f) Review Meet And Confer/Collective Bargaining Issues.
 - g) Review Legislation Pertaining To Emergency Service Districts And Annexations.
 - h) Protect City's Bonding Authority.

Brenda Eivens, City Manager, stated there are no further updates regarding pending bills.

F.6 Consideration Of Non-City Controlled Traffic Signalization Within The City Of Cedar Park. (Powell)

Councilmember Powell requested this item. Councilmember Powell stated the number of traffic signals in Cedar Park controlled by non-city entities can present problems with traffic flow throughout the City. Councilmember Powell inquired if Council would support approaching these entities, such as TxDOT or CTRMA for turning over control of the traffic signals to the City of Cedar Park. This would assist with streamlining traffic flow. CTRMA has expressed an interest in doing this and Councilmember Powell offered his assistance to work with staff to get this accomplished.

Councilmember Mitchell inquired how the recent census figures would impact the street light department.

Sam Roberts, Assistant City Manager, addressed the background and anticipation of the 2010 Census bringing the City of Cedar Park over the 50,000 population. Staff has worked with TxDOT for the planning of traffic signalization and the ability to improve the system. Work can be completed to continue to negotiate with TxDOT for Cedar Park to take over the traffic signals.

General discussion followed regarding the numerous lights on Brushy Creek Road, mobility and efficiency, working with the CTRMA and TxDOT and the anticipated costs associated with taking over or negotiating taking over the responsibility.

Councilmember Powell will arrange a meeting with TxDOT and report back to Council.

F.7 Consideration For A Business Incubator Development In Cedar Park. (Tracy)

Agenda Item F.7 called after Agenda F.4

Councilmember Tracy addressed Council regarding the possible development of a business incubator in Cedar Park.

Councilman Tracy discussed the Live, Work, Learn, Play and Thrive motto. He also addressed the Council's Strategic Prioritization in relation to Goal #2 for economic development with the 4B Board and an education/business incubator. Also discussed was Goal #6 in relation to a destination culture with a science and education center.

Councilmember Tracy further presented the concept how to link the two items together with Phase One containing a business and technology incubator. The possibility of utilizing Building Six on the City Hall Complex was discussed.

General discussion followed regarding the components of the science and education center overall location, leveraging of resources to accommodate Council goals, lack of existing executive style meeting facilities in Cedar Park, and aspects of general business incubators.

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 8:50 p.m.

- G.0 Executive Session
- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
 - a. Legal Issues Concerning Travis County Emergency Service District (ESD) #14 Contract Terms And Conditions.
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 - a. Legal Issues Concerning Proposed Release Of Extra Territorial Jurisdiction (ETJ) By City Of Austin.
- G.3 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
 - a. The City Manager.
 - b. The City Attorney.

Agenda Items F.5A and F.5C discussed in Executive Session.

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 10:05 p.m.

No action taken on any items discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.

Councilmember Dale congratulated Mayor Pro Tem Fuller for being voted as the best elected official by the Hill Country News.

Councilmember Powell requested future agenda items in relation to traffic signalization in Cedar Park, recognition of the Texas Stars, purchase of flags for rented public rooms, and the Go Texas Certified Retirement Community.

Mayor Pro Tem Fuller reminded Council about the fundraising event being held at Applebees for the Veteran Memorial, and also the Chamber of Commerce Cedar Fest.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:10 p.m.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, MAY 12, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:30 p.m.

Councilmember Tracy absent from meeting. All others present.
- A.2 Invocation.
Invocation given by Councilmember Dale.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Proclamation Honoring Artie Henry Middle School As Recipient Of The Sudler Silver Cup Award From The John Philip Sousa Foundation.
Withdrawn from Agenda.
- A.5 Presentation: Proclamation Recognizing May 2011 As Lyme Disease Awareness Month.
Withdrawn from Agenda.
- A.6 Presentation: Proclamation Recognizing May 2011 As Older Americans Month.
Mayor Lemon presented a Proclamation recognizing May 2011 as Older Americans Month to Cedar Park citizen Roland Krienke.

A.7 Presentation: Proclamation Honoring May 15 - May 21, 2011 As National Police Week.
Mayor Lemon presented a Proclamation recognizing National Police Week to representatives of the Cedar Park Police Department.

A.8 Presentation: Comprehensive Annual Financial Report ("CAFR") For The Period Ended September 30, 2010 - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, addressed Council regarding the CAFR.

Michael Firth, Lott Vernon, addressed Council regarding the CAFR. Mr. Firth presented highlights of the report and overall findings of the audit conducted.

A.9 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Lawrence Huntley, St Margaret Mary's Church, addressed Council regarding the future use of the City's portable stage for a festival held by the Church.

Grady Burris, Deer Creek Homeowners Association, encouraged Council to approve an agreement between Travis ESD #14 and the City of Cedar Park.

A.10 Mayor and Council Opening Comments.
Mayor Lemon commented on the groundbreaking for Brushy Creek Road held before the meeting.

Councilmember Powell commented on the groundbreaking ceremony of Brushy Creek Road, the Cedar Fest event hosted by the Chamber of the Commerce, and the National Day of Prayer Event held in Cedar Park.

Mayor Pro Tem Fuller commented on the National Day of Prayer, TCEQ Awards Banquet, the Cedar Fest event, and thanked Applebee's restaurant for the fund raising event for the Veterans Memorial.

Councilmember Mitchell commented on the groundbreaking ceremony for Brushy Creek Road.

Councilmember Moore commented on the new City Hall complex and the recent tours by staff of local city halls.

Councilmember Dale commented on the Applebee's fund raiser for the Veterans Memorial, and the Brushy Creek groundbreaking ceremony and the tunnel to allow for safe pedestrian access to the park. Councilmember Dale also commented on the recent CAMPO meeting he attended and the actions taken by the board and voting. He also thanked the Cedar Park Police Department and representatives for attending the National Police Memorial events held in Washington DC in honor and memory of Officer Leonard Reed.

Mayor Lemon commented on a future event to be held at the Cedar Park Center.

- A.11 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
- a. Kenneth Wheeler, Assistant Director of Utilities - Fifteen Years Of Service.
Sam Roberts, Assistant City Manager, and Eric Rauschuber, Utilities Director, presented Kenneth Wheeler with a plaque in recognition of fifteen years of service with the City.
 - b. Yvonne Lane, Grants Coordinator - Five Years Of Service.
Josh Selleck, Finance Director, presented Yvonne Lane with a plaque in recognition for five years of service with the City.
- A.12 City Manager Report: Update On Current Activities For The Cedar Park Public Library - Pauline Lam, Library Director.
- a. 2011 Summer Reading Program, Scholastic Book Fair, 2011 Fable Fest and 2012 Cedar Park Reads.
Pauline Lam, Library Director, addressed Council regarding the future events being hosted by the Cedar Park Public Library.
- A.13 City Manager Report: Update On The Hike And Bike Trails Master Plan - Curt Randa, Parks And Recreation Director.
- Curt Randa, Parks and Recreation Director, addressed Council on the Hike and Bike Trails Master Plan. This plan was approved by Council in July, 2010. Mr. Randa briefly reviewed the plan, recommendations and implementation.**
- Steve Pustelnyk, Director of Communications with CTRMA, provided an update on the trails associated with 183A. Provided was an overall project update. The project is being completed in phases. Phase One includes the portion of the trail from Brushy Creek Road to RM 1431, and Phase Two is from RM 1431 to Hero Way located in Leander. Phase 3 will be located at south Brushy Creek for the pedestrian bridge.**
- A.14 City Manager Report: Monthly Financial Update Through March 2011 - Josh Selleck, Finance Director.
- Josh Selleck, Finance Director, presented Council with the monthly financial update for March 2011.**

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.

Agenda Item D.1 removed from the Consent Agenda by Mayor Pro Tem Fuller.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding Agenda Item D.1

Movant: Councilmember Powell

Second: Councilmember Moore

Vote: 6:0 with Councilmember Tracy absent from meeting.

- B.1 Receipt Of Minutes From The Arts Advisory Board Meeting Of February 2, 2011.
Received under the Consent Agenda.
- B.2 Receipt Of Minutes From The Arts Advisory Board Meeting Of March 2, 2011.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of January 18, 2011.
Received under the Consent Agenda.
- B.4 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of February 15, 2011.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of March 15, 2011.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Tourism Advisory Board Meeting Of January 3, 2011.
Received under the Consent Agenda.
- B.7 Receipt Of Minutes From The Tourism Advisory Board Meeting Of February 11, 2011.
Received under the Consent Agenda.
- B.8 Receipt Of Minutes From The Tourism Advisory Board Meeting Of March 7, 2011.
Received under the Consent Agenda.
- C.0 Second Reading Of An Ordinance: No Items For Consideration.
- D.1 A Resolution Authorizing And Directing The Mayor To Execute The First Amendment To The Amended And Restated Master Contract For The Financing, Construction, Ownership, And Operation Of The Brushy Creek Regional Wastewater System.
Removed from the Consent Agenda by Mayor Pro Tem Fuller.

Mayor Pro Tem Fuller stated a last minute revision was made to the first amendment. He briefly reviewed the change.

Motion to approve a Resolution Authorizing And Directing The Mayor To Execute The First Amendment To The Amended And Restated Master Contract For The Financing, Construction, Ownership, And Operation Of The Brushy Creek Regional Wastewater System.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 6:0 with Councilmember Tracy absent from meeting.

Resolution Number R127-11-05-12-D1

D.2 A Resolution Authorizing And Directing The City Manager To Execute A Professional Services Agreement With Dial Development Services Ltd. For Construction Observation For The Brushy Creek Road (Parmer Lane To Arrowhead Trail) Reconstruction Project In The Amount Of \$85,680.

Approved under the Consent Agenda.

Resolution Number R128-11-05-12-D2

D.3 A Resolution Authorizing And Directing The City Manager To Execute A Contract With Holmes Murphy and Associates As The City's Group Insurance Benefits Consultants.

Approved under the Consent Agenda.

Resolution Number R129-11-05-12-D3

D.4 A Resolution Authorizing And Directing The City Manager To Execute A Contract With Waters Consulting Group For Conducting An Employee Compensation Study.

Approved under the Consent Agenda.

Resolution Number R130-11-05-12-D4

D.5 A Resolution Expressing Official Intent To Reimburse For Certain Costs Related To Design, Engineering, Environmental, And Construction In Relation To Widening New Hope And 1431.

Approved under the Consent Agenda.

Resolution Number R131-11-05-12-D5

D.6 A Resolution Authorizing And Directing The Fire Chief To Apply For A 2012 EMS Local Project Grant From The Texas Department Of State Health Services.

Approved under the Consent Agenda.

Resolution Number R132-11-05-12-D6

D.7 A Resolution Authorizing And Directing The City Manager To Execute The Fourth Amendment To The Lease And Development Agreement Between Cedar Park And Hicks Cedar Park LLC.

Approved under the Consent Agenda.

Resolution Number R133-11-05-12-D7

D.8 Authorization To Excuse The Absence Of Councilmember Moore From The Regular Called Meeting Of April 28, 2011.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Appendix A, Article 12.00 Park Related Fees Of The City Of Cedar Park Code Of Ordinances To Add Fees Charged For Veterans Memorial Park Pavilion And Sports Fields.

Curt Randa, Parks and Recreation Director, addressed Council on the proposed fees for Veterans Memorial Park. The new features and expansion of the park will be opening soon and the fee schedule needs to approved prior to the opening.

Mayor Lemon opened the Public Hearing.

No public comment.

Mayor closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance Amending The Cedar Park Code Of Ordinances Chapter 8, Offenses And Nuisances, Article 8.03, Regulations Pertaining To Conduct In Parks And Playgrounds For The Purpose Of Adding Section 8.03.008, Dog Park Facility.

Curt Randa, Parks and Recreation Director, addressed Council regarding the new dog park facility located at Veterans Memorial. This is a new feature to the City, and rules and regulations are needed for the smooth operation of the facility. Mr. Randa reviewed the seventeen (17) major aspects of the rules.

Mayor Lemon opened the Public Hearing.

No public comment.

Mayor closed the Public Hearing.

- E.3 First Reading And Public Hearing Of An Ordinance Approving Implementation Of The February 10, 2011 Interim Rate Adjustment Filing Pursuant To The Texas Utilities Code Section 104.301 Of Texas Gas Service Company.

Charles Rowland, City Attorney, stated this item is related to State law that allows Texas Gas Service Company to recover their costs associated with infrastructure construction and improvements by filing an interim rate adjustment application. This interim adjustment will add \$0.48 monthly to approximately 400 residents in our City.

Mayor Lemon opened the Public Hearing.

No public comment.

Mayor closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve A Resolution To Authorize The City's Financial Advisor And Bond Counsel To Begin Preparations For Issuances Of General Obligation Bonds And General Obligation Refunding Bonds.

Josh Selleck, Finance Director, stated there are three items to be reviewed in relation to issuances, new money, refunding and leveling of debt service.

Dan Wegmiller, Specialized Public Finance Inc., reviewed the bond issuance and the refunding bonds for Council. The issuance for new bonds will be in the amount of \$3.776M for the New Hope Road Project. The refunding amount will be for \$ 4.735M.

Mr. Wegmiller continued review for the Council of the leveling of debt service, existing funds, and the strategy to pay off existing debts early.

Motion to approve F.1 as presented. Motion to approve a Resolution To Authorize The City's Financial Advisor And Bond Counsel To Begin Preparations For Issuances Of General Obligation Bonds And General Obligation Refunding Bonds.

Movant: Councilmember Powell.

Second: Mayor Pro Tem Fuller.

Vote: 6:0 with Councilmember Tracy absent from meeting.

Resolution Number R134-11-05-12-F1

F.2 Consideration Of Projects To Be Selected For Submittal To Capital Area Metropolitan Planning Organization Call For Projects.

Tom Gdala, Transportation Planner, addressed Council on the final submission of projects for the CAMPO call for projects. Fourteen projects are being submitted to Council for consideration. Staff has identified four projects and is recommending their final submittal to CAMPO. The projects as recommended by Staff include (1) US 183 at New Hope, (2) Bagdad Road from RM 1431 to Kettering, (3) RM 1431 at US 183, and (4) US 183 at Cypress Creek.

General Discussion followed regarding the staff recommended projects, ranking of projects, scenarios for CAMPO, submittal of project in the centers category and non-center projects. This item will be presented to Council at the next Council meeting for further action and approval.

No action taken.

F.3 Consideration Of Appointment To Place One, With A Term To Expire January 2014, And Place Two, With An Unexpired Term Of January 2012, On The Civil Service Commission.

Withdrawn from Agenda.

F.4 The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.

- a) Preservation Of The Local Budgeting Authority And Revenue Sources.
- b) Ensure City's Adequate Water Supplies.
- c) Priority Funding For Local Transportation Projects And Streamlined Processes.
- d) Ensure Economic Development Programs.
- e) Preserve Local Control Of Land Use Planning And Zoning.
- f) Review Meet And Confer/Collective Bargaining Issues.
- g) Review Legislation Pertaining To Emergency Service Districts And Annexations.

- h) Protect City's Bonding Authority.

Brenda Eivens, City Manager, reviewed the recent action on bills during the current Legislative session that will impact cities. Bills of interest include items that will impact revenue to cities with decreased mixed beverage tax and sales tax exemptions. Staff will continue to monitor all bills impacting cities as well as things related to the City's Legislative Agenda.

Josh Selleck, Finance Director, reviewed bills related to Emergency Service Districts as it relates to mergers and consolidations. Mr. Selleck briefly addressed the bill that impacts the ability to negotiate more consistent way for mergers.

Councilmember Powell commented on House Bill 1 and stated he is drafting a letter in opposition to the proposed legislation.

Councilmember Dale commented on Shapiro's bill related to prohibiting K-2. This has passed thru the Senate and will be going thru the House soon.

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 8:15 p.m.

- G.0 Executive Session
- G.1 Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.
- a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.
- G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning Travis County Emergency Service District (ESD) #14 Contract Terms And Conditions.
 - b. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - c. Legal Issues Concerning Third Party Damage To City Property At The Wastewater Treatment Plant.
 - d. Legal Issues Concerning Municipal Court Procedures For Fines And Collections
- G.3 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
- a. Legal Issues Concerning Proposed Release Of Extra Territorial Jurisdiction (ETJ) By City Of Austin.

- G.4 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
a. The City Manager.
b. The 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 9:38 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.

Councilmember Powell commented on the timely receipt of Board and Commission minutes.

Councilmember Dale inquired about the AT&T franchise agreement and if it was possible to broadcast City meetings.

Mayor Pro Tem Fuller commended the Cedar Park Fire Department for meeting with the Blockhouse subdivision regarding fire dangers.

Mayor Lemon requested a future agenda in relation to home business in residences, specifically for A.5 of the list of restrictions for direct selling in residence.

- H.2 Adjournment

Mayor Lemon adjourned the meeting at 9:42 p.m.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC



**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE TOURISM ADVISORY BOARD
SPECIAL CALLED JOINT MEETING
THURSDAY, MAY 19, 2011 AT 6:30 P.M.
Cedar Park Public Library – Council Chambers – 550 Discovery Boulevard**

CITY COUNCIL

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

TOURISM ADVISORY BOARD

Alain O'Tool, Chair
Mel Kirkland, Vice Chair
Matthew Olguin, Secretary
Wayne Brooks, Place Four

Rick McLaughlin, Place Five
Elijah May, Place Six
Robert Schoen, Place Seven

MINUTES

- 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Lemon called the Council to order at 6:30 p.m.

Councilmember Powell absent from meeting. All other Council present.

Chair Alain O'Tool called the Tourism Advisory Board to order at 6:30 p.m.

Wayne Brooks was absent from meeting. Elijah May arrived at 6:52 pm.
All other Boardmembers present.

- 2. Introductions/Welcome/Opening Comments.**
Mayor Lemon welcomed everyone in attendance.
Roundtable introductions were conducted.

3. Discussion Only:

- A. Overall Review Of The Tourism Program And Operation – Phil Brewer.

Phil Brewer, Economic Development Director, stated the tourism functions became part of the Economic Development Department as of October 1st. The Tourism group is comprised of Duane Smith who manages the functions of the Tourism efforts and Katie Krampitz CVB manager.

Brief review included the Tourism Strategic Plan, process to handle inquiries from interested groups, and the branding and marketing of Cedar Park.

- B. Review And Update On The Tourism Strategic Plan – Alain O'Tool.

Alain O'Tool, Chair, updated Council on the Tourism Advisory Board's Strategic Plan. Focus was placed on Council #6 for the development of a strategic plan. Ms. O'Tool reviewed the Mission statement, implementation of strategies, interactive subcommittees to include marketing & advertising, hotel and lodging industry, funding applications, procedures and guidelines. Three sub-committees were formed to further work on specified areas of focus for the tourism activities. Also, a strategic goal for the Board is to implement further Board development and efficiency, periodic performance reports, review of the Tourism Website, and updates from the Tourism partners.

General discussion followed regarding the focus on youth oriented sporting events, and facility status in Cedar Park as to what might still be needed and what can be improved.

Note: Elijah May arrived during presentation at 6:52 p.m.

- C. Report/Update From The Tourism Marketing And Advertising Subcommittee.

Matthew Olguin and Elijah May, Tourism Board reviewed the 2010-2011 advertising venues used for the promotion of tourism in Cedar Park. The venues included Texas State travel guide, Texas events calendar, Tour Texas, Southern Living magazine, San Antonio magazine (email ad), Texas Outside (monthly online banner), Fort Hood Sentinel and Fort Worth Star Telegram.

Future marketing and advertising will focus on families, cooperative agreements with the Austin Steam Train, identification of additional advertising venues, online ads and use of e-blasts, website redesign, and future marketing promotions.

- D. Report/Update From The Tourism Lodging Association Subcommittee.

Rick McLaughlin, Tourism Board, reviewed the possibility of transportation to and from events and attractions. A pilot program will be instituted on a select event basis. Information will be gathered to determine the use of rental vans or the possibility of purchasing vans on a fulltime basis. Mr. McLaughlin briefly

addressed using an email notification process for upcoming sporting events, booking operators with wanted discounts and rebates to event programmers, and cancellation of rooms upon elimination of teams at sporting events. The current will focus will be on overflow as opposed to being the main hotel for sporting events.

General discussion on the possibility of shuttle services, public transportation, and additional information on the transportation pilot program.

E. Quarterly Report From The Convention And Visitor Manager- Katie Krampitz.

Katie Krampitz, Convention and Visitor Bureau Manager, provided highlights of her role and duties. A summary was provided of the leads overviews which have totalled 4717 since February. The top States include CA, FL, IL, LA, OK and TX. Volunteers from the Cedar Park Regional Medical Center Senior Circle assist with administrative aspects of tourism, such as mail outs.

General discussion followed regarding additional volunteer resources, Austin Community College Tourism Certification Program, meeting space, tourism packages, impact of events for hotel occupancy and tourism.

4. Closing Comments.
Round table closing comments were conducted.

5. Adjournment.
Mayor Lemon adjourned the Council meeting at 8:32 p.m.

Chair Alain O'Tool adjourned the Tourism Advisory Board at 8:32 p.m.

PASSED AND APPROVED THIS 30th DAY OF JUNE, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, MAY 26, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Scott Mitchell, Councilmember Place Three
Lowell Moore, Councilmember Place Four

Mayor Pro Tem Mitch Fuller
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
All present.
- A.2 Invocation.
Invocation given by Councilmember Tracy.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Ceremonial Swearing In Of Elected Officials From The Unopposed General Election of 2011:
i.. Council Place One - Matt Powell.
The Honorable Doug Arnold, Williamson County Court at Law No. 3, swore in Councilmember Powell to Place One.
- ii. Council Place Three - Scott Mitchell.
The Honorable Judge Staudt, Williamson County Justice of the Peace, Precinct 2, swore in Councilmember Mitchell to Place Three.
- iii. Council Place Five - Tony Dale.
The Honorable Doug Arnold, Williamson County Court at Law No. 3, swore in Councilmember Dale to Place Five.

Note: Council recessed from 6:40 p.m. to 6:55 p.m.

- A.5 Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.1. (Lemon)

Mayor Lemon thanked Mayor Pro Tem Fuller for his service and announced the new Mayor Pro Tem would Councilmember Moore.

Councilmember Fuller commented on his term as Mayor Pro Tem and thanked the Mayor for the opportunity.

- A.6 Presentation: Proclamation In Recognition of Texas Stars Day In Cedar Park (Powell)
Mayor read and presented a Proclamation recognizing the Texas Stars to Rick McLaughlin, Scott White - General Manager, and Glen Gulutzan, - Coach.

- A.7 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Nelson Ramirez, Cedar Park, introduced himself as an applicant for the Civil Service Board vacancy.

- A.8 Mayor and Council Opening Comments.
Mayor Pro Tem Moore commented on the grand opening of Veteran Memorial Park on Monday.

Councilmember Dale thanked his family for all their support.

Councilmember Tracy thanked Councilmembers Fuller and Dale for participating in the Celebrity Fight Night Fundraising event.

Councilmember Powell thanked the representatives from the Texas Stars and all the efforts they have put into the team and the Cedar Park Event Center. He thanked his family for their support and said it is a huge honor to serve the community and he is appreciative of the opportunity. He provided a brief update on the ICSC show held in Las Vegas, and encouraged everyone to pray for the citizens of Joplin, Mo, recently impacted by severe tornadoes.

Councilmember Fuller – commented on the Fight Night fundraising event and the joint meeting recently held with the Tourism Advisory Board.

Councilmember Mitchell thanked Judge Staudt for swearing him in and also commented on the groundbreaking ceremony for Brushy Creek Road.

- A.9 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

a. Terri McGehee, Receptionist -Ten Years Of Service.

Brenda Eivens, City Manager, and Mayor Lemon presented a plaque n recognition of ten years of service to Terri McGehee.

- A.10 City Manager Report: Update On The Veterans Memorial Park Grand Opening To Be Held On May 30, 2011 - Curt Randa, Parks And Recreation Director.
Curt Randa, Parks And Recreation Director, announced the ribbon cutting and grand opening of Veterans Memorial Park.
- A.11 City Manager Report: Update On The Arts Advisory Board - Sheela Goodrich, Chair, And Mark Lewis, Building Inspections Director.
Sheela Goodrich, Chair of Public Arts Board, addressed Council regarding the Arts Advisory Board on current and future activities of the Board. The update included a review of the mission statement, executive summary, guiding principles, preliminary goals and objectives. The Board is currently working on a master plan.
- Mayor Lemon stated a joint meeting with Council should be arranged to further discuss the items presented.**
- A.12 City Manager Report: April 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections.
Mark Lewis, Building Inspections, presented Council with the April 2011 Permit Activity and Revenue Report.
- A.13 City Manager Report: Review Of The Quarterly Investment Report For The Period Of January 1, 2011 To March 31, 2011 - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, presented Council with the Quarterly Investment Report for the first quarter of 2011. Howie Herring, Patterson and Associates, was available for questions.

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 Council Consent Agenda consisting of Agenda Items B, C, and D.

Movant: Councilmember Fuller

Second: Councilmember Dale

Vote: 7:0

- B.1 Approval Of The City Council Minutes From The Regular Called Meeting Of April 28, 2011.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of January 11, 2011.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of February 8, 2011.
Received under the Consent Agenda.

B.4 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of March 8, 2011.

Received under the Consent Agenda.

B.5 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of April 12, 2011.

Received under the Consent Agenda.

B.6 Receipt Of Minutes From The Economic Development Sales Tax Corporation (4A) Meeting Of April 18, 2011.

Received under the Consent Agenda.

C.1 Second Reading And Approval Of An Ordinance Amending Appendix A, Article 12.00 Park Related Fees Of The City Of Cedar Park Code Of Ordinances To Add Fees Charged For Veterans Memorial Park Pavilion And Sports Fields.

Approved under the Consent Agenda.

Ordinance Number CO27-11-05-26-C1

C.2 Second Reading And Approval Of An Ordinance Amending The Cedar Park Code Of Ordinances Chapter 8, Offenses And Nuisances, Article 8.03, Regulations Pertaining To Conduct In Parks And Playgrounds For The Purpose Of Adding Section 8.03.008, Dog Park Facility.

Approved under the Consent Agenda.

Ordinance Number CO28-11-05-26-C2

C.3 Second Reading And Approval Of An Ordinance Approving Implementation Of The February 10, 2011 Interim Rate Adjustment Filing Pursuant To The Texas Utilities Code Section 104.301 Of Texas Gas Service Company.

Approved under the Consent Agenda.

Ordinance Number G29-11-05-26-C3

D.1 A Resolution Approving The Submission Of A Grant Application For The 2011-2012 Criminal Justice Program.

Approved under the Consent Agenda.

Resolution Number R135-11-05-26-D1

D.2 Authorization To Excuse The Absence Of Councilmember Tracy From The Regular Scheduled Meeting Of May 12, 2011.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 Z-11-001 First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) and Local Retail-Conditional Overlay (LR-CO) To Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road, Owned By Wilson Land And Cattle Company, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) And Local Retail-Conditional Overlay (LR-CO) For This Tract.**

Rawls Howard, Development Services/Planning Director, addressed Council regarding the proposed zoning. This item is to assign original zoning of Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) and Local Retail-Conditional Overlay (LR-CO) to approximately 41.059 acres located at the northwest corner of Brushy Creek Road and Breakaway Road. This zoning request is being considered concurrently with a voluntary annexation request by Wilson Land and Cattle Company.

Mr. Howard addressed the conditional overlay aspects for the zoning. The conditions include the following proposed items: in summary form.

- 1) Site layout shall substantially conform to the conceptual plan dated 3/29/11;**
- 2) Minimum lot width shall be 65 feet;**
- 3) A ten (10) foot landscape buffer shall be provided along the northern and western property boundaries and shall consist of a minimum of one tree for every 30 feet of boundary length, to be installed by the developer prior to issuance of the initial certificate of occupancy for each home to be built.**

In relation to the 13.404 acres of Local Retail-Conditional Overlay (LR-CO) are the following conditions:

- 1) Permitted uses are limited to: administrative offices, art galleries with retail sales, retail bakery, convenience store, drug store, food sales general, golf amusement, hardware stores, professional offices, medical offices, restaurant limited, retail gift store, retail stores, software development, software and computer hardware sales, and veterinary services;**
- 2) Prohibit access to Breakaway Road;**
- 3) Provide a 20 foot planted landscape buffer along Breakaway Road, in conformance with the level two buffer requirements of Chapter 14, Section 14.07.006(B)(9)(b);**
- 4) Provide a six (6) foot wrought iron or tubular steel fence along the western boundary of the 20' buffer.**

General Discussion followed regarding the conditional uses:

Councilmember Powell inquired about the amount of usable commercial space with pond that is need.

Mayor Lemon stated he had received emails concerning the large lots located next to smaller lots and inquired if this was the original plan, or if there had been many changes.

Councilmember Powell stated he had received feedback regarding the secondary access road.

Councilmember Dale commented on Council voting on the conditional uses at the same time as approving the zoning. Roads and access are not typically approved with normal zoning, but is not under consideration due to the conditional uses.

Councilmember Powell inquired to the reason why the developer is not interested in doing a second road.

Mayor Lemon inquired if this is a conceptual plan or the actual plan. He inquired as to why the process is different than what has been presented and voted on in the past.

Councilmember Powell stated the only previous zoning that could be used for a comparison was the master plan development proposed for Colonial Pkwy. In that case, the developer had asked for roads to be smaller but the Fire Department stated it would not accommodate fire apparatus. Council approved an amended plan.

Brenda Eivens, City Manager, commented on the in-depth dialogue with the developer pertaining to the conceptual plan, how it would look, and where the roads would be.

Charles Rowland, City Attorney, addressed past decisions about roads and former requests by Council for information related to traffic. The conceptual plan is designed to provide secure feelings and knowledge for residents.

Councilmember Dale stated he is perplexed by this zoning request and commented on his past history and experience as a P&Z Commissioner on not being able to vote on concept plans. The typical process included zoning, and then planning, however, they are being combined tonight.

Mayor Lemon commented on Council does not consider drainage, Traffic Impact Analysis, and the specific land use. He also commented on the P&Z placing conditions on the property. He asked if this should be sent back the P&Z for consideration after receipt of a Traffic Impact Analysis.

Councilmember Powell stated this is a major issue for citizens regarding the restricted access.

Mayor Lemon opened the Public Hearing.

Public Comment:

Steve Bergeron, Cedar Park, addressed Council regarding the restricted access, density of houses, size of lots, increased traffic volumes, raising the minimum width of the proposed lots, and landscape buffers.

Bobby Richards, Cedar Park, stated he prefers the large lots and is against zoning near established neighborhood. He also commented on increased traffic in Breakaway.

Kelly Smylie, Cedar Park, commented on the thirteen signatures in favor of the development, no access to Breakaway Road, and Fire Department requirements

Garrett Martin, applicant, addressed Council regarding the zoning. Mr. Martin the process for the requested zoning, the changes made to the original plan, the decrease in lots from SF3 to SF2, neighborhood meetings conducted with the residents of Breakaway, and the current proposed conditional overlay.

Mayor Lemon closed the Public Hearing.

General discussion continued:

Randle Blessing, Fire Marshal, addressed Council regarding the issues with open access or restricted access in relation to the Fire Code. He addressed the two entrances, streets combining to only one access point, Fire route access, recommended second access for the public, and the aspects of a coded gate.

Councilmember Powell commented on trying to find a happy median, allowing access, supporting the fire code, and restrictions to limit access to Breakaway Road.

Councilmember Dale stated he agrees with Councilmember Powell regarding access and is in favor of having gate that the Fire Department can access.

Mayor Pro Tem Moore inquired about the location of the access gate and if the turning radius could be met.

Councilmember Dale stated he does not want this to go back to the Planning & Zoning, but wants it to move forward and resolve the issues.

Councilmember Powell addressed the comment made pertaining to revenue issue. This is not about revenues generated by commercial. There needs be to level of understanding for citizens living on the edge of a neighborhood and the edge of a city. Transitional zoning is designed for areas such as this.

Councilmember Dale commented on concerns for road on the other side of the proposed area.

Councilmember Fuller commented on the balancing of private property rights and also the interests of citizens.

Councilmember Powell commented on engaging neighborhoods can have risks and additional challenges, but there is a higher regard for developers that are engaging in the process and commended the developer for this and being flexible.

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Execute An Economic Development Performance Agreement With The Cedar Park Community Development (4B) Board And Fallbrook Technologies To Provide For Economic Development Incentives Related To Job Retention, Relocation, Job Creation, and Expansion In An Amount Not To Exceed \$1,677,500.

Larry Holt, Economic Development Specialist, addressed Council regarding the Fallbrook Agreement.

Bob Dawson, Fallbrook, reviewed the history of Fallbrook Technologies. The company was founded in 2002, with two Cedar Park locations on Whitestone and Cypress Creek Road. This relocation will allow for the consolidation of operations for the Cedar Park and Round Rock locations. The company's focus is research and development, with the main area on mechanical engineering. Fallbrook has over 400 patents and applications worldwide.

Mr. Holt briefly reviewed the Economic Development Incentive Agreement that included performance obligations.

Motion to approve the item as stated in F1; Motion to approve A Resolution Authorizing And Directing The Mayor To Execute An Economic Development Performance Agreement With The Cedar Park Community Development (4B) Board And Fallbrook Technologies To Provide For Economic Development Incentives Related To Job Retention, Relocation, Job Creation, and Expansion In An Amount Not To Exceed \$1,677,500.

**Movant: Councilmember Powell
Second: Councilmember Fuller
Vote: 7:0**

Resolution Number R136-11-05-26-F1

F.2 Consideration To Approve A Resolution Supporting The Submission Of Identified Projects For The CAMPO 2011 Call For Projects.

Tom Gdala, Transportation Planner, addressed Council on the proposed projects to be submitted to CAMPO for the 2011 Call For Projects. Mr. Gdala reviewed the ranking and scoring criteria used for the projects.

General discussion followed regarding the proposed projects for submission.

Motion to approve the Resolution supporting the submission of identified projects for the CAMPO 2011 Call For Projects as presented by staff.

**Movant: Councilmember Powell
Second: Councilmember Tracy
Vote: 7:0**

Resolution Number R137-11-05-26-F2

- F.3 Update On The Public Preparedness Campaign - Jessica Jackson, Emergency Management Coordinator.

Jessica Jackson, Emergency Management Coordinator, updated Council on the progress of the Public Preparedness Campaign for the City of Cedar Park. The presentation included information on how citizens may be informed by weather radio, television, and radio stations. The City's partner for information is KVUE for television and KLBJ 590 am for radio. 1650 am is the local radio station owned by Cedar Park.

General discussion followed regarding the effectiveness of weather radios, enhanced notifications systems, and the overall program.

- F.4 Update On The Proposed Roadway Name Change Of Parmer Lane To Ronald Reagan Boulevard Survey Results.

Tom Gdala, Transportation Planner, addressed Council regarding the proposed renaming of Parmer Lane. Upon the request of Council a survey was sent to all property owners, business owners and tenants with Parmer Lane addresses in the City. 166 responses (22%) were received with 141 of those responding by mail and 25 responding online. Of the 166 responses, 23 supported (14%) and 144 opposed (86%) the name change.

General discussion followed regarding the amount of surveys returned, citizen input, and the responses received against the possibility of renaming Parmer Lane.

No action taken.

- F.5 Consideration To Approve A Resolution Authorizing Engineering And Bidding Of Phase A Of The Drought Contingency Floating Raw Water Intake Project.

Sam Roberts, Assistant City Manager, addressed Council regarding the Drought Contingency Floating Raw Water Intake Project. LCRA's current projections for water levels in Lake Travis indicate there is a 5% chance that the water levels could fall to the point that the drought contingency floating intake project would need to be in place by next summer. Mr. Roberts reviewed the project.

Motion to approve a Resolution Authorizing Engineering And Bidding Of Phase A Of The Drought Contingency Floating Raw Water Intake Project.

Movant: Councilmember Fuller

Second: Councilmember Dale

Vote: 6:0 with Mayor Pro Tem Moore off dais for vote.

Resolution Number R138-11-05-26-F5

General discussion included the current lake levels, project lake levels and the triggers for conservation. Council would to see this information placed on the City's website for citizens' information.

- F.6 Consideration Of Appointment To Place One, With A Term To Expire January 2014, And Place Two, With An Unexpired Term Of January 2012, On The Civil Service Commission.

Brenda Eivens, City Manager, addressed Council regarding the vacancy on the Civil Service Commission. The Civil Service Commission is appointed by the City Manager and affirmed by the City Council. Mr. Ramirez addressed Council under Citizen Communications of his interest to serve. Ms. Eivens has met with Mr. Ramirez and she is seeking affirmation of his appointment to Place Two on the City

Motion to affirm the appointment of Nelson Ramirez to Place Two on the Civil Service Commission with an unexpired term of January 2012.

Movant: Mayor Pro Tem Moore

Second: Councilmember Fuller

Vote: 7:0

- F.7 Consideration Of The Candidates For The Pedernales Electric Cooperative Board Election And Designation Of City Ballots.

Brenda Eivens, City Manager, stated the City has received the ballot from PEC and is requesting Council's direction in casting a vote.

General discussion followed regarding the candidates on the ballot.

Motion to cast a vote for Alan Your and Stephen Thomas.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

Motion to cast a vote for Option B - Single Member District.

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 7:0

- F.8 Consideration Of Non-City Controlled Traffic Signalization Within The City Of Cedar Park. (Powell)

Councilmember Powell addressed meetings with TxDOT regarding the City of Cedar Park being responsible for having control and maintenance of traffic lights within the City.

Sam Roberts, Assistant City Manager, commented on staffing limitations with TxDOT and the large area the regional office is responsible for.

Councilmember Powell stated along with CTRMA, there is a cost associated with the City taking over maintenance of TxDOT controlled traffic signals. Costs would include manpower and also electricity. There is a possibility of a cost share agreement with TxDOT and Councilmember Powell would like to pursue negotiations with TxDOT.

Sam Roberts, Assistant City Manager, commented on a four year plan with a phase in approach.

Motion to direct staff to being discussions with TxDOT for a potential cost share agreement for traffic signals within Cedar Park.

Movant: Councilmember Powell

Second: Councilmember Fuller

Friendly amendment made by Councilmember Dale for the Council to review the offer prior to being submitted to TxDOT. Friendly amendment accepted by movant and second.

Motion restated for the record:

Motion to direct staff to being discussions with TxDOT for a potential cost share agreement for traffic signals within Cedar Park with Council's review prior to submission to TxDOT.

Vote: 7:0

- F.9 Consideration To Amend The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Division 2: Customary Home Occupations, Section 11.04.006 Regulations And Restrictions Regarding Direct Selling. (Lemon)

Mayor Lemon asked for this item to be placed on agenda. This item is regarding Item A.5 of the Home Occupation Ordinance pertaining to direct selling which states: "No direct selling of merchandise shall occur on the premises." He would like for this item to either be amended to have it removed or be replaced with "No direct selling of merchandise shall occur where visible from anywhere off the premises."

Mayor agrees with maintaining the character of the neighborhood however this item deals with the interior of the house. He would like this item clarified that the City doesn't regulate what happens inside the house. It is not currently adhered to and by changing the ordinance this would allow for a stronger, enforceable ordinance.

General discussion followed regarding the striking or replacing the wording, restriction of hours for selling in residential neighborhoods. Unintended consequences, allowance of retail in neighborhoods.

Mayor Lemon stated he would like for this item to go thru the process and a public hearing conducted.

Motion for consideration to amend the City of Cedar Park Code of Ordinances related to direct selling.

Movant: Councilmember Mitchell

Second: Mayor Lemon

Vote: 6:1 with Councilmember Dale voting against.

Mayor Lemon allowed Public Comment:

Bob Flynn, Cedar Park, addressed Council on his support of the Mayor's proposed amendment to allow direct selling.

F.10 Consideration Of Appointing A Council Representative To Attend The Central Texas InterCity Visit.

The Austin Chamber of Commerce is partnering with the Cedar Park Chamber of Commerce in hosting the 8th Annual Intercity Visit scheduled for September 25-27, 2011. The visit this year will be to Charlotte, North Carolina.

Mayor Lemon and Councilmember Powell expressed interest. Mayor Lemon inquired about the cost and budget and stated two representatives from Council typically attend. Councilmember Tracy has expressed interest in attending. If the budget allows for three, Councilmember Powell would like to attend.

Motion to select Mayor Lemon and Councilmember Tracy as the Council Representatives for the Central Texas InterCity Visit.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

F.11 The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.

- a) Preservation Of The Local Budgeting Authority And Revenue Sources.
- b) Ensure City's Adequate Water Supplies.
- c) Priority Funding For Local Transportation Projects And Streamlined Processes.
- d) Ensure Economic Development Programs.
- e) Preserve Local Control Of Land Use Planning And Zoning.
- f) Review Meet And Confer/Collective Bargaining Issues.
- g) Review Legislation Pertaining To Emergency Service Districts And Annexations.
- h) Protect City's Bonding Authority.

Brenda Eivens, City Manager, stated there are no current legislative updates.

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 10: 15 p.m.

G.0 Executive Session

- G.1 Section 551.071 (1) Consultation With City Attorney Concerning Contemplated Litigation.
a. Cause No. D-1-GN-11-000418; Marj Hunziker and Stephen Kerr v. Capital Metropolitan Transportation Authority and Linda Watson; In the 201st Judicial District, Travis County, Texas.
- G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
a. Legal Issues Concerning Travis County Emergency Service District (ESD) #14 Contract Terms And Conditions.
b. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
c. Legal Issues Concerning The Terms And Conditions Of The Tax Increment Reinvestment Zone #1 Development Agreement.

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 Session at 11:35 P.M.

Agenda Item G.2c

Motion to authorize and direct the City Finance Director to reimburse the developer of the Cedar Park Town Center for their advanced cost and expenses out of the Tax Increment Reinvestment Zone #1 escrow account as audited and approved by the City.

Movant: Councilmember Tracy

Second: Mayor Pro Tem Moore

Vote: 7: 0

- H.1 Mayor And Council Closing Comments.
Councilmember Powell commented on the Austin Consulate event he attended and on the leadership opportunity with the rotation of the Mayor Pro Tem role.

Councilmember Dale thanked everyone for their service and inquired about pdfs or graphics on his iPad.

H.2 Adjournment.
Mayor Lemon adjourned the meeting at 11:45 p.m.

PASSED AND APPROVED THIS 30TH DAY OF JUNE, 2011

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, JUNE 16, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:30 p.m.
All Council present.
- A.2 Invocation.
Invocation given by Mayor Lemon.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Proclamation Designating June As Disaster Preparedness Month.
Mayor Lemon read and presented a Proclamation designating June as Disaster Preparedness Month to Jessica Jackson, Emergency Management Coordinator.
- A.5 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Candace Baker, Clean Air Partners Program Manager, addressed Council regarding the new EPA air attainment policies that will soon be introduced and implemented. Ms. Baker briefly reviewed the benefits and services offered by the group.

Claire Love, Cedar Park Chamber, addressed Council regarding a partnership with the City and being a possible tenant at the new City Hall Complex.

A.6 Mayor and Council Opening Comments

Mayor Lemon commented on the CAMPO monthly meeting and additional funds being available for possible projects.

Councilmember Mitchell stated he is seeking an agenda item regarding the CAPCOG EPA emissions and attainment presentation.

Councilmember Fuller commented on the City's relationship with the Chamber of Commerce, and thanked James Crabtree American Legion 911 Post with his involvement of the youth in Cedar Park. He also commented on Phase 2 of Veterans Memorial opening on Memorial weekend, and requested a report on the Storm Ready Program.

Councilmember Powell stated the design aspects for the City Hall Complex has been worked on and the overall design concept will be kept in line with the building design. He congratulated resident Michael Smith for winning the TGA title, and also commented on Mystic Pharmaceuticals, a company located in Cedar Park, receiving a patent.

Councilmember Tracy commented on the opening of Veterans Memorial Park.

Councilmember Dale congratulated the local High School graduates and commented on the smooth traffic flow. He also thanked everyone involved with the Veteran Memorial ceremony.

Mayor Pro Tem Moore commented on the Veterans Memorial Park opening and also the City Hall Complex and the design aspects currently being worked on.

Note: Agenda Item F.1 and F.2 called after Mayor and Council Opening Comments.

A.7 City Manager Report: May 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections.

Mark Lewis, Building Inspections Director, presented Council with the May 2011 permit activity and revenue report.

A.8 City Manager Report: City Initiated Zoning, Rawls Howard - Planning And Development Services Director.

Rawls Howard - Planning and Development Services Director, addressed Council regarding the strategy to proactively zone Planned Development (PD) and Development Reserve (DR) zoning areas in Cedar Park. Currently there are fourteen (14) PD's located in Cedar Park. Mr. Howard reviewed the fourteen PD's and the process to identify and rank the PD's by level of completion, proposed uses, and degree of nonconformity with

straight zoning districts. A three tier systematic approach was developed. Mr. Howard also addressed the DR tracts.

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.

Agenda Items C.1, C.2 and D.1 removed from the Consent Agenda.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding Agenda Items C.1, C.2 and D.1.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of May 12, 2011.
Approved under the Consent Agenda.

- B.2 Receipt Of Minutes From The Arts Advisory Meeting Of April 6, 2011.
Received under the Consent Agenda.

- C.1 ANX-11-001 Second Reading Of An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road, And Otherwise Described By Metes And Bounds In Williamson County, Texas.
Removed from the Consent Agenda.
Agenda Items C.1 and C.2 called together.

Rawls Howard, Planning and Development Services Director, addressed Council regarding the annexation and zoning requests. Mr. Howard addressed the conditional overlay associated with the Local Retail portion of the zoning. Mr. Howard reviewed the limited uses, access prohibited to Breakaway Road and the 20 foot planted landscape buffer and fence to be provided along Breakaway Road.

General discussion followed:

Mayor Lemon commented on the future citizens of the residential area not being able to be represented. He stated the future residents should be afforded the opportunity to petition the City for future access. Mayor also stated a traffic impact analysis had not been completed.

Councilmember Powell stated the access issue could be readdressed in the future and possibly modified by the Council.

Councilmember Dale inquired about Williamson County's comments regarding limiting access to Breakaway Road.

Councilmember Mitchell commented on the condition of Breakaway Road and it not being designed to handle high traffic volumes.

Councilmember Powell commented on the two types of restricted access pertaining to emergency vehicles and residents.

Mayor Lemon and Mayor Pro Tem Moore stated they would like to see a traffic impact analysis completed prior to a final decision being made.

Public Comment:

Garry Martin, Applicant, was available for questions, and stated the proposed access thru the commercial tracts will align with median breaks on Brushy Creek Road.

Charles Rowland, City Attorney, clarified if the applicant was in agreement with the limited access for emergency response.

Joseph Zeevi, Cedar Park, thanked Council for their consideration of the areas concerns.

Motion to approve Zoning Case Z-11-001 as stated (Ordinance To Assign Original Zoning Of Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) and Local Retail-Conditional Overlay (LR-CO) To Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road) with the additional condition of restricted access to Breakaway Road and approved Annexation Number ANX-11-001 for extending the boundary limits of Cedar Park 41.059 acres.

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 7:0

Agenda Item C.1 Annexation: Ordinance Number A30-11-06-16-C1

Agenda Item C.2 Zoning: Ordinance Number Z31-11-06-16-C2

C.2 Z-11-001 Second Reading Of An Ordinance To Assign Original Zoning Of Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) and Local Retail-Conditional Overlay (LR-CO) To Approximately 41.059 Acres Of Land Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road, Owned By Wilson Land And Cattle Company, In Williamson County, Texas. The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) And Local Retail-Conditional Overlay (LR-CO) For This Tract.

Removed from the Consent Agenda

Agenda Items C.1 and C.2 called together. Refer to Agenda Item C.1 for discussion and action taken.

Ordinance Number Z31-11-06-16-C2

- D.1 A Resolution Amending The Future Land Use Plan For Property Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road From Neighborhood Office/Retail/Commercial To Low Density Residential. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.**

Removed from the Consent Agenda.

Rawls Howard, Planning and Development Services Director, stated this item is related to the previous annexation and zoning in Agenda Items C.1 and C.2.

Motion to approve Agenda D.1 as stated: A Resolution Amending The Future Land Use Plan For Property Located At The Northwest Corner Of Brushy Creek Road And Breakaway Road From Neighborhood Office/Retail/Commercial To Low Density Residential.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

Resolution Number R139-11-06-16-D1

- D.2 A Resolution Authorizing A Special Permit To Hold A March-A-Thon At Milburn Park.
Approved under the Consent Agenda.

Resolution Number R140-11-06-16-D2

- D.3 A Resolution For City Acceptance Of Section 1 Of Little Elm Trail Roadway Improvements.
Approved under the Consent Agenda.

Resolution Number R141-11-06-16-D3

- D.4 A Resolution For City Acceptance Of The Ranch At Brushy Creek Section 10B Subdivision Improvements.
Approved under the Consent Agenda.

Resolution Number R142-11-06-16-D4

- D.5 A Resolution Approving The City Of Cedar Park's Participation In The Hazard Mitigation Action Plan Through The Texas Colorado River Floodplain Coalition.
Approved under the Consent Agenda.

Resolution Number R143-11-06-16-D5

- D.6 A Resolution Authorizing And Directing The City Manager to Execute A Change Order With RGM Constructors LP. Under the Brushy Creek Road (183A to Parmer Lane) Reconstruction Project in the Amount of \$63,464.47
Approved under the Consent Agenda.

Resolution Number R144-11-06-16-D6

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing: **No Items For Consideration.**

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve A Resolution Authorizing Consent To The Creation of Williamson County Emergency Services District No. 11.
Agenda Items F.1 and F.2 called after Mayor and Council Opening Comments.
Agenda Items F.1 and F.2 called together.

Philip Rodriguez, Assistant to the City Manager, addressed Council regarding the history and background for the creation of the Emergency Service Districts. Mr. Rodriguez reviewed the two districts and where they are located.

Brenda Eivens, City Manager, stated the two ESD's cover all the areas in the Williamson County ETJ area.

Motion to approve a Resolution authorizing consent to the creation of Williamson County Emergency Services District No. 11.

Movant: Councilmember Powell

Movant: Councilmember Fuller

Vote: 7:0

Resolution Number R146-11-06-16-F1

Motion to approve a Resolution authorizing consent to the creation of Williamson County Emergency Services District No. 12.

Movant: Councilmember Powell
Second: Councilmember Tracy
Vote: 7:0

Resolution Number R146-11-06-16-F2

- F.2 Consideration To Approve A Resolution Authorizing Consent To The Creation of Williamson County Emergency Services District No. 12.
Agenda Items F.1 and F.2 called after Mayor and Council Opening Comments.
Agenda Items F.1 and F.2 called together.

See Agenda Item F.1 for action taken

Resolution Number R146-11-06-16-F2

- F.3 Consideration And Report On The Veteran Memorial Project.
Katherine Woerner, Utility Program Manager, stated the images previously approved by Council will work fine and will be able to be imposed on the Memorial. Fundraising efforts are only \$4000 away from reaching the goal.
- F.4 Consideration To Approve A Resolution Authorizing And Directing The City to Enter Into a Contract With Blackboard Connect for Fifteen Months For The Amount of \$30,916.15.
Jessica Jackson, Emergency Management Coordinator, reviewed the features of Blackboard Connect which is a notification system that can be utilized in emergency or non-emergency situations.

General discussion on the features, potential usage, number of households included in cost estimate, and additional costs associated with future annexations.

Motion to approve the Resolution authorizing and directing the City to enter into a contract with Blackboard Connect for fifteen months for the amount of \$30,916.15, pending final approval by the City Attorney.

Movant: Councilmember Powell
Second: Mayor Pro Tem Moore
Vote: 7:0

Resolution Number R147-11-06-16-F4

- F.5 Citywide Speed Study Data With Speed Limit Recommendations.
Tom Gdala, Transportation Planner, addressed Council regarding the speed study data results and speed limit recommendations being made by staff. Mr. Gdala reviewed the 85th percentile evaluation method used to determine the current speeds and the recommended speed limit changes. The study included arterials and primary collector streets. Mr. Gdala

reviewed each street studied and the 5 mph adjustment allowed for physical characteristics, land uses and history.

General discussion followed:

Councilmember Dale inquired about the traffic signals and how the proposed speeds will impact signalization.

Councilmember Fuller commented on mobility being the main issue.

Mayor Lemon asked for the TxDOT study to be placed online to further explain to citizens about the speed limits and how they are set.

Councilmember Powell commented on increasing capacity and efficiency thru Cedar Park.

F.6 Consideration For An Amendment To The City's Zoning Ordinance To Authorize Limited Direct Selling (Retail) In A Residentially Zoned District.

Rawls Howard, Planning and Development Services, Director addressed Council regarding the current home occupation ordinance. The current ordinance does not allow for direct selling from the residence. Mr. Rawls reviewed the current prohibitions, enforcement efforts and the secondary effects if direct selling is allowed.

General discussion followed:

Mayor Lemon commented on the current restrictions for home based business and the ability to maintain the residential nature of the neighborhood. He would like this item to go back to the Planning and Zoning Commission for further consideration to allow direct selling from residential home based businesses.

Public Comment:

Trey Hensley, President of Silverado Ranch HOA, stated the HOA is opposed to any amendment. He commented on the increase in residential traffic, impact to commercial areas, inability to enforce and the lack of ability to keep out undesirable businesses. The unintended consequences would be considerable.

John Traube, President of Forest Oaks HOA, stated the HOA is against businesses in homes. He addressed the enforcement issues and inquired if this amendment will supersede current deed restrictions. He suggested the City pursue a business incubator concept for small, new businesses that would allow low rent.

Bob Flynn, Cedar Park, supports the amendment, and commented on the current restrictions of HOA's, current deliveries to residents and not all businesses keeping inventory. He also addressed restricting what happens inside the house and the transaction being the same regardless of where it happens.

General discussion continued:

Councilmember Dale read an email he received from a citizen in the Ranch at Brushy Creek, regarding issues with home based businesses. Councilmember Dale stated citizen moves into a residential area for a reason and what happens in people's house do impact others. He commented on the unintended consequences, zoning issues and impact to retail areas. He reminded Council they recently voted on clarifying the definition of direct selling. He stated this is a bad idea and encouraged Council to vote against.

Motion to affirm the current City Ordinance to restrict direct selling in residential areas.

Movant: Councilmember Dale

Second: Councilmember Fuller

General discussion continued:

Councilmember Mitchell stated he had spoken with Mr. Flynn regarding finding a way to allow direct selling without changing the dynamics for everything else. He stated staff has spoken with other cities and it is not able to be accomplished. He stated it is a complicated issue and no way to come to a good conclusion and keep out the bad items.

Councilmember Fuller commented on the freedom to operate out of homes, but used Houston as a great example. He stated this will lead to more government and more commitment for additional resources. He stated there have been very valid points made and he supports the motion.

Councilmember Powell commented on laws and regulations can be imperfect and how individuals are impacted negatively by it; however there are points to the arguments.

Councilmember Tracy agreed that the City would not be able to account for consequences.

Motion to affirm the current City Ordinance to restrict direct selling in residential areas.

Movant: Councilmember Dale

Second: Councilmember Fuller

Voter: 6:1 with Mayor Lemon voting against.

- F.7 The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.
- a) Preservation Of The Local Budgeting Authority And Revenue Sources.
 - b) Ensure City's Adequate Water Supplies.
 - c) Priority Funding For Local Transportation Projects And Streamlined Processes.
 - d) Ensure Economic Development Programs.
 - e) Preserve Local Control Of Land Use Planning And Zoning.
 - f) Review Meet And Confer/Collective Bargaining Issues.
 - g) Review Legislation Pertaining To Emergency Service Districts And Annexations.
 - h) Protect City's Bonding Authority.

Brenda Eivens, City Manager, stated SB917 has passed and is awaiting the Governor's signature. SB650 is in the same position, and SB100 which deals with elections is still being monitored however, it is also awaiting the Governor's signature.

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":

G.0 Executive Session:

Council convened into Executive Session at 9:15 p.m.

- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning Travis County Emergency Service District (ESD) #14 Contract Terms And Conditions.
 - b. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - c. Legal Issues Concerning Municipal Court Procedures For Fines And Collections
 - d. Legal Issues Concerning Voluntary Annexations.

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 10:48 p.m.

No action taken on any items discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Councilmember Dale commented on his daughter receiving her first Cedar Park Library Card.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:49 p.m.

PASSED AND APPROVED THIS 14th DAY OF JULY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING - CITY COUNCIL RETREAT
FRIDAY, JUNE 17, 2011 AT 12:45 P.M.
Cedar Park Police Department Training Room
911 Quest Parkway, Cedar Park, TX 78613**

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

**A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 1:55 p.m.
All Council present.**

**B. Pledges of Allegiance.
Council led in the Pledges of Allegiance.**

**C. Mayor and Council Opening Comments.
None.**

**D. Discussion Only: Review, Evaluate, Update, Modify, Expand And Add To:
1. Vision and Comprehensive Plan
No discussion.**

**2. Goals and Priorities of 2011 - 2012 Strategic Map
i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning
And Financial Policies; Public Safety Staffing; Fire Service In The
Extraterritorial Jurisdiction; Public Safety Delivery And Emergency
Notification; Succession Planning For Council, Staff/Boards/ Commissions;
Online Customer Service And Website Access; Annexation; Efficiency Of
Services; Brushy Creek Regional Utility Authority Projects.**

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

No discussion.

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

No discussion.

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

No discussion.

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

No discussion.

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

No discussion.

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

No discussion.

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

No discussion.

3. Council Dynamics, Interaction and Participation With:

- i) Council.
- ii) City Staff.
- iii) Boards and Commissions.
- iv) Intra-Governmental Agencies.

General discussion facilitated by Joe Gonzalez, The Management Connection.

E. Mayor and Council Closing Comments.

None.

F. Adjournment.

Mayor Lemon adjourned the meeting at 5:25 p.m.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING - CITY COUNCIL RETREAT
SATURDAY, JUNE 18, 2011 AT 8:00 A.M.
Cedar Park Police Department Training Room
911 Quest Parkway, Cedar Park, TX 78613**

Mayor Bob Lemon	Mayor Pro Tem Lowell Moore
Matt Powell, Councilmember Place One	Tony Dale, Councilmember Place Five
Mitch Fuller, Councilmember Place Two	Don Tracy, Councilmember Place Six
Scott Mitchell, Councilmember Place Three	Brenda Eivens, City Manager

MINUTES

A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Lemon called the meeting to order at 8:11 a.m.
All Council present.**

B. Pledges of Allegiance.

Council led in the Pledges of Allegiance.

C. Mayor and Council Opening Comments.

None.

D. Discussion Only: Review, Evaluate, Update, Modify, Expand And Add To:

1. Vision and Comprehensive Plan

General discussion followed.

2. Goals and Priorities of 2011 - 2012 Strategic Map

i. Goal 1: Strategic Prioritization Including: Current/ Future Budget Planning And Financial Policies; Public Safety Staffing; Fire Service In The Extraterritorial Jurisdiction; Public Safety Delivery And Emergency Notification; Succession Planning For Council, Staff/Boards/ Commissions; Online Customer Service And Website Access; Annexation; Efficiency Of Services; Brushy Creek Regional Utility Authority Projects.

ii. Goal 2: Economic Development Including: 4B Economic Development Projects; Business Incubator; 4B Strategic Plan; 4A Strategic Map.

iii. Goal 3: Redevelopment/Enhancement Including: Roadway Plan; Capital Improvements Priorities; Drainage.

iv. Goal 4: Beautification Including: Highway 183 Corridor; City Entry Signs And Key Entry Points; Street Sign Replacement.

v. Goal 5: Diversified Tax Base/Balanced Land Use Including: Land Use; Sales Tax And Ad Valorem; Mixed Use Zoning; Tax Increment Reinvestment Zone.

vi. Goal 6: Entertainment/Destination/Culture Including: Tourism; Schlitterbahn; Science/Education Center/Planetarium; Parks Master Plan And Land Acquisition.

vii. Goal 7: Facilities Including: Energy And Resource Efficiency, And Technology; Former Police Department And Fire Station #1; City Hall; Library; Parks Maintenance Facility.

viii. Goal 8: Public Transportation/Mobility Including: Road And Transportation Projects; Multi-modal; Sidewalk Gap Project.

General discussion followed regarding each strategic goal as set by Council. Council discussed the strategic goals for 2011-12.

*Note: Council recessed from 12:06 p.m. to 12:37 p.m.
General discussion on Strategic Map continued.*

3. Organizational Values.

General discussion followed.

4. Council Dynamics, Interaction and Participation With:

i) Council.

ii) City Staff.

iii) Boards and Commissions.

iv) Intra-Governmental Agencies.

No discussion.

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":

No Executive Session Conducted.

E. Executive Session:

1. Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
 - i) The City Manager.
 - ii) The City Attorney.

The Council Reconvenes into General Session.

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

G. Mayor and Council Closing Comments.

None.

H. Adjournment.

Mayor Lemon adjourned the meeting at 1:43 p.m.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, JUNE 30, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:34 p.m.
- Councilmember Powell absent from meeting. All others present.**
- A.2 Invocation.
Invocation given by Councilmember Fuller.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Proclamation Designating July As Park And Recreation Month In Cedar Park.
Mayor Lemon read and presented a Proclamation designating July as Parks and Recreation Month to Curt Randa, Parks Director.
- A.5 Presentation: Review Of The Capital Area Council Of Governments "CAPCOG" Attainment/Emissions Report. (Mitchell)
Andrew Hoekzema, Air Quality Program Specialist - Capital Area Council of Governments (CAPCOG), addressed Council regarding the Air Quality Briefing Report. The presentation included information on the Ozone Overview, success of Local Voluntary

Program, new Ozone Standards, Opportunities for Local Jurisdictions, and CAPCOG's Air Quality Program.

- A.6 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Chris Federoff, Cedar Park, addressed the Council regarding chickens in residential areas. He is asking Council to amend the ordinance to allow chickens in smaller residential areas.
- A.7 Mayor and Council Opening Comments.
Mayor Lemon commented on the rodeo event held at the Cedar Park Center.
- Councilmember Dale commented on the rodeo event at the Cedar Park Center and the recent Council Retreat.**
- Councilmember Tracy commented on the rodeo event at the Cedar Park Center.**
- Councilmember Fuller stated the Gambler Guns have finished their tour and are back in Texas. He also commented on the BCRUA and requested two future agenda items for the appointments to the BCRUA Board, and an item to welcome back the Gambler Guns.**
- Councilmember Mitchell reminded everyone to be safe on July 4th.**
- A.8 City Manager Report: Update On The July 4th Event To Be Held At Elizabeth Milburn Park – Curt Randa, Parks And Recreation Director.
Curt Randa, Parks And Recreation Director, updated Council on the events for the July 4th festivities. The fireworks have been cancelled but the celebration will continue. Mr. Randa reviewed the events for the day. “Arcattack” will be performing in place of the fireworks show.
- A.9 City Manager Report: Update On Current Transportation Projects - Darwin Marchell, Engineering Director.
Darwin Marchell, Engineering Director, addressed Council regarding an update on the seven current transportation projects: RM1431 183A to Cottonwood Creek, RM1431 right turn lane at Vista Ridge, RM 1431 Pass Thru Toll, Brushy Creek Road East, Brushy Creek Road West, Park Street, and the New Hope Gap project.
- A.10 City Manager Report: Report On the 2010 Census - Rawls Howard, Planning & Development Services Director.
Rawls Howard, Planning & Development Services Director, provided an update on the Census challenge by the City.
- A.11 City Manager Report: May Monthly Financial Report - Josh Selleck, Finance Director.
Josh Selleck, Finance Director, presented Council with the May Monthly Financial Report.

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 Fuller

Second: Councilmember Tracy

Vote: 6:0 with Councilmember Powell absent from meeting.

B.1 Approval Of Council Minutes From The Joint Meeting With The Tourism Advisory Board On May 19, 2011.

Approved under the Consent Agenda.

B.2 Approval Of Council Minutes From The Regular Called Meeting Of May 26, 2011.

Approved under the Consent Agenda.

B.3 Receipt Of Minutes From The Arts Advisory Board Meeting Of May 4, 2011.

Received under the Consent Agenda.

B.4 Receipt Of Minutes From The Board Of Adjustments Meeting Of October 27, 2009.

Received under the Consent Agenda.

B.5 Receipt Of Minutes From The Cedar Park Economic Development Corporation Meeting Of May 16, 2011.

Received under the Consent Agenda.

B.6 Receipt Of Minutes From The Parks Advisory Board Meeting Of April 11, 2011.

Received under the Consent Agenda.

C.0 Second Reading Of An Ordinance: No Items For Consideration.

D.1 A Resolution Authorizing Approval For The Cedar Park Police Department To Apply For Funding From The Bureau Of Justice Assistance For Participation In The Bullet Proof Vest Program Grant.

Approved under the Consent Agenda.

Resolution Number R148-11-06-30-D1

D.2 A Resolution Authorizing And Directing The City Manager To Execute An Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) For Maintenance Of Landscape, Paver And Irrigation Improvements Along RM 1431 Between Toll Road 183A And US Highway 183.

Approved under the Consent Agenda.

Resolution Number R149-11-06-30-D2

- D.3 A Resolution Authorizing And Directing The City Manager To A Execute Change Order With FTwoods Construction Services Inc. Under The Park Street Reconstruction Project In The Amount Of \$102,791.

Approved under the Consent Agenda.

Resolution Number R150-11-06-30-D3

- D.4 A Resolution Authorizing Defeasance And Redemption Of Certain Of The City's General Obligation Refunding And Improvement Bonds, Series 2005 And Other Related Matters.

Approved under the Consent Agenda

Resolution Number R151-11-06-30-D4

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.

Sam Roberts, Assistant City Manager, addressed Council regarding the amendments to the TIRZ boundaries. This Ordinance will further reduce the boundaries of the zone by 250 acres resulting in a revised zone boundary of approximately 211 acres and will approve the third amendment to the amended final project plan and reinvestment zone financing plan as required by the Chapter 311 of the Texas Tax Code.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve An Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding And Improvement Bonds, Series 2011; Levying An Ad Valorem Tax In Support Of The Bonds; Approving A Paying Agent/Registrar Agreement, An Official Statement, A Purchase Agreement And An Escrow Agreement; Calling Certain Obligations For Redemption; And Authorizing Other Matters Relating To The Bonds

Dan Wegmiller, Specialized Public Finance, Inc., addressed Council regarding the issuance of the GO refunding and improvement bonds. Mr. Wegmiller updated Council on the bond rating and the final pricing summary.

Motion to approve an Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding And Improvement Bonds, Series 2011; Levying An Ad Valorem Tax In Support Of The Bonds; Approving A Paying Agent/Registrar Agreement, An Official Statement, A Purchase Agreement And An Escrow Agreement; Calling Certain Obligations For Redemption; And Authorizing Other Matters Relating To The Bonds

Movant: Councilmember Fuller

Second: Mayor Pro Tem Moore

Vote: 6:0 with Councilmember Powell absent from vote.

Ordinance Number I32-11-06-30-F1

- F.2 Consideration To Amend The City Of Cedar Park Code of Ordinances Chapter 2, Animal Control.

Brenda Eivens, City Manager, stated this is a presentation only for the purpose of reviewing the proposed modifications to the Ordinance.

Captain Hayes, Police Department, provided the history of the 81st Legislative Session regarding issues pertaining to animals which began the review of the current ordinance. The proposed amendments address bringing the language of the ordinance in alignment with existing State Law, providing clear and concise definitions for the public, expanding dog and cat registration opportunities, providing proper legal language for enforcement, prosecution, and adding Public Health / Sanitation considerations.

General discussion followed regarding the restriction of the number of animals, residential lot size considerations, and possible variances with certain criteria and a clean environment. Discussion also included the use of a complaint form, the overall ordinance, public input and community outreach.

- F.3 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Agreement With Vision Internet For The City Of Cedar Park Website Redesign Project Pending Final Approval By The City Attorney.

Jennie Huerta, Media Communications Manager, addressed Council regarding the RFP process for the Website Redesign Project. Fourteen proposals were received and were reviewed and scored by a selection committee. Upon completion of scoring the top three proposals were Vision Internet, Magic Logix and Aha! Communications. The Committee conducted interviews with all three of the vendors, and determined Vision Internet to have the best quality project proposal for the price.

Motion to approve a Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Agreement With Vision Internet For The City Of Cedar Park Website Redesign Project Pending Final Approval By The City Attorney.

Movant: Councilmember Mitchell

Second: Mayor Pro Tem Moore

Vote: 6:0 with Councilmember Powell absent from meeting.

General discussion followed regarding the location of the corporate headquarters, local bids, and the overall vision of the project and pricing.

- F.4 Consideration Of Appointments To The Charter Review Committee.
Charles Rowland, City Attorney, addressed Council regarding the Charter Review Committee. The Charter requires every four years the appointment of a committee. There are several amendments that have come to light and the need to appointment a new committee. The current committee shall have fifteen members on it.

General discussion followed regarding the use of the previous committee, decreasing the size of the required committee, and appointments by Council.

- F.5 The 82nd Legislative Session As It Impacts The City's Adopted 2011 Legislative Agenda.
- a) Preservation Of The Local Budgeting Authority And Revenue Sources.
 - b) Ensure City's Adequate Water Supplies.
 - c) Priority Funding For Local Transportation Projects And Streamlined Processes.
 - d) Ensure Economic Development Programs.
 - e) Preserve Local Control Of Land Use Planning And Zoning.
 - f) Review Meet And Confer/Collective Bargaining Issues.
 - g) Review Legislation Pertaining To Emergency Service Districts And Annexations.
 - h) Protect City's Bonding Authority.

Brenda Eivens, City Manager, stated there are no further updates; however a final report will be made to the Council at a future 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 8:26 p.m.

- G.0 Executive Session:
- G.1 Section 551.071 (1) Consultation With City Attorney Concerning Litigation.
- a. Civil Action No. A-11-CA-453 SS; William Ray Sponsler v. City of Cedar Park, et al.; In the United States District Court, Western District of Texas.
 - b. Cause No. 11-640-C368; Adam Peters v. City of Cedar Park Parks & Recreation Dept.; In the 368th Judicial District Court of Williamson County, Texas.
- G.2 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - b. Legal Issues Concerning The Lease And Development Agreement Between The City Of Cedar Park And Hicks Cedar Park LLC.

- c. Legal Issues Concerning Incident Of Personal Injury Involving City Employees.
- d. Legal Issues Concerning Council Rules Of Procedure.
- e. Legal Issues Concerning Proposed Agreement With Texas Department Of Transportation For Traffic Signal Operation And Maintenance.
- f. Legal Issues Concerning Terms And Conditions Of A Lease With The Cedar Park Chamber Of Commerce.
- g. Legal Issues Concerning Proposed Purchase Of Commercial Property By Non Taxable Entity.

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 9:06 p.m.

Agenda Item G.2a and G.2f

Motion to authorize and direct the City Manager to execute a lease agreement for 500 Cypress Creek Boulevard, Suite 170.

Movant: Mayor Pro Tem Moore

Second: Councilmember Mitchell

Vote: 6:0 with Councilmember Powell absent from meeting.

Motion to authorize and direct the City Manager to execute a lease agreement for 450 Cypress Creek Boulevard, Building 6.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 5:1 with Mayor Pro Tem Moore voting against and Councilmember Powell absent from meeting.

H.1 Mayor And Council Closing Comments.

Councilmember Fuller commented on the Heroes' Night Out event.

Brenda Evivens, City Manager, stated that Councilmember Powell had requested a future agenda item related to the process for changing the Cedar Park Postal District in Cedar Park.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 9:12 p.m.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2011

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, JULY 14, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:31 p.m.
- All Council present.**
- A.2 Invocation.
Invocation given by Councilmember Powell with the assistance of Council.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Rob Asplungh, Cedar Park Swimming, provided an end of season report for the Spring and Summer season. The Kids Triathlon had over 335 kids that participated and included out-of-state participants.
- A.5 Mayor and Council Opening Comments.
Councilmember Fuller congratulated Katherine Woerner on her recent board appointment, congratulated the 2011 class of Leadership Cedar Park, and requested two

agenda items pertaining to a business incubator, and recognizing Officer Wilk for his return from deployment.

Councilmember Powell commented on the 2011 Leadership Cedar Park graduating class, and wished his Grandmother a Happy Birthday.

Councilmember Dale congratulated the 2011 Leadership Cedar Park graduating class and thanked Councilmember Fuller for his recent Chamber of Commerce presentation.

Councilmember Powell recognized Peter Lubell, CEO of the Austin Toros, in attendance at the meeting.

A.6 City Manager Report: Review of Quarterly Capital Improvement Program (“CIP”) Progress Report - Katherine Woerner, Utility Program Manager.

Katherine Woerner, Utility Program Manager, provided an update on the larger CIP projects. The four categories of projects include facilities, parks and recreation, streets, and utilities.

A.7 City Manager Report: Review Of The Process For Postal District Boundary Changes. (Powell) **Rawls, Howard, Planning and Development Services Director, reviewed for Council the address corrections and challenges associated with changing the city designation for specific addresses located in the City limits.**

Councilmember Powell asked for this item. It is important for community identity, tax entity confusion, and census count general confusion.

Mayor Lemon inquired how many addresses need to be changed.

A.8 City Manager Report: Review Of Pavement Maintenance Methods - Tom Gdala, Transportation Planner.

Tom Gdala, Transportation Planner, reviewed the Roadway Maintenance methods and new technologies for rehabilitation

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.

Agenda Item C.1 removed from the Consent Agenda.

Agenda D.1 removed from the Consent Agenda by Councilmember Mitchell

Motion to approve all items on the Consent Agenda consisting of Agenda Items B and D, excluding Agenda C.1 and D.1.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Moore

Vote: 7:0

- B.1 Approval Of Council Minutes From The Regular Scheduled Meeting Of June 16, 2011.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of May 10, 2011.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of April 19, 2011.
Received under the Consent Agenda.
- B.4 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of May 17, 2011.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Tourism Advisory Board Meeting Of April 4, 2011.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Tourism Advisory Board Meeting Of May 2, 2011.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.
Removed from the Consent Agenda.
Called into Executive Session.
- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Agreement Between The Capital Area Planning Council Of Governments ("CAPCOG") And The City Of Cedar Park For 9-1-1 Service.
Removed from the Consent Agenda by Councilmember Mitchell.

Councilmember Mitchell is serving on the CAPCOG Committee dealing with 911 services. Budget cuts are being proposed and he would like to meet with the Cedar Park Police Department for a better understanding of 911 services in order to address CAPCOG with specific concerns.

Motion to approve the Resolution authorizing the Interlocal Agreement between the Capital Area Planning Council of Governments and the City of Cedar Park for 9-1-1 services.

Movant: Councilmember Mitchell

Second: Councilmember Dale

Vote: 7:0

Resolution Number R153-11-07-14-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Change Order With RGM Constructors LP Under The Brushy Creek Road (183A To Parmer Lane) Reconstruction Project In An Amount Not To Exceed \$108,534.43
Approved under the Consent Agenda.

Resolution Number R154-11-07-14-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Austin Toros For The Purpose Of Using The Cedar Park Recreation Center As A Practice Facility.
Approved under the Consent Agenda.

Resolution Number R155-11-07-14-D3

- D.4 A Resolution Authorizing And Directing The Fire Chief To Apply For A 2011 Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant For \$13,200 With A City Match Requirement Of \$5,192 To Acquire Four Self Contained Breathing Apparatus.
Approved under the Consent Agenda.

Resolution Number 156-11-07-14-D4

- D.5 Authorization To Excuse The Absence Of Councilmember Powell From The Regular Scheduled Meeting Of June 30, 2011.
Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 (OA-11-002) First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Section 11.12.002 Terms For Medical Office and Medical and Dental Clinics. The Planning And Zoning Commission Voted 5-1 To Recommend Approval of the Amendments.
Rawls, Howard, Planning and Development Services Director, stated Staff is proposing changes to the zoning ordinance to amend the definition for Medical Office and Medical and Dental Clinics. The definitions for both Medical Office and Medical and Dental Clinics are proposed for modification in order to provide better clarity between the two.

Mayor Pro Tem Moore inquired about clinics and how the proposed amendments would impact them.

Mayor Lemon opened the Public Hearing.

No Citizen Comment.

Mayor Lemon closed the Public Hearing.

- E.2 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2010-11 Operations And Maintenance Revenues By An Increase Of \$1,597,694 And Expenditures By An Increase Of \$1,017,630 And Amending The Fiscal Year 2010-11 Capital Improvements Revenues And Expenditures By Of \$1,018,500.

Josh Selleck, Finance Director, reviewed the proposed amendments to the General Fund and Utility Fund.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

Motion to approve a Resolution as presented by staff. (Amending The Fiscal Year 2010-11 Operations And Maintenance Revenues By An Increase Of \$1,597,694 And Expenditures By An Increase Of \$1,017,630 And Amending The Fiscal Year 2010-11 Capital Improvements Revenues And Expenditures By Of \$1,018,500.

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 7:0

Resolution Number R157-11-07-14-E2

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration Of Potential Phase Two Of The Capital Area Metropolitan Planning Organization ("CAMPO") Call For Projects.

Tom Gdala, Transportation Planner, addressed Council regarding the Call for Projects and criteria for submission.

Sam Roberts, Assistant Manager, stated this item will be brought back to Council's for consideration for specific recommendations on projects.

No action taken.

- F.2 Consideration Of Appointments To The Brushy Creek Regional Utility Authority ("BCRUA") Board. (Fuller)

Councilmember Fuller stated in accordance with the By-laws appointments need to be conducted by July 1st. He is still interested in serving on the Board. In addition Mayor Pro Tem Moore would like to continue to serve as a Citizen Director.

Motion to appoint Councilmember Fuller as a Council Director, and Mayor Pro Tem Moore as the Citizen Director.

Movant: Councilmember Powell
Second: Councilmember Tracy
Vote: 7:0

- F.3 Consideration Of Appointments To A Charter Review Committee.
Charles Rowland, City Attorney, stated the City Charter requires fifteen (15) citizens to be appointed to serve on the Committee. Each Councilmember appoints two members and the Mayor appoints three members.

Mayor Lemon stated he has asked Cobby Caputo and Bob Marsteller to serve.

Councilmember Mitchell stated he has asked Alan Yore and Michael Dion to serve.

Councilmember Dale stated has asked Jon Lux and Stephen Thomas to serve.

Motion to appoint Cobby Caputo, Bob Marsteller, Alan Yore, Michael Dion, Jon Lux, and Stephen Thomas to the Charter Review Committee.

Movant: Councilmember Dale
Second: Councilmember Mitchell
Vote: 7:0

Mayor Lemon appointed Cobby Caputo as Chair to the Charter Review Committee.

- F.4 Consideration Of The City Of Cedar Park Drought Contingency Ordinance.
Katherine Woerner, Utility Program Manager, addressed Council regarding the proposed changes to the Drought Contingency Ordinance. The current drought conditions and lake levels were reviewed. Ms. Woerner reviewed the current enforcement process and the proposed recommendation to amend to an Administrative Fine rather than a Municipal Court citation process.

General discussion followed regarding resources for violators, due process, administrative process, future weather patterns, administrative process, and stages of conservation.

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 7:50 p.m.

- G.0 Executive Session:
- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
a. Legal Issues Concerning Council Rules Of Procedure.

- b. Legal Issues Concerning Private Ambulance Services.
- c. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
- d. Legal Issues Concerning Terms And Conditions Of A Lease With The Cedar Park Chamber Of Commerce.

Agenda Item C.1. called into Executive Session.

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 8:43 p.m.

Motion to table Agenda Item C.1

Movant: Councilmember Mitchell

Second Councilmember Fuller

Vote 7:0

- H.1 Mayor And Council Closing Comments.

Councilmember Powell requested a future agenda item for a report on the transfer of control for the CTRMA lights on Brushy Creek.

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 8:47 p.m.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, JULY 28, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
- A.2 Invocation.
Invocation given by Councilmember Mitchell.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Proclamation For National Night Out 2011, August 2, 2011.
Mayor Lemon read and presented a Proclamation for National Night Out 2011 to representatives from the Police Department.
- A.5 Presentation: Proclamation Recognizing August 2011 As World Breast Feeding Month: Sandi Halstead-Bohac Williamson County And Cities Health District.
Proclamation not presented.
- A.6 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)

Gail Lindholm, Cedar Park, addressed the Council regarding her interest in serving on the Parks Advisory Board.

A.7 Mayor and Council Opening Comments.

Mayor Lemon welcomed everyone and commented on the size of the audience.

Councilmember Dale commented on the retirement of Jim Rodgers from Williamson County, the American Legion Hunter-Morris Memorial Post 911 receiving an award for the fastest growing Post in Texas, and Williamson County's meeting regarding SB100 impact to cities.

Councilmember Powell commented on National Night Out and encouraged participation in the event.

Councilmember Fuller commented on the National Night Out Kickoff event, positive feedback on the new dog park, and congratulated Wes and Judy Pearce for their work with wounded Veterans.

A.8 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

a. **Matt Brosig, Utility Foreman - Wastewater Collection Department, Twenty Years Of Service. Eric Rauschuber, Utilities Director, presented a plaque in honor of twenty years of service with the City to Matt Brosig.**

A.9 City Manager Report: Introduction Of Municipal Court Prosecutor - Robby Chapman.

Charles Rowland, City Attorney, introduced Robby Chapman the new full-time City Prosecutor.

A.10 City Manager Report: Update On The Veteran Memorial Project.

Don Schliesser, Lisa Morris, and Bob Carter updated Council on the Veteran Memorial Project and activities. The group has met the fundraising goal and would like to continue the efforts to raise an additional \$1500. The additional monies raised will pay for donor recognition markers, a security and monitoring system, and on-going expenses.

Lisa Morris provided an update on the monument. Everything is on schedule for the November 2011 dedication.

A.11 City Manager Report: June 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections

Mark Lewis, Building Inspections Director, presented Council with the June 2011 Permit Activity and Revenue Report.

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: Mayor Pro Tem Moore

Second: Councilmember Dale

Vote: 7:0

- B.1 Approval Of The City Council Minutes From The Regular Called Meeting Of June 30, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of The City Council Minutes From The Special Called Meeting Of July 16, 2011.
Approved under the Consent Agenda.
- B.3 Approval Of The City Council Minutes From The Special Called Meeting Of July 17, 2011.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Cedar Park Community Development Corporation (4B) Meeting Of June 14, 2011
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Parks Advisory Board Meeting Of May 9, 2011.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Amending A Portion Of Chapter 11, Zoning, Section 11.12.002 Terms For Medical Office And Medical And Dental Clinics.
Approved under the Consent Agenda.

Ordinance Number CO33-11-07-28-C1

- D.1 A Resolution Authorizing A Special Permit To Hold A 5K Fun Run At Brushy Creek Lake Park
Approved under the Consent Agenda.

Resolution Number R158-11-07-28-D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Skateboarding Demonstration At Brushy Creek Sports Park
Approved under the Consent Agenda.

Resolution Number R159-11-07-28-D2

- D.3 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute An Agreement With Dial Development Services Ltd. For 3rd Party Construction Observation / Inspection Services For The New Hope Drive (Bagdad Rd. To Lakeline Blvd.) Reconstruction Project.
Approved under the Consent Agenda.

Resolution Number R160-11-07-28-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Supplemental Agreement With URS Corporation For Construction Materials Engineering Under The New Hope Drive (Bagdad Rd. To Lakeline Blvd.) Reconstruction Project In The Amount Of \$45,076.01.

Approved under the Consent Agenda.

Resolution Number R161-11-07-28-D4

- D.5 A Resolution Authorizing The Nomination Of Cedar Park Health System, L.P. As An Enterprise Project Pursuant To Chapter 2303, Subchapter F Of The Texas Enterprise Zone Act, Texas Government Code.

Approved under the Consent Agenda.

Resolution Number R162-11-07-28-D5

- D.6 A Resolution Authorizing The Nomination Of Coreslab Structures (Texas), Inc. As An Enterprise Project Pursuant To Chapter 2303, Subchapter F Of The Texas Enterprise Zone Act, Texas Government Code.

Approved under the Consent Agenda.

Resolution Number R163-11-07-28-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Execute Change Order #1 With Keystone Construction, Inc. For The 2010 Waterline Rehabilitation Project In Cedar Park Ranchettes Unit 2 In The Amount Of \$56,292.

Approved under the Consent Agenda.

Resolution Number R164-11-07-28-D7

- D.8 A Resolution Awarding Construction Bid For The 2011 Street Revitalization Program To Viking Construction Inc. For \$234,978.83.

Approved under the Consent Agenda.

Resolution Number R165-11-07-28-D8

PUBLIC HEARINGS

- E.1 First Reading and Public Hearing For Revisions To Article 17.03 SPEED LIMITS Of The Code Of Ordinances With Revisions To Speed Limits Established For Certain Described Streets, Section 17.03.004, And Adding Section 17.03.005 Construction Speed Limits.

Tom Gdala, Transportation Planner, addressed Council regarding the proposed speed limits for multiple streets located within the City. A speed evaluation was conducted on City maintained roadways. The evaluation supports revisions to many of the roadways based on the

85th percentile speed, a standard method of establishing speeds in Texas and throughout the country.

Mayor Lemon inquired if there were any additional roads that would be considered.

Councilmember Powell stated this came out of a simple question he asked and commended Tom Gdala for his work.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance Amending Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park.

Withdrawn from the Agenda.

- E.3 Z-11-011 First Reading And Public Hearing On An Ordinance To Rezone Approximately 0.344 Acres Of Land From General Retail (GR) To General Office (GO), By 1890 Ranch Ltd., Located On The East Side Of 183A Just South Of Medical Parkway, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Office (GO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated this item is for the rezoning of .344 acres of land currently designated as General Retail (GR) to General Office (GO) for property located on 183A in the 1890 Ranch shopping center just south of 183A at Medical Parkway. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

Charlie Northington, Applicant, was available for questions.

Mayor Lemon closed the Public Hearing.

- E.4 Z-11-012 First Reading And Public Hearing On An Ordinance To Rezone Approximately 7.79 Acres Of Land From General Retail (GR) To General Office (GO), Kathleen And Laurice Peloquin, Located At The Southwest Corner Of Arrow Point Drive And E. Whitestone Boulevard, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Office (GO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated this item is for the rezoning of property currently designated as General Retail (GR) to General Office (GO) for property located at the southwest corner of Arrow Point Drive and E. Whitestone Boulevard. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Kim Highlund, representing the Applicant, addressed Council regarding the proposed use of the property.

Mayor Lemon closed the Public Hearing.

- E.5 Z-11-013 First Reading And Public Hearing On An Ordinance To Rezone Approximately 3.75 Acres Of Land From Commercial Services (CS) To Light Industrial (LI), By Jimmy Nassour, Stephen Oyster And Cabot-Chase Ltd, Located At 3320 W. Whitestone, In Travis County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of Light Industrial (LI) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated the purpose of this agenda item is for the rezoning of property currently designated as Commercial Services (CS) to Light Industrial (LI) for property located at 3320 W. Whitestone. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.6 Public Hearing And Consideration To Approve A Resolution Allowing The Removal Of A Twenty-Eight Inch Diameter Heritage Live Oak Located At 15101 Anderson Mill Road. **Charles Rowland, City Attorney, stated this item is only for the consideration to remove a tree. This property is not located within the City so the City has no zoning authority. Any discussion pertaining to the proposed use will not be allowed.**

Curt Randa, Parks and Recreation Director, addressed Council regarding the request to remove a Heritage Live Oak located at 15101 Anderson Mill Road. Mr. Randa reviewed the applicant's request to remove the tree. The tree preservation requirements for the areas were met with a 54% preservation rate and all landscaping requirements have been met. Due the diameter of the tree, Council must approve the removal. Mr. Randa presented staff's concerns with the tree and the recommendation to authorize the removal.

Mayor Lemon inquired about the location of the tree on the property. The main concern would be for the development of the property and the target of people or property damage.

Councilmember Powell inquired how long ago the damage occurred.

Mayor Lemon inquired if future development or future events could further the damage and the risk associated with leaving the tree.

Councilmember Mitchell inquired about development on the lot or if would remain undeveloped.

Mayor Lemon opened the Public Hearing.

Public Comment:

Uwe Nahuina opposes removal of the tree.

Craig Pullman opposes removal of the tree and commented on the tree clusters and accuracy of the tree preservation survey.

Ellen Klipp opposes the removal of the tree

Chris Whitely opposed the tree removed.

Kenny Dryden, owner of property, stated the real issue appears to be the land use and development of the area and not the tree. There are safety concerns.

Curt Randa, Parks and Recreation Director, stated the tree survey is accurate and there are no other trees under consideration for this request.

Mayor Lemon closed the Public Hearing.

General discussion followed:

Mayor Pro Tem Moore commented on the problems in the past with clear cutting lots and the development of the current ordinance to protect the trees in Cedar Park.

Mayor Lemon stated the intent was not to save every tree but balance development and the trees.

Councilmember Powell stated he drove by the area and the tree doesn't appear to be falling or dying. He is in support of business, but not in support of removing the tree.

Councilmember Dale stated he relies on the qualified experience of staff.

Mayor Lemon commented on the current state of the tree being a risk to people. Staff does have expertise and have evaluated the tree.

Councilmember Powell stated these are valid points and commented on the tree issue located at the Cedar Park Center.

Councilmember Fuller commented on the legal process being followed.

Motion to approve a Resolution allowing the Removal of a Twenty-Eight Inch Diameter Heritage Live Oak Located at 15101 Anderson Mill Road.

Movant: Councilmember Fuller
Second: Councilmember Dale
Vote: 5:2, with Councilmember Powell and Mitchell voting against.

Resolution Number R166-11-07-28-E6

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Awarding The Construction Bid For The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project To Cash Construction Co. For \$3,189,503.

Darwin Marchell, Engineering Director, addressed Council regarding the New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction This project will reconstruct New Hope Drive to be widened from an existing 2-lane undivided roadway to a 4-lane divided roadway with a raised median, wide outside lanes for bicycles, drainage improvements, sidewalks, and illumination from Bagdad Rd. to Lakeline Blvd. Five (5) secure bids were received. Cash Construction Co. submitted the lowest bid in the amount of \$3,189,503.00. This bid was reviewed by the City's design consultant, URS Corp. and appears to be complete and competitive. Staff and the City's consultant are recommending the bid be awarded to Cash Construction Co.

Motion to approve a Resolution Awarding The Construction Bid For The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project to Cash Construction Co. for \$3,189,503.

Movant: Councilmember Fuller
Second: Councilmember Tracy
Vote: 7:0

Resolution Number R167-11-08-28-F1

F.2 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Submit Projects To The Capital Area Metropolitan Planning Organization ("CAMPO") For Phase 2 Call For Projects.

Agenda F.2 and F.3 called together
Refer to Agenda Item F.3 for discussion and action taken.

Resolution Number R168-11-07-28-F2

F.3 Consideration To Approve A Resolution Providing A Ranking Of Eligible Roadway Projects In Cedar Park For Proposition 12 Funding Consideration By The Texas Transportation Commission.

Agenda F.2 and F.3 called together

Tom Gdala, Transportation Planner, addressed Council regarding the CAMPO Phase 2 call for projects and the Proposition 12 funding of roadway projects by TxDOT.

The proposed submission of eligible roadway projects for Phase Two Call For Projects include (1) RM 1431 between Bagdad Road and Anderson Mill Road and (2) RR620 between Little Elm Trail and El Salido. Agenda Item F.3 allows for the ranking of the proposed projects which include eight (8) items.

General discussion followed regarding discussions with Williamson County and Commissioner Long regarding the proposed projects and support of submitted projects.

Motion to approve Agenda Items F.2 and F.3 as stated.

**Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0**

Resolution Number R169-11-07-28-F3

- F.4 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Execute An Economic Development Performance Agreement With The Cedar Park Community Development (4B) Board And Dental Health Management Solutions To Provide For Economic Development Incentives Related To Job Retention, Job Creation, and Business Expansion In An Amount Not To Exceed \$145,845.

Mayor Lemon recused himself from any discussion or action taken on this agenda item and left the dais.

Mayor Pro Tem Moore called for the Agenda Item.

Larry Holt, Economic Development Specialist, addressed Council regarding the Performance Agreement between the 4B Corporation and DHMS. Mr. Holt reviewed the agreement which provides for the payment of incentives related to the retention of jobs, job creation and business expansion. Dental Health Management Solutions plans to maintain forty-two (42) full-time employees and to occupy and expand its full-time operations to approximately a 15,000 square foot facility in Cedar Park, Texas.

Shane Stevens, CEO for DHMS, addressed Council regarding his company and was available for any questions.

General discussion followed on the facility and business model of DHMS, military services, and recent awards received.

Motion to approved Agenda Item F.4 as stated.

**Movant: Councilmember Powell
Second: Councilmember Fuller**

Vote: 6:0, Mayor Lemon recused himself from vote.

Resolution Number R170-11-07-28-F4

- F.5 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Contract For The Floating Raw Water Intake Contingency Project Phase A Underwater Pipeline To Excel Construction Services, LLC In The Amount Of \$3,524,290. With Project Participation From City Of Leander Or To W.L. Hailey & Company In The Amount Of \$3,060,743.50 Without Project Participation From City Of Leander.

Mayor Lemon returned to the dais.

Katherine Woerner, Utility Program Manager, stated the Floating Raw Water Intake Contingency Project is a two phase project to install an underwater pipeline and temporary floating intake structure approximately 4,200 feet downstream of the existing intake on the Sandy Creek arm of Lake Travis. This item is for the underwater pipeline construction component. The purpose of the temporary intake is to deliver raw water to Cedar Park and Leander's existing water treatment plants during extreme low lake level conditions on Lake Travis. The existing floating intakes for Cedar Park and Leander are located approximately 150-ft apart from each other near the Cedar Park Water Treatment Plant and can function properly until the lake level drops to about 620 feet

Motion to approve Agenda F.5 as stated.

**Movant: Councilmember Mitchell
Second: Mayor Pro Tem Moore
Vote: 7:0**

Resolution Number R171-11-07-28-F5

- F.6 Final Update On The 82nd Legislative Session As It Impacted The City's Adopted 2011 Legislative Agenda.

Philip Rodriguez, Assistant to the City Manager, provided Council with a brief overview of the 82nd Legislative Session as it impacted cities.

Discussion followed regarding SB100 which deals with May General Elections for municipalities.

No action taken.

- F.7 Consideration To Approve The City Council Goals And Strategies (Strategic Map) For FY2012. **Philip Rodriguez, Assistant to the City Manager, presented the final Council Goal and Strategic Map for FY2012. This item was discussed at the Council Retreat and modifications to the map have been derived from Council's discussion and focus.**

General discussion followed regarding the goals, adding additional information such as City facts, key phone numbers, better utilizing of the space on the back, and more clarification of Goals 3 and 4.

Motion to approve the City Council Strategic Map for FY2012.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

F.8 Consideration Of Appointments To A Charter Review Committee.

Councilmember Fuller appointed Dr. Tim Langan.

Councilmember Tracy appointed Alain O'Tool.

Motion to appoint Dr. Tim Langan and Alain O'Tool to the Charter Review Committee.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

F.9 Consideration of Appointments to a Festival Planning Committee - Mark Lewis.

Mark Lewis, Building Inspections Director, stated a committee has been formed to research and plan the possibility of a Cedar Park Arts, Wine and Food Festival. The committee, supported by staff, is comprised of members of the Arts Advisory, 4B, and Tourism Boards. A representative from Council has been asked to participate.

Councilmember Powell expressed an interest to serve on the Committee.

Mayor Pro Tem Moore also expressed an interest to serve if more than one Council representative was needed.

Motion to nominate Councilmember Powell to serve on the Festival Planning Committee.

Movant: Councilmember Dale Tony

Second: Councilmember Mitchell

Vote: 7:0

F.10 Consideration Of Appointment To Place One On The Parks and Recreation Advisory Board With A Term To Expire July 31, 2013.

Motion to appoint Gail Lindholm to Place One on the Parks Advisory Board.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 7:0

F.11 Update On Central Texas Regional Mobility Authority ("CTRMA") Traffic Signal At Brushy Creek Road. (Powell)

Sam Roberts, Assistant City Manager, stated a draft agreement is being reviewed and will be presented to Council at a future meeting for consideration.

F.12 Consideration For A Business Incubator Development In Cedar Park. (Fuller)

Councilmember Fuller requested this item to be placed on the Agenda. He is supportive of the idea and asked Councilmember Tracy to take the lead on the project.

Councilmember Tracy discussed the incubator concept and elaborated on the idea, and would like to consider models for future development, have involvement of the Chamber of Commerce, and chamber, and the hiring of an operator.

General discussion followed regarding funding issues, incubator concepts and role of the proposed operator concept, report from staff pertaining to funding parameters, reports on current incubators in Texas, public or private requirements, additional information on business plans, cost to implement operation of a business incubator, and need for concept in the community.

No action taken.

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: 9:52 p.m.

G.0 Executive Session

G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Concerning Council Rules Of Procedure.

b. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.

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 9:55 p.m.

No action taken on any items discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.
Councilmember Dale commented on his daughter, Isabella, losing a tooth.
- H.2 Adjournment.
Mayor Lemon adjourned the meeting at 9:57 p.m.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



MINUTES
SPECIAL CALLED CITY COUNCIL MEETING
SATURDAY, JULY 30, 2011, AT 8:30 A.M.
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD

Mayor Bob Lemon
Matt Powell, Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Pro Tem Moore called the meeting to order at 8:45 a.m.

Mayor Lemon absent from meeting. All others present.

2. Pledges Of Allegiance.

Council led the audience in the Pledges of Allegiance.

3. Mayor and Council Opening Comments.

Roundtable opening comments were conducted.

4. Discussion Only:

a. FY 2011/12 Proposed Annual Budget.

b. General Discussion On Budget Issues.

c. Revenues And Expenditures Of General Fund Unreserved Fund Balance.

Agenda Items 4A -4 C called together.

Brenda Eivens, City Manager, stated each Department Head is prepared to present information on their departmental budget and answer any questions Council may have pertaining to the proposed budget.

Aaron Rector, Budget Manager, provided a presentation overview, changes to department structure, and changes to the budget process.

Josh Selleck, Finance Director, addressed Council on the overall proposed budget, budget assumptions, expenditures and revenues, ad valorem taxes, and tax rate.

Council recessed from 10:11 a.m. to 10:25 a.m.

Review of departmental budgets began after the recess. General discussion followed in relation to each department and the proposed budget for FY2012.

Council recessed from 11:55 to 12:15 p.m.

General discussion continued on departmental budgets.

Josh Selleck, Finance Director addressed Council regarding the Financial Policy Goal and provided a brief overview.

5. Mayor and Council Closing Comments.

Roundtable closing comments were conducted.

6. Adjournment.

Mayor Pro Tem Moore adjourned the meeting at 1:05 p.m.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE ECONOMIC DEVELOPMENT SALES TAX CORPORATION (4A) AND
THE COMMUNITY DEVELOPMENT CORPORATION (4B)
SPECIAL CALLED JOINT MEETING
AND SPECIAL CALLED COUNCIL MEETING
THURSDAY, AUGUST 4, 2011, AT 6:30 P.M.
Cedar Park Public Library- Council Chambers
550 Discovery Boulevard, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon
Mayor Pro Tem Lowell Moore
Matt Powell, Place 1
Mitch Fuller, Place 2
Scott Mitchell, Place 3
Tony Dale, Place 5
Don Tracy, Place 6
Brenda Eivens, City Manager

ECONOMIC DEVELOPMENT SALES TAX CORPORATION (4A)

Don Olson, President
Steven Foster, Place 1
Kerry Watson, Place 2
Kelly Brent, Vice President
Matt Schaefer, Place 4

COMMUNITY DEVELOPMENT CORPORATION (4B)

Brian Rice, President
Audrey Wernecke, Place 1
Kevin Harris, Place 3
John Allen, Place 4
Maria Talamo, Vice President
Ryan Wood, Place 6
Mo Jahadi, Place 7

MINUTES

- 1. CALL TO ORDER, QUORUM DETERMINED FOR COUNCIL, 4A BOARD AND 4B BOARD, MEETING DECLARED OPEN**

**Mayor Lemon called the Council to order at 6:40 p.m.
Councilmember Fuller absent, all others present.
Councilmember Powell arrived at 8:11 p.m.**

**President Olson, 4A, called the 4A Board to order at 6:40 p.m.
Matt Schaefer, all others present.**

**President Rice, 4B, called the 4B Board to order at 6:40 p.m.
All present.**

2. Welcome/Introductions.

Roundtable Opening Comments and Introductions were conducted.

3. Discussion Only:

Agenda Items 3.A – 3.D called together.

a. Review And Update Of The 4A And 4B Updated Strategic Plans, Goals And Activities.

President Rice, 4B, updated Council on the 4B Strategic Plan for FY2012.

General discussion followed on the achievements of the 4B Board and the focus of the FY2012 project goals. Specifics included RM1431 enhancements and beautification. Possible future considerations inquired about included moving power lines to rear of properties located on US183, power substation at 1431/183 and possible screening, creating future destinations for Cedar Park, athletic tournaments and parks, and the creation of an ordinance to regulate replacement of signs on 183 to monument signs, and larger venues for entertainment.

President Olson, 4A, stated the 4A Board economic development activity has been limited due to former commitments such as the Cedar Park Center.

Phil Brewer, Economic Development Director, stated there are current projects under consideration. The economy is recovering and interest is picking up.

b. Update On The 4A And 4B Draft FY2012 Budgets.

c. Proposed 4B Project Funding for FY 2012.

d. Update On Current Economic Development Projects/Activities:

i. Waterpark

ii. BMC Drive Extension

Phil Brewer, Economic Development Director, provided an update on the activities for current projects.

Larry Holt, Economic Development Specialist updated the Council and Boards on the BMC Drive extension.

Matt Powell arrived at 8:11 p.m. during the presentation for Agenda Item 3.D.

4. Closing Comments For 4A And 4B Boards.

Roundtable closing comments were conducted.

Agenda Item 7 Council Closing Comments called after Agenda Item 4.

Mayor Pro Tem Moore requested an agenda item regarding a Council appointment to the food, wine, fine arts committee.

5. Adjournment Of 4A and 4B Boards.
Presidents Olson and Rice adjourned their collective boards at 8:35 p.m.

Council recessed from 8:35 p.m. to 8:50 p.m.

6. Discussion And Possible Action:
 - a. Update On FY 2012 Proposed Budget.**Council discussions continued.**

Josh Selleck, Finance Director, addressed Council regarding updated information on the ad valorem rate for Fiscal Year 2012.

A special called meeting with a public meeting will not be needed due to the effective and roll back rates. Mr. Selleck reviewed the meeting schedule for the proposed public hearings and adoption to the budget and the tax rate.

Staff will present the proposed budget at the August 11th meeting and set the maximum tax rate. There will not be a tax increase for FY2012, and the proposed tax rate will remain the same.

7. Closing Comments.
Called after Agenda Item 4.
8. Adjournment.
Mayor Lemon adjourned the meeting at 8:58 p.m.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, AUGUST 11, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:33 p.m.
Councilmember Fuller absent. All others present.
- A.2 Invocation.
Invocation given by Mayor Lemon.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Paul Klein addressed Council regarding the voluntary annexation of the Ranch at Cypress Creek. A petition has been circulating in the Ranch at Cypress Creek and currently has over 1000 signatures.
- A.5 Mayor and Council Opening Comments.

Councilmember Mitchell commented on the budget process and the cuts made to emergency communications by the State. CAPCOG is meeting to determine the impact and delivery mechanisms for impacted areas in Texas.

Councilmember Dale commented on the joint meeting held between Council, 4A Board and the 4B Board.

- A.6 City Manager Report: Presentation Of The Texas Association Of Municipal Information Officers Awards For Media Communications - Jennie Huerta.
- i. TAMI Silver Star Award.
 - ii. The Bronze Telly Award.
Withdrawn from Agenda.
- A.7 City Manager Report: Quarterly Investment Report For The Period Ending June 30, 2011.
Mr. Howie Herring, Patterson and Associates, presented Council with the Quarterly Investment Report.
- A.8 City Manager Report: Monthly Financial Update For The Period Ending June 30, 2011.
Josh Selleck, Finance Director, presented the Monthly Financial Report.

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.

Agenda Item C.2 called into Executive Session

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D, excluding Agenda Item C.2.

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 6:0 with Councilmember Fuller absent from meeting.

- B.1 Approval Of City Council Minutes From The Regular Called Meeting Of July 14, 2011.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Arts Advisory Board Meeting Of June 1, 2011.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Historic And Cultural Preservation Commission Meeting Of February 23, 2011.
Received under the Consent Agenda.

- B.4 Receipt Of Minutes From The Tourism Advisory Board Meeting Of June 6, 2011.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Tourism Advisory Board Meeting Of June 27, 2011.
Received under the Consent Agenda.
- C.1 Second Reading And Approval For Revisions To Article 17.03 SPEED LIMITS Of The Code Of Ordinances With Revisions To Speed Limits Established For Certain Described Streets, Section 17.03.004, And Adding Section 17.03.005 Construction Speed Limits.
Approved under the Consent Agenda.

Ordinance Number CO34-11-08-11-C1

- C.2 Second Reading And Approval Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.
Removed from the Consent Agenda and called into Executive Session.
No action taken.

- C.3 Z-11-011 Second Reading On An Ordinance To Rezone Approximately 0.344 Acres Of Land From General Retail (GR) To General Office (GO), By 1890 Ranch Ltd., Located On The East Side Of 183A Just South Of Medical Parkway, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Office (GO) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z36-11-08-11-C3

- C.4 Z-11-012 Second Reading On An Ordinance To Rezone Approximately 7.79 Acres Of Land From General Retail (GR) To General Office (GO), Kathleen And Laurice Peloquin, Located At The Southwest Corner Of Arrow Point Drive And E. Whitestone Boulevard, In Williamson County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Office (GO) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z37-11-08-11-C4

- C.5 Z-11-013 Second Reading On An Ordinance To Rezone Approximately 3.75 Acres Of Land From Commercial Services (CS) To Light Industrial (LI), By Jimmy Nassour, Stephen Oyster And Cabot-Chase Ltd, Located At 3320 W. Whitestone, In Travis County, Texas. **The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of Light Industrial (LI) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z38-11-08-11-C5

- D.1 A Resolution Approving A Settlement Between Atmos Energy Corporation's Mid-Tex Division And Atmos Texas Municipalities ("ATM") Resulting In No Change In Base Rates And Approving Tariffs Which Reflect Costs Related To The Steel Pipe Replacement Program; Finding The Rates Set By The Attached Tariffs To Be Just And Reasonable; Requiring Delivery Of The Resolution To The Company And Legal Counsel.

Approved under the Consent Agenda.

Resolution Number R172-11-08-11-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute Change Order #9 With FTWoods Construction Services Inc. Under The Park Street Reconstruction Project In The Amount Of \$50,027.50

Approved under the Consent Agenda.

Resolution Number R173-11-08-11-D2

- D.3 A Resolution For City Acceptance Of The Ranch At Brushy Creek Section 7D Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R174-11-08-11-D3

- D.4 A Resolution Adopting An Amendment To The City Of Cedar Park Planning And Zoning Commission Rules and Procedures Chapter 3 Conduct of Meetings Rule 3.1

Approved under the Consent Agenda.

Resolution Number R175-11-08-11-D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With Webberville Propane, Inc. DBA: Direct Propane To Supply Propane For Fuel At The Propane Fueling Station Located At Field Operations And Heating Propane For Two Fire Stations, The Parks Maintenance Shop And Two Locations At Field Operations.

Approved under the Consent Agenda.

Resolution Number R176-11-08-11-D5

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Chapter 18 Utilities, Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park To Provide For the Addition Of An Administrative Violation And Enforcement Process.

Katherine Woerner, Utility Program Manager, reviewed the proposed amendments to the Drought Contingency and Water Emergency Plan. The current enforcement provisions will be revised to provide an Administrative Violation and Enforcement Process in addition to the current Class C Misdemeanor enforcement process in Municipal Court.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.2 First Reading And Public Hearing On An Ordinance to Amend The Council Rules of Procedure Pertaining To Placement Of Agenda Items, Rules Of Procedure, Parliamentarian, Public Presentations, And Expansion of Time For Public Presentations.

Charles Rowland, City Attorney, reviewed the recommendations as proposed by Council from the Retreat in June. The amendments include Council requested Agenda Items, Sergeant of Arms, method to expand speaker time, motions and seconds made prior to general discussion of an agenda item.

General discussion followed regarding Rule 3.7 related to Citizen Comment, process and time allocation, Rule 2.4 related to items being placed on the Agenda and the timeframe for when items are placed on the agenda.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.3 First Reading And Public Hearing On An Ordinance To Revise Chapter 8 Offenses And Nuisances, Article 8.04, Sections 8.004.001-8.04.005 CURFEW Of The City Of Cedar Park Code Of Ordinances, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.

Chief Fluck, Police Department, stated the Texas Local Government Code requires a municipality to review an existing juvenile curfew ordinance every three years. Chief Fluck reviewed the four proposed amendments to the ordinance that include changing the term juvenile to minor, presents exemptions rather than defenses, exemptions for homeschoolers, legitimate off-campus activities, and those Juveniles with diplomas or GED certificates; and lastly the direct references Family Code Sec. 52.01(e) re: compulsory school attendance and CPPD's authority for custodial return of a Juvenile to campus.

**Mayor Lemon opened the Public Hearing.
No Public Comment.
Mayor Lemon closed the Public Hearing.**

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Discussion Of The Fiscal Year 2012 Proposed Budget.
**Agenda Items F1 and F2 called together.
Refer to Agenda Item F2 for discussion and action taken.**
- F.2 Consideration Of Setting a Maximum Proposed Tax Rate for Tax Year 2011 And Fiscal Year 2011-2012 And Scheduling Two Public Hearings On The Tax Rate.
Agenda Items F1 and F2 called together.

Josh Selleck, Finance Director, reviewed the proposed General Fund and Utility Fund budgets for Fiscal Year 2012. Mr. Selleck reviewed the anticipated revenues and expenditures associated with each budget. The review also included ad valorem data for FY2012, adjustments to base and recommended enhancements. The proposed tax rate for FY2012 is to maintain the current rate of \$ \$.493501

General discussion followed on the proposed budget, the maximum tax rate, the effective and rollback rate, and the final proposed tax rate.

Motion to set the maximum proposed tax rate for tax year 2011 and fiscal year 2011/2012 to \$.493501/100 valuation and set two public hearings for August 25th and September 8th.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 6:0 with Councilmember Fuller absent from meeting.

- F.3 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute An Agreement Between The City Of Cedar Park And The Central Texas Regional Mobility Authority ("CTRMA") Concerning Operation And Maintenance Of Traffic Signals On Brushy Creek Road.
Sam Roberts, Assistant City Manager, stated this item is to bring the traffic signals on Brushy Creek Road, which are currently owned and operated by the Central Texas Regional Mobility Authority, under the operation of the City. Bringing these signals under City ownership and operation will greatly improve response times for repairs and adjustments. Mr. Roberts briefly reviewed the fiscal impact.

Motion to approve the item as presented with an effective date of 12:01 a.m. on September 1, 2011.

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 6:0 with Councilmember Fuller absent from vote

- F.4 Update And Presentation Of City Hall Finish Out Project (City Hall Subcommittee).
The Subcommittee provided an update on the City Hall finish out project.

Mayor Pro Tem Moore provided a brief history of the visits to other City Municipal Buildings.

Councilmember Powell reviewed the City Hall Complex which is comprised of seven buildings and presented the floor plans for the buildings.

Council Dale stated the visits were valuable to see examples of what Cedar Park wanted and needed in relation to a municipal building. He addressed the Council Chambers and the fixed seating so the sole purpose will be a dedicated chamber for all City meetings.

Sam Roberts, Assistant City Manager, reviewed the construction schedule and stated the plans are 70% complete. By the end of August the plans will be 90% complete and another round of pricing will be conducted with the guaranteed maximum pricing be received by September 9th. Construction is scheduled to begin by the second week of October. The project is expected to be completed by March 2012.

General comments followed regarding future growth, the open space concept, capture of natural lighting, and the working relationships between departments.

- F.5 Staff Report On Business Incubators.

Phil Brewer, Economic Development Director, reviewed information regarding business incubation, incubator goals, key characteristics of incubators, current Texas incubators, and services offered by incubators.

General discussion followed related to the applicability of using 4B funds, ongoing operating and maintenance costs, performance based businesses, job creation, utilizing a sub-committee to work on an RFP, and proposed uses for the City Hall Complex buildings.

Motion to direct the Economic Development Staff to solicit proposals and concepts for what a business incubator in Cedar Park would look like from qualified companies.

Friendly amendment made by Mayor Lemon– all proposals to include performance based reimbursement only. Accepted by the movant and second.

Movant: Councilmember Powell
Second: Mayor Pro Tem Moore
Vote: 6:0 with Councilmember Fuller absent from vote

- F.6 Consideration Of Appointments To A Charter Review Committee.
Councilmember Powell appointed Paul Barron.
Councilmember Tracy appointed John Miri

Motion to appoint Paul Barron and John Miri to the Charter Review Committee.

Movant: Councilmember Powell
Second: Councilmember Mitchell
Vote: 6:0 with Councilmember Fuller absent from meeting.

- F.7 Consideration of Appointment To A Festival Planning Committee. (Moore)
Mayor Pro Tem Moore requested this agenda item. He is interested in serving on the committee and is seeking appointment. Councilmember Powell was previously appointed to the committee.

Motion to appoint Mayor Pro Tem Moore to the Festival Planning Committee.

Movant Councilmember Powell
Second: Councilmember Tracy
Vote: 6:0 with Councilmember Fuller 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 9:33 p.m.

- G.0 Executive Session
- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- A. Legal Issues Concerning Travis County Emergency Service District No. 1 Annexation Of Certain Defined Territory In The Vicinity Of RM 1431/City Of Cedar Park/City Of Leander.
 - B. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - C. Legal Issues Concerning Terms And Conditions Of A Lease With The Cedar Park Chamber Of Commerce.

D. Legal Issues Concerning Meet And Confer With The Cedar Park Police And Fire Associations.

E. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

Agenda Item C.2 called into Executive Session.

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 10:22 p.m.

No action taken on any item discussed in Executive Session.

H.1 Mayor And Council Closing Comments.

Mayor Pro Tem Moore commented on the presentation made by Chief Fluck and the ability to see the presentation on the overhead monitors due to the color scheme.

Councilmember Dale requested a future Agenda Item in relation to SB100, the City's General Election and Charter Amendments.

Councilmember Powell commented on the quick resolution regarding train horns and requested a future agenda item related to the creation of an ordinance to require new installation or developments go through a quiet zone process prior to building. Councilmember Powell also requested an Executive Session item for the next two meetings related to finalizing the City Attorney and City Manager evaluations.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:30 p.m.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, AUGUST 25, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:31 p.m.
All Council present.
- A.2 Invocation.
Mayor Pro Tem Moore gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
None.
- A.5 Mayor and Council Opening Comments.
Councilmember Tracy commented on the resignation of Sandy Trujillo from the Planning and Zoning Commission and acknowledged her service to the City. He also requested a future agenda item in relation to an appointment to the P&Z Commission.

Councilmember Dale offered his condolences to the Bob Freer family. He also requested two agenda items for an appointment to the Parks Board and the Tourism Board.

Councilmember Mitchell requested an agenda item for an appointment to the 4B Board.

Councilmember Fuller commented on his absence from the last meeting due to deployment for the Military. He also commented on the recent ribbon cutting for RM1431 and thanked all entities involved. He also requested future agenda items regarding FEMA Region Six and an after action report on the recent fire in Leander the CPFCD assisted with.

Councilmember Powell offered his sentiments to the family of Bob Freer and commented on the one year anniversary of Ofc Reed. He also thanked Capital Metro and the CTRMA for resolving issues with the new gate and quiet zones.

A.6 City Manager Report: July 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections
Mark Lewis, Building Inspections Director, presented Council with the July 2011 Permit Activity and Revenue Report.

A.7 City Manager Report: Update On The September 4th Splash Jam Event To Be Held At Milburn Park - Curt Randa, Parks And Recreation Director
Curt Randa, Parks and Recreation Director, updated Council on the activities planned for the Splash Jam event at Milburn Park.

Walter Dobravolsky, HEB, presented a check to the Parks Department as an event sponsor of Splash Jam.

A.8 City Manager Report: Review And Update Of The Blackboard Connect Program.
Philip Rodriguez, Assistant to the City Manager, addressed Council regarding the implementation of the Blackboard Connect Program.

A.9 City Manager Report: Presentation Of The Texas Association Of Municipal Information Officers Awards For Media Communications - Jennie Huerta.
i. TAMI Silver Star Award.
ii. The Bronze Telly Award.
Jennie Huerta, Media Relations Manager, addressed Council regarding the Media Department receiving the TAMI Silver Star Award and the Bronze Telly Award.

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.

Agenda Item D.2 withdrawn from the Consent Agenda by Staff.

Agenda Item C.3 removed from the Consent Agenda by Councilmember Fuller.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding C.3 and D.2

Movant: Councilmember Fuller
Second: Councilmember Tracy
Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of July 28, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Special Called Meeting Of July 30, 2011.
Approved under the Consent Agenda.
- B.3 Approval Of The City Council Minutes From The Joint Meeting With The 4A and 4B Corporations Of August 4, 2011.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of June 21, 2011.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of July 19, 2011.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance To Amend The Council Rules Of Procedure Pertaining To Placement Of Agenda Items, Rules Of Procedure, Parliamentarian, Public Presentations, And Expansion Of Time For Public Presentations.
Approved under the Consent Agenda.

Ordinance Number G35-11-08-25-C1

- C.2 Second Reading And Approval Of An Ordinance To Revise Chapter 8 Offenses And Nuisances, Article 8.04, Sections 8.004.001-8.04.005 CURFEW Of The City Of Cedar Park Code Of Ordinances, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.
Approved under the Consent Agenda.

Ordinance Number CO39-11-08-25-C2

- C.3 Second Reading And Approval Of An Ordinance Amending Chapter 18 Utilities, Article 18.08 Drought Contingency And Water Emergency Plan Of The Code Of Ordinances Of The City Of Cedar Park To Provide For the Addition Of An Administrative Violation And Enforcement Process.
Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller Mitch commented on the current lake levels and wanted to emphasize this could be the worst drought on record. Cedar Park is a leader in conservation and utilizes a Water IQ Program. He also commented on the use of water from Lake Travis for agricultural needs and the low price of water being charged. He

commented on future State legislation in relation to water conservation program mandates for agricultural areas.

Motion to approve the Ordinance as presented.

**Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0**

Ordinance Number CO40-11-08-25-C3

- D.1 A Resolution Authorizing And Directing The City Manager To Execute A Change Order With Cash Construction Company Under The New Hope Drive (Bagdad Road To Lakeline Blvd.) Reconstruction Project In The Amount Of \$69,895.
Approved under the Consent Agenda.

Resolution Number R177-11-08-25-D1

- D.2 A Resolution Approving The Proposed 2011 Operating Budget For The Brushy Creek Regional Utility Authority.
Withdrawn from the Consent Agenda.

- D.3 A Resolution Authorizing Payment To Pedernales Electric Cooperative In The Amount Of \$49,381.14 For Utility Relocations For The New Hope Drive (Bagdad Rd. to Lakeline Blvd.) Reconstruction Project.
Approved under the Consent Agenda.

Resolution Number R178-11-08-25-D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Facilities Rental Service Agreement In The Amount Of \$49,872.41 With Pedernales Electric Cooperative, Inc. For The Installation Of An Automatic Transfer Switch Located At The Dies Pumping Station.
Approved under the Consent Agenda.

Resolution Number R179-11-08-25-D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Facilities Rental Service Agreement In The Amount Of \$65,800.35 With Pedernales Electric Cooperative, Inc. For The Replacement Of The Automatic Transfer Switch Located At The Water Reclamation Facility.
Approved under the Consent Agenda.

Resolution Number R180-11-08-25-D5

- D.6 Authorization To Excuse The Absence Of Councilmember Fuller From The Regular Scheduled Meeting Of August 11, 2011.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 (OA-11-003) First Reading And Public Hearing On An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Article 11.10 Boards And Commissions, Division 3 Zoning Changes And Amendments To Add A New Section Regarding An Applicant's Summary Of Neighborhood Communications For Zoning Changes. **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

Rawls Howard, Planning and Development Services Director, stated this amendment is to provide for a Summary of Neighborhood Communications for zoning changes. This proposal is to assist in encouraging communication between zoning change applicants and neighborhoods.

Mayor Lemon inquired if the neighborhood communications happens prior to the item being presented to the P&Z Commission.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.2 (Z-11-007) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 4.038 Acres Of Land Located At 1400 Treeline (City Of Cedar Park-City Initiated Zoning) **The Planning And Zoning Commission Voted 4-0 To Recommend Approval.**

Rawls Howard, Planning and Development Services Director, stated this is a City Initiated Zoning to assign original zoning of Open Space Recreation (OSR) to approximately 4.038 acres for property located at 1400 Treeline.

Councilmember Mitchell commented on this area being a drainage ditch and inquired if there was any conflict with zoning and recreational usage.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.3 (Z-11-008) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 8.63 Acres Of Land Located At 1900 N. Lakeline (City Of Cedar Park-City Initiated Zoning). **The Planning And Zoning Commission Voted 4-0 To Recommend Approval.**

Rawls Howard, Planning and Development Services Director, stated this is a City Initiated Zoning to assign original zoning of Open Space Recreation (OSR) to approximately 8.63 acres for property located at 1900 N. Lakeline.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.4 (Z-11-016) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) On Approximately 1.34 Acres Of Land Located at 1400 West Whitestone Boulevard. (City of Cedar Park-City Initiated Zoning). **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

Rawls Howard, Planning and Development Services Director, stated this is a City Initiated Zoning to assign original zoning of General Retail (GR) to approximately 1.34 acres located at 1400 West Whitestone Boulevard.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.5 (Z-11-018) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Public Service (PS) On Approximately 1.0 Acres Of Land Located At 1570 Cypress Creek Road (City Of Cedar Park-City Initiated Zoning). **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

Rawls Howard, Planning and Development Services Director, stated this is a City Initiated Zoning to assign original zoning of Public Service (PS) to approximately 1.0 acres of land located at 1570 Cypress Creek Road.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.6 (Z-11-015) First Reading And Public Hearing On An Ordinance To Rezone Approximately 79.06 Acres From General Retail (GR) To 22.02 Acres From General Retail (GR) To General Retail With A Conditional Overlay (GR-CO); 20.52 Acres From General Retail (GR) To Single Family Residential, Urban Lot (SF-3); 22.51 Acres From General Retail (GR) To General Office (GO); And 14.01 Acres From General Retail (GR) To Light Industrial (LI) Located On 183A Northeast Of The Intersection Of 183A And Scottsdale, In Williamson County, Texas. **The Planning And Zoning Commission Voted 4-1 To Recommend Approval.**

Rawls Howard, Planning and Development Services Director, stated this item is to rezone approximately 79.06 acres from General Retail to 22.02 acres from General Retail (GR) to General Retail with a Conditional Overlay (GR-CO) to only permit the following uses: administrative offices, medical offices, software development, food sales (limited), research

and development activity (software only), day care center (incidental), professional offices, art galleries with retail sales, personal services (general), retail gift store, studios/art studio, dance, music, drama; personal improvement services, automobile parts/accessories sales, banks w/ or wo/ drive thru, convenience store, golf (amusement), hardware store, drugstore, retail stores, restaurant (limited), equipment rental, sales, service, repair; hotel (including extended stay), motel, software sales, computer hardware sales, automated teller machine, bakery (retail), consumer repair shop (including bicycles), dry cleaning and/or laundry on site, food sales (general), liquor store, restaurant (general), veterinary services, bar, cocktail lounge, furniture store, office/showrooms, theaters (indoor); 20.52 acres from General Retail (GR) to Single Family Residential, Urban Lot (SF-3); 22.51 acres from General Retail (GR) to General Office (GO); and 14.01 acres from General Retail (GR) to Light Industrial (LI).

Paul Linehan, representing the applicant, addressed Council regarding the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.7 First Reading And Public Hearing On An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.

Sam Roberts, Assistant City Manager, stated this amendment will further reduce the boundaries of the zone by 207 acres resulting in a revised zone boundary of approximately 264 acres and will also approve the third amendment to the amended final project plan and reinvestment zone financing plan as required by the Chapter 311 of the Texas Tax Code.

Mr. Roberts reviewed the development agreement between Cedar Park, V-S Cedar Park, Ltd., and Continental Homes and the specifics in relation to the development of the area.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.8 First Reading and Public Hearing On An Ordinance Amending Chapter 1 General Administration, Article 1.10 Parks and Recreation, Of The City Of Cedar Park Code Of Ordinances, Deleting Conflicting Provisions Regarding Number of Members, Appointment Of Auxiliary Members, And Officer Elections and Terms; Providing For Seven Members; Providing For Severability; And Providing For Repealer.

JP LeCompte, Assistant City Attorney, stated the proposed amendments are administrative in nature in relation to clarifying the scope of the Board's authority, amending the number of members to reflect the current board, deleting the auxiliary

member reference, and to add wording in relation the Council's appointment of replacement members upon removal or resignation and compliance with the Open Meetings Act.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.9 First Reading And Public Hearing On An Ordinance Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Adopting A Municipal Capital Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.

Agenda Item E.9 and E.10 called together

Refer to Agenda Item E.9 for discussion.

- E.10 First Reading And Public Hearing On An Ordinance To Consider A Tax Rate Of \$0.493501; Increase The Total Tax Revenues Of The City Of Cedar Park; And Levy Taxes For The Year 2011/2012.

Agenda Item E.9 and E.10 called together

Josh Selleck, Finance Director, addressed Council regarding the Fiscal Year 2012 Proposed Budget and the Proposed Tax Rate. Mr. Selleck reviewed the proposed revenues and expenditures for the General Fund. Operating revenues are proposed at \$29,204,850 and Operating Expenditures are proposed at \$29,196,675. Mr. Selleck continued review of the proposed budget and tax rate for one time expenditures, the FY12 Ad Valorem date, and analysis of the rates per \$100 of valuation. The proposed tax rate for FY12 will remain the same at \$.493501. The Maintenance and Operation rate (M&O) is \$.261739 and the Interest & Sinking (I&S) rate is \$.231762 for an overall rate of \$.493501.

General discussion followed regarding the new positions in the budget which include three positions in Public Safety, pay adjustments for Civil Service and civilian positions, and the tax rate remaining the same, and the commitment of RM1431 to impact the future tax rate by \$.02.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration To Approve A Resolution Authorizing An Investment Policy, Strategy Guidelines And Authorized Broker Dealer List For The City Of Cedar Park.

Josh Selleck, Finance Director, addressed Council regarding the Investment Policy for the City. The current Investment Policy complies with requirements of Chapter 2256. The proposed amendments include adding Brokered Certificates of Deposit as authorized investments and providing for weekly monitoring of FDIC status of the issuing banks, requiring at least weekly monitoring of the credit rating for all investments held in the portfolio and minor changes include administrative and housekeeping items including updating the Authorized Broker/Dealer List. Mr. Selleck stated there was a change to the list in order to accurately reflect the names of the broker/dealer list.

Councilmember Dale inquired about the 20% investment in municipal bonds.

Motion to approve a Resolution authorizing an Investment Policy, Strategy Guidelines and Authorized Broker Dealer List for the City of Cedar Park and revisions as stated by Staff.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R181-11-08-25-F1

F.2 Consideration Of The City Of Cedar Park General Election Date, Council Terms, And City Charter Amendments In Relation To Senate Bill 100. (Dale)

LeAnn Quinn, City Secretary, provided Council with an update on Senate Bill 100 in relation to the City's General Election. Williamson County Elections Department will be purchasing additional machines and will provide election services for the May General Election.

No action taken.

F.3 Consideration Of An Ordinance For A Railroad Quiet Zone Process For Proposed Or Future Development. (Powell)

Councilmember Powell commented on the recent situation with the new hike and bike trail and the train crossing with the trains blowing the horns.

Sam Roberts, Assistant City Manager, stated no new construction can commence that involves the crossing of tracks until the quiet zone criteria is met. The previous situation was due to the notification process not being completed and commercial trains not being aware of the quiet zone.

F.4 Consideration Of Appointments To A Charter Review Committee.

Councilmember Powell appointed Mike McCloskey

Mayor Pro Tem Moore appointed Nicholas Kauffman

Motion to affirm appointment of Mike McCloskey and Nicholas Kauffman to the Charter Review Committee.

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 7:0

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 8:35 p.m.

G.0 Executive Session

G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

A. Legal Issues Concerning Travis County Emergency Service District No. 1 Annexation Of Certain Defined Territory In The Vicinity Of RM 1431/City Of Cedar Park/City Of Leander.

B. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.

C. Legal Issues Concerning Meet And Confer With The Cedar Park Police And Fire Associations.

D. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

E. Legal Issues Concerning The Terms And Conditions Of A Sub-Leasing Agreement For Internal Antennas At The Cedar Park Center

G.2 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee. (Powell)

i. The City Manager.

ii. The 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 9:34 p.m.

Agenda Item G.1A

Motion to authorize the Mayor to provide written consent to the inclusion of territory as defined, or to be defined by a map to be attached within the City's ETJ to be served by Travis ESD #1 as provided under Section 775.014 of the Texas Health and Safety Code.

Movant: Councilmember Tracy
Second: Mayor Pro Tem Moore
Vote 7:0

Agenda Item G.1E

Motion to approve a Resolution authorizing the City Manager to execute an agreement with Hicks Cedar Park LLC and New Cingular Wireless PCS LLC concerning installation and operation of a distributed antenna system at the Cedar Park arena upon final approval of the City Attorney.

Movant: Mayor Pro Tem Moore
Second: Councilmember Fuller
Vote 7:0

Agenda Item G.1C

Motion to ratify the Meet and Confer Agreement between the City of Cedar Park and the Cedar Park Professional Fire Fighters Association effective October 1, 2011 thru September 31, 2012.

Movant: Councilmember Powell
Second: Mayor Pro Tem Moore
Vote: 7:0

H.1 Mayor And Council Closing Comments.
Mayor Pro Tem Moore commented on the use of acronyms and if during the presentation a definition can be used explaining what the term means.

Councilmember Fuller requested a future agenda to update Council on the LCRA Regional Council meeting.

H.2 Adjournment.
Mayor Lemon adjourned the meeting at 9:42 p.m.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2011

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**MINUTES
THE CITY OF CEDAR PARK CITY COUNCIL AND
THE LEANDER INDEPENDENT SCHOOL DISTRICT BOARD
SPECIAL CALLED JOINT MEETING
TUESDAY, AUGUST 30, 2011 AT 6:30 P.M.
Cedar Park Public Library
550 Discovery Boulevard, Cedar Park TX 78613**

CITY COUNCIL

Mayor Bob Lemon	Scott Mitchell, Place 3
Mayor Pro Tem Lowell Moore	Tony Dale, Place 5
Matt Powell, Place 1	Don Tracy, Place 6
Mitch Fuller, Place 2	Brenda Eivens, City Manager

LEANDER INDEPENDENT SCHOOL DISTRICT BOARD (“LISD”)

Will Streit, President	Don Hisle, Place 2
Pamela Waggoner, Vice President	Grace Barber Jordan, Place 4
Russell Bundy, Secretary	Aaron Johnson, Place 6
Lisa Mallory, Place 1	Bret Champion, Superintendent

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Lemon called the meeting to order at 6:39 p.m.

Councilmember Mitchell absent. All others present.

Will Streit, LISD President, called the LISD Board to order at 6:39 p.m.

Pamela Waggoner, Russell Bundy, and Grace Barber Jordan absent from meeting. All others present.

2. Welcome And Introductions.

Roundtable introductions were conducted.

3. Discussion Only:

a. Land Use And Future Development.

Rawls Howard, Planning and Development Services Director, addressed the group regarding build-out for the City and current zoning areas in Cedar Park.

Councilmember Powell commented on predictability being needed. The focus is to maintain the current view for the future land use map. He addressed the land use for commercial and the impact to ad valorem and the City's and Leander ISD's tax revenues.

Councilmember Dale commented on the ratio of current and future residential to be maintained at less than 50%. He addressed the difference from ad valorem taxes as opposed to revenue generated from sales tax. Council focuses on the burden to homeowners and encourages future commercial development.

- b. **Economic Development and Workforce Preparedness.
Agenda Item 3B called first on the Agenda.
Phil Brewer, Economic Development Director, addressed the group regarding economic development and current projects in Cedar Park.**
- c. **Freeport Exemption.
Agenda Item 3C discussed under Agenda Item 3B.**
- d. **Demographic Update.
Ellen Skoviera, Assistant Superintendent Leander ISD, reported to the group the demographic report from October 2010. The overview included current student populations, trends, housing projections and growth patterns.**

General discussion followed:

Councilmember Fuller inquired what assumptions would need to change to determine where future school locations would be.

Councilmember Dale inquired what zoning assumptions are made by the LISD's demographer regarding Cedar Park's zoning.

Mayor Lemon commented on the possibility of LISD working with cities in relation to having land set aside by subdivision developers for future schools.

- e. **Shared Legislative Issues Related To The 83rd Legislative Session.
Don Hisle, LISD, inquired about the City's intent with the uniform election date.**

General discussion followed regarding maintaining the May general elections and use of voting centers.

- f. **Current Projects And Activities Update For The City Of Cedar Park And Leander ISD Including Roadways, Traffic Control, Sidewalks, Facilities and Schools.
Darwin Marchell, Director of Engineering, addressed the group with an update on current transportation projects.**

Tom Gdala, Transportation Planner, addressed the sidewalk gap project.

Brenda Eivens, City Manager, addressed the group for the end of March. The current City Hall building will be sold. A new restaurant, Hemingway's, will be opening in the leased space formerly known as Contenders.

Mayor Lemon commented on traffic control on Brushy Creek Road.

Sam Roberts, Assistant City Manager, addressed the traffic devices on Brushy Creek Road. The traffic impact analysis conducted did not warrant the current traffic device.

General discussion followed regarding joint efforts between the City of Cedar Park and LISD.

- g. Participation With Future City or Leander ISD Projects And/Or Initiatives. Brenda Eivens, City Manager, spoke about the future proposed annexation of Deer Creek and Cypress Canyon. This process should be completed by the end of the year which will provide City services including Police and Fire.**

Current fire services are coordinated and provided under the direction of Travis Emergency Services District Services.

4. Closing Comments

Mayor Lemon allowed public comment from the audience.

Clarence Brown, Jonestown, commented on the use of land being appropriate for the tax payer and the perceived lapse in planning with two schools not in use due to budget constraints. He asked for LISD to be prudent with tax payer money.

Maria Gusto, Cedar Park, stated she wants transparency with the LISD Board. She thanked Cedar Park Council for the public information and detailed follow-up. She is asking for the same thing of the school board. She inquired about bond debt and not issuing any new debt.

Gail Lindholm, Cedar Park, commented on statistics for current unemployment in Williamson County, per capita income decrease, new job sectors, and the stagnant real estate market. JP Morgan predicts 2020 double dip recession and long term unemployment. Trends end and there is a new reality. She addressed the current debt service of LISD, increase in disadvantaged students, and citizens not being able to pay taxes. She inquired why the school board is looking to build new schools, and stated this impacts economic development with higher school taxes.

Roundtable closing comments were conducted by Council and the LISD Board.

5. Adjournment

Mayor adjourned the meeting at 9:44 p.m.

PASSED AND APPROVED THIS 6th DAY OF OCTOBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, SEPTEMBER 8, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at: 6:31 p.m.
All Council present.
- A.2 Invocation.
Invocation given by Councilmember Dale.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Proclamation For National Suicide Prevention Week, September 4 - 10, 2011.
Mayor Lemon read a Proclamation recognizing National Suicide Prevention Week.
- Councilmember Dale commented on this Proclamation, in conjunction with Williamson County and stated there are local resources available for those impacted.**
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Holly Hogue, Cedar Park, introduced herself to the Council as an applicant for the Planning and Zoning Commission.

Jon Ratcliffe, Austin, introduced himself to the Council. He is moving to Cedar Park and would like to become involved in the community.

Keaton Hoelscher, Cedar Park, stated he is with Boy Scout Troop 158 and is currently working on his Eagle Scout Project. He will be building pet stations at Veteran Memorial Park on the trails and around the perimeter of the park.

A.6 Mayor and Council Opening Comments.

Mayor Lemon extended his gratitude and admiration of the hard work of the Fire and Police Department with the Middlebrook Garden Apartment fire. He inquired if staff would review the current ordinances to verify if the codes are current for keeping people safe, protection from fire spreading, and review the design standards and percentage of masonry for multi-family dwellings.

Councilmember Powell commented on having one of the top rated Fire Departments. He requested a future agenda item for an update on the tourism marketing efforts to include samples of creative marketing, philosophy and process to determine marketing strategy, and how selection of events or locales to market is conducted.

Councilmember Fuller commented on the recent fires in Cedar Park. It is very important for citizens to understand the drought and fire dangers. He also commented on the recent joint meeting between the Council and the LISD Board. He requested two future agenda items for the appointment of Place Two on the Arts Board and the 4B Board.

Councilmember Mitchell commented on the recent fires, the Dog Park and high usage, and also requested two future agenda items for the appointment of Place Three on the P&Z Commission and the Tourism Board.

Mayor Pro Tem Moore commented on the recent committee meeting for a future Wine and Food Festival.

Councilmember Dale gave his appreciation to the Police and Fire Department for their efforts with the fires, and encouraged attendance at the fundraising event for the Veteran Memorial Project. He also encouraged staff and the media to promote the Blackboard Connect program.

Councilmember Tracy commented on the joint meeting with the LISD Board, recognized the efforts of public safety and acknowledged HEB for their efforts with delivering supplies of food and water. He also invited everyone to attend a remembrance ceremony on Sunday, September 11th at Veteran Memorial Park for all those lost in the 9-11 attacks.

A.7 City Manager Report: Update On The National Incident Management System (NIMS) The Standard For Incident Management By The City Of Cedar Park - Chief Connealy, Fire Department.

Chief Connealy, Fire Department, provided a brief update on the recent fires in Cedar Park. The Fire Department has also provided assistance with local fires including Leander

and Steiner Ranch. The Mutual Aid Agreements facilitate support with providing and receiving assistance when needed.

Chief Connealy stated the City of Cedar Park adopted NIMS in 2005. This system provides first responders with a system and structure utilized by all departments to manage events, be prepared, keep track of resources, deployment, and rules of engagement.

Councilmember Fuller asked for this item, He commented on the responsibility and role of local governments to insure the safety of its citizens.

Mayor Lemon commented on the Water Department assisting with water pressure and water demands in emergency situations.

- A.8 City Manager Report: Overview Of The Primary Employer Lunch Event - Phil Brewer, Economic Development Director.
Phil Brewer, Economic Development, Director, addressed the Council regarding the Primary Employer Lunch Event recently held at the Cedar Park Event Center. Mr. Brewer stated this event evolved from an inter-city event last year. This event is an executive forum that allows for the exchange of ideas and dialogue. The purpose of the event is provide a key forum for key employers to network, exchange ideas, or discuss issues and challenges that impact ability to expand. The event also provides staff insight to issues and challenges in the business community and to take proactive measures to resolve issues.

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.

Agenda Items C.6 and D.3 removed from the Consent Agenda by Staff.

Agenda Item D.1 removed from the Consent Agenda by Councilmember Mitchell.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding C.6, D.1 and D.3.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 7:0

- B.1 Approval Of Council Minute From The Regular Scheduled Meeting Of August 11, 2011.
Approved under the Consent Agenda.
- C.1 (OA-11-003) Second Reading and Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances Chapter 11 Zoning, Article 11.10 Boards And Commissions, Division 3 Zoning Changes And Amendments To Add A New Section Regarding An Applicant's

Summary Of Neighborhood Communications For Zoning Changes. **The Planning And Zoning Commission voted 5-0 To Recommend Approval.**

Approved under the Consent Agenda.

Ordinance Number CO41-11-09-08-C1

- C.2 (Z-11-007) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 4.038 Acres Of Land Located At 1400 Treeline (City Of Cedar Park-City Initiated Zoning) **The Planning And Zoning Commission Voted 4-0 To Recommend Approval.**

Approved under the Consent Agenda.

Ordinance Number Z42-11-09-08-C2

- C.3 (Z-11-008) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 8.63 Acres Of Land Located At 1900 N. Lakeline (City Of Cedar Park-City Initiated Zoning). **The Planning And Zoning Commission Voted 4-0 To Recommend Approval.**

Approved under the Consent Agenda.

Ordinance Number Z43-11-09-08-C3

- C.4 (Z-11-016) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) On Approximately 1.34 Acres Of Land Located at 1400 West Whitestone Boulevard. (City of Cedar Park-City Initiated Zoning). **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

Approved under the Consent Agenda.

Ordinance Number Z44-11-09-08-C4

- C.5 (Z-11-018) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Public Service (PS) On Approximately 1.0 Acres Of Land Located At 1570 Cypress Creek Road (City Of Cedar Park-City Initiated Zoning). **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

Approved under the Consent Agenda.

Ordinance Number Z45-11-09-08-C5

- C.6 (Z-11-015) Second Reading And Approval Of An Ordinance To Rezone Approximately 79.06 Acres From General Retail (GR) To 22.02 Acres From General Retail (GR) To General Retail With A Conditional Overlay (GR-CO); 20.52 Acres From General Retail (GR) To Single

Family Residential, Urban Lot (SF-3); 22.51 Acres From General Retail (GR) To General Office (GO); And 14.01 Acres From General Retail (GR) To Light Industrial (LI) Located On 183A Northeast Of The Intersection Of 183A And Scottsdale, In Williamson County, Texas. **The Planning And Zoning Commission Voted 4-1 To Recommend Approval.**

Agenda C.6 and D.3 removed from the Consent Agenda.

Motion to table Agenda Items C.6 and D.3 for thirty (30) days.

Movant: Mayor Lemon

Second: Mayor Pro Tem Moore

Vote: 7:0

- C.7 Second Reading And Approval Of An Ordinance Reducing And Revising The Boundaries Of Reinvestment Zone Number One, City Of Cedar Park, Texas, A Tax Increment Reinvestment Zone Created Pursuant To Chapter 311 Of The Texas Tax Code, As Amended, As Established By City Of Cedar Park, Texas Ordinance No. D-01-12-20-10.B; Approving The Third Amendment To The Amended Final Project Plan And Reinvestment Zone Financing Plan; Providing For Severability; And Ordaining Other Provisions Related To The Subject Matter Thereof.

Approved under the Consent Agenda.

Ordinance Number D47-11-09-08-C7

- C.8 Second Reading And Approval Of An Ordinance Amending Chapter 1 General Administration, Article 1.10 Parks and Recreation, Of The City Of Cedar Park Code Of Ordinances, Deleting Conflicting Provisions Regarding Number of Members, Appointment Of Auxiliary Members, And Officer Elections and Terms; Providing For Seven Members; Providing For Severability; And Providing For Repealer.

Approved under the Consent Agenda.

Ordinance Number CO48-11-09-08-C8

- D.1 A Resolution Approving The Proposed 2012 Operating Budget For The Brushy Creek Regional Utility Authority ("BCRUA").

Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller provided information regarding the overall operating budget and stated only \$435,000 of the \$1.1M is Cedar Park's share. He commented on the BCRUA Board and structure.

Motion to approve a Resolution approved the proposed 2012 Operating Budget for the Brushy Creek Regional Utility Authority.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R182-11-09-08-D1

- D.2 A Resolution Amending The Future Land Use Plan For Property Located At 1400 West Whitestone Boulevard From Neighborhood Office/Retail/Commercial To Regional Office/Retail/Commercial. **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

**Approved under the Consent Agenda.
Resolution Number R183-11-09-08-D2**

- D.3 A Resolution Amending The Future Land Use Plan For Property Located On 183A Known As Tracts Two And Four Of Pecan Grove From Neighborhood Office/Retail/Commercial To Low Density Residential For Tract Two And Industrial For Tract Four. **The Planning And Zoning Commission Voted 5-0 To Recommend Approval.**

Agenda C.6 and D.3 removed from the Consent Agenda.

Motion to table Agenda Items C.6 and D.3 for thirty (30) days.

**Movant: Mayor Lemon
Second: Mayor Pro Tem Moore
Vote: 7:0**

- D.4 A Resolution To Approve Submission Of An Application For the Assistance to Firefighter Grant For Eight Self-Contained Breathing Apparatus In The Amount Of \$38,400.
Approved under the Consent Agenda.

Resolution Number R185-11-09-08-D4

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance Renaming The Loop Section Of 183A Toll Road Frontage, Located Between Brushy Creek Road And Brushy Creek, To Be Named 'Brushy Creek Loop'.
Tom Gdala, Transportation Planner, addressed Council regarding the renaming of the frontage road on 183A. This item is in response to a request received by the CTRMA. Mr. Gdala reviewed the proposed name change and the area.

General discussion followed regarding the confusion with multiple Brushy Creek Roads, adjacent streets and names, and possible names for frontage.

**Mayor Lemon opened the Public Hearing
No Citizen Comment
Mayor Lemon closed the Public Hearing.**

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Final Reading And Public Hearing For The Consideration To Approve An Ordinance Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012 And Adopting A Municipal Capital Budget For The Fiscal Year Beginning October 1, 2011, And Ending September 30, 2012; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.

Agenda Items F.1 and F.2 called together.

Refer to Agenda Item F.2 for discussion and action taken.

F.2 Final Reading And Public Hearing For The Consideration To Approve An Ordinance To Consider A Tax Rate Of \$0.493501; Increase The Total Tax Revenues Of The City Of Cedar Park; And Levy Taxes For The Year 2011/2012.

Agenda Items F.1 and F.2 called together.

Josh Selleck, Finance Director, addressed Council regarding the final hearing on the FY2012 proposed budget and tax rate.

Mayor Lemon opened the Public Hearing.

No Citizen Comment

Mayor Lemon closed the Public Hearing.

Motion to approve an ordinance adopting the FY 2011-2012 Proposed Budget with the amendments stated in Exhibit A for an Operating Budget appropriation of \$104,267,239 and total Capital Budget appropriation of \$18,464,454.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 7:0

Ordinance Number BF49-11-09-08-F1

Motion to ratify the property tax increase reflected in the budget.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

Motion to approve an ordinance adopting the FY 2011-2012 Ad Valorem Rate with an operations and maintenance rate of \$ 0.261739/100 and an interest and sinking rate of \$0.231762/100 for a total Ad Valorem rate of \$.493501/100.

Movant: Mayor Pro Tem Moore

Second: Councilmember Powell

Vote: 7:0

Ordinance Number BF50-11-09-08-F2

- F.3 Consideration For The Approval A Resolution Receiving And Accepting A Petition In Support Of Full-Purpose Annexation Of Williamson-Travis Counties Water Control Improvement District 1-D By The City Of Cedar Park, Texas, And Setting A Date, Time, And Place For Public Hearings Regarding Voluntary Full-Purpose Annexation Of Williamson-Travis Counties WCID-1D By The City Of Cedar Park, Texas (ANX-11-002).

Rawls Howard, Planning and Development Services Director, addressed the Council regarding the annexation. This is a resolution receiving and accepting a petition in support of full-purpose annexation of Williamson-Travis Counties Water Control Improvement District (WCID) 1-D and setting a date, time, and place for public hearings regarding voluntary annexation of WCID 1-D. The District includes approximately 415 acres located along Anderson Mill Road. The annexation public hearing schedule requires one special called meeting on November 10, 2011 to meet state and local requirements

Motion to approve the Resolution as presented.

**Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0**

Resolution Number R186-11-09-08-F3

- F.4 Consideration For The Approval Of A Resolution Authorizing And Directing The City Manager To Execute A Contract With Aetna For Employee Group Medical Insurance, Dental Insurance, Life And AD&D Insurance, And Long Term Disability Insurance.

Motion to table Agenda F.4 to the next regular scheduled meeting.

**Movant: Councilmember Powell
Second: Councilmember Tracy
Vote: 7:0**

- F.5 Report On The Lower Colorado River Authority ("LCRA") Travis/Austin Regional Council. (Fuller)
Councilmember Fuller updated Council on the recent Regional Council Meeting.

No action taken.

- F.6 Consideration Of Appointment To Place Three On The Cedar Park Community Development Board ("4B"). (Mitchell)

Motion to reappoint Kevin Harris to Place Three on the 4B Board.

Movant: Councilmember Mitchell

Second: Councilmember Moore
Vote: 7:0

- F.7 Consideration Of Appointment To Place Five On The Parks And Recreation Advisory Board. (Dale)

Motion to reappoint John Greeley to Place Five on the Parks Advisory Board.

Movant: Councilmember Dale
Second: Councilmember Tracy
Vote: 7:0

- F.8 Consideration Of Appointment To Place Five On The Tourism Advisory Board. (Dale)

Motion to reappoint Rick McLaughlin to the Place Five on the Tourism Advisory Board.

Movant: Councilmember Dale
Second: Mayor Pro Tem Moore
Vote: 7:0

- F.9 Consideration Of Appointment To Place Six On The Planning And Zoning Commission. (Tracy)

Motion to appoint Holly Hogue to Place Six on the Planning and Zoning Commission.

Movant: Councilmember Tracy
Second: Councilmember Fuller
Vote: 7:0

- F.10 Consideration Of Appointments To A Charter Review Committee.

Councilmember Fuller appointed Susan Merrick
Mayor Pro Tem Moore appointed Audrey Wernecke

Motion to appoint Susan Merrick and Audrey Wernecke to the Charter Review Committee.

Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0

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: 8:37 p.m.

- G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- A. Legal Issues Concerning Fire Service Agreements With Emergency Services District #14, WCID-1D, WCID-1F, WCID-1G and Bella Vista MUD.
 - B. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - C. Legal Issues Concerning Meet And Confer With The Cedar Park Police Association.
 - D. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
 - E. Legal Issues Concerning The Commercial, Industrial And Multi-Family Waste Collection License Agreements.
- G.2 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee. (Powell)
- A. The City Manager.
 - B. The 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 10:35 p.m.

Agenda Item G.1(c)

Motion to ratify the Meet and Confer Agreement between the City of Cedar Park and the Cedar Park Police Association.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

Agenda Item G.2 (a) (b)

Mayor Lemon stated the Council has completed the evaluations of the City Manager and City Attorney and wants to recognize both for doing an outstanding job.

Motion to approve a 4% pay increase for the City Attorney with an effective date of October 1st.

Movant: Mayor Lemon

Second: Councilmember Powell

Vote: 7:0

Motion to approve a 5.7% pay increase for the City Manager with an effective date of October 1st.

Movant: Mayor Lemon

Second: Mayor Pro Tem Moore

Vote: 7:0

H.1 Mayor And Council Closing Comments.

Councilmember Fuller commented on the addition of two names on the Veteran Monument in Williamson County.

Councilmember Tracy reminded everyone of the 9-11 event to be held at Veterans Memorial Park.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:45 p.m.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2011.

Robert S. Lemon
Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, SEPTEMBER 22, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:31 p.m.
All Council present.
- A.2 Invocation.
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: Update On The Water Management Plan - James Kowis, LCRA, Chief Water Supply Strategist.
James Kowis, LCRA, Chief Water Supply Strategist, addressed Council regarding the history of water storage in Lake Buchanan and Lake Travis, the Water Management Plan, and the proposed major changes to the plan.
- A.5 Presentation: Proclamation Recognizing October 2011 As Crime Prevention Month "Celebrating Safe Communities" - Cedar Park Police Department.
Mayor Lemon read and presented a Proclamation recognizing October 2011 as Crime Prevention Month to the Police Department and representatives of the Cedar Park Citizens Police Academy Alumni.

A.6 Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)

Scott Foster, Cedar Park Youth League (Baseball) provided Council with a brief update on the activities of the organization.

A.7 Mayor and Council Opening Comments.

Mayor Lemon commented on the future Greater Austin Chamber of Commerce Inter-City Visit that is coming up.

Councilmember Powell recognized Councilmember Tracy for the September 11th community gathering honoring the victims of 9-11. He commended CM Tracy for his organizational work and efforts with the event.

Councilmember Fuller also thanked CM Tracy for the September 11th event. He also commented on the fund raising event held at the Dig Pub for the Veteran Memorial.

Councilmember Mitchell commented on his parent's 65th wedding anniversary.

Mayor Pro Tem Moore commented on the fund raising event at the Dig Pub.

Councilmember Dale commented on the Frost Bank Grand Opening Event. He also thanked CM Tracy for setting up the September 11th event. This was a private, non-governmental funded event and was very special. CM Dale requested three future agenda items for an appointment to the P&Z commission, report on uninsured motorists, and an update on the City's Stage 2 water restrictions.

Councilmember Tracy thanked the Council for their assistance and participation with the 9-11 event. He also commented on the fund raising event.

A.8 City Manager Report: Recognition For The Retirement Of Wayne Billingsley, Superintendent Field Operations.

Eric Rauschuber, Utilities Director, recognized the career and retirement of Wayne Billingsley after twenty-five years of service with the City of Cedar Park.

A.9 City Manager Report: Teen Court Update - April Christiansen, Court Administrator.

April Christiansen, Court Administrator, and Laura Vanhoogstraat, Juvenile Case Manager, addressed Council on the new Teen Court Program.

A.10 City Manager Report: Update On The Cedar Park Public Library Fable Fest Event.

Agenda Item A.10 called after Agenda Item A.7.

Pauline Lam, Library Director, and representatives from Fable Fest (Characters) provided Council with an update on the future event.

A.11 City Manager Report: Update On The Tourism Marketing Strategy And Programs. (Powell)

Amy Stevens, Go Beyond Marketing, reviewed the 2011-12 advertising strategy for Tourism in Cedar Park.

Councilmember Powell inquired about objections regarding advertising and the possibility of using bill boards. He would like to see other mediums being used to get Cedar Park's tourism marketing to a larger audience. He challenged the Tourism Board to think outside the box.

- A.12 City Manager Report: August 2011 Permit Activity and Revenue Report - Mark Lewis, Building Inspections
Mark Lewis, Building Inspections, presented to Council the August 2011 Permit Activity and Revenue Report.
- A.13 City Manager Report: Monthly Financial Update For The Period Ending July 31, 2011.
Josh Selleck, Finance Director, provided Council with the Monthly Financial Report for July 2011.
- A.14 City Manager Report: Grant Priority And Strategy Plan For 2012.
Josh Selleck, Finance Director, reviewed the grants process and the Grants Priority and Strategy Plan for 2012.

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.

Agenda Item D.9 removed from the Consent Agenda by Councilmember Fuller.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C, and D excluding Agenda Item D.9.

Movant: Mayor Pro Tem Moore

Second: Councilmember Fuller

Vote: 7:0

- B.1 Approval Of The City Council Minutes From The Regular Scheduled Meeting Of August 25, 2011.
Approved under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Renaming The Loop Section Of 183A Toll Road Frontage, Located Between Brushy Creek Road And Brushy Creek, To Be Named 'Brushy Creek Loop'.
Approved under the Consent Agenda.

Ordinance Number G46-11-09-22-C1

- D.1 A Resolution Authorizing A Special Permit To Hold A Dog Show At Elizabeth Milburn Park.

Approved under the Consent Agenda.

Resolution Number R184-11-09-22-D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute An Advance Funding Agreement Amendment With The Texas Department of Transportation For The US 183 (Cypress Creek Road to RM 1431) Pedestrian Improvement Project.

Approved under the Consent Agenda.

Resolution Number R188-11-09-22-D2

- D.3 A Resolution To Authorize The Cedar Park Historic And Cultural Preservation Commission To Apply To The 2012 Texas Historical Commission Certified Local Government Grant Program.

Approved under the Consent Agenda.

Resolution Number R189-11-09-22-D3

- D.4 A Resolution Authorizing A Friday, October 28, 2011 Exception To The 11pm Noise Restriction Established By Code Of Ordinances Section 8.08.002 For The Purpose Of Allowing Hill Country Bible Church To Conduct Its Annual "Nightmare On Little Elm Street" High School Outreach Program.

Approved under the Consent Agenda.

Resolution Number R190-11-09-22-D4

- D.5 A Resolution For City Acceptance Of Creekview Phase 4 Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R191-11-09-22-D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute An Easement With Oncor Electric Delivery Company LLC For Round Rock's Reuse Facilities At The Brushy Creek Regional Wastewater Plant.

Approved under the Consent Agenda.

Resolution Number R192-11-09-22-D6

- D.7 A Resolution Authorizing And Directing The City Manager To Execute Amendment No. 3 To The Engineering Services Agreement With HDR Engineering For The Floating Raw Water Intake Contingency Project.

Approved under the Consent Agenda.

Resolution Number R193-11-09-22-D7

- D.8 A Resolution Authorizing And Directing The City Manager To Execute A Project Representative Services Agreement With JR Tolles And Associates, LLC For The Floating Raw Water Intake Contingency Project - Phase A Underwater Pipeline In The Amount Of \$41,500.
Approved under the Consent Agenda.

Resolution Number R194-11-09-22-D8

- D.9 A Resolution Authorizing And Directing The Mayor To Execute The Wastewater Services Operating Agreement Between Brazos River Authority, City Of Round Rock, City Of Cedar Park, City Of Austin And City Of Leander For The Brushy Creek Regional Wastewater System.
Agenda Item D.9 removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller commented on the management fee and how it is divided amongst the cities.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R195-11-09-22-D9

- D.10 A Resolution Granting A Non-Exclusive License To Central Texas Refuse, Inc., Al Clawson Disposal, Inc., IESI TX Corporation, Texas Disposal Systems, Inc., Waste Management Of Texas, And BFI Waste Services Of Texas, L.P. d/b/a Allied Waste Services Of Austin For The Collection, Transportation And Disposal Of Multi-Family, Industrial And Commercial Waste And Recycling Within The City Of Cedar Park.
Approved under the Consent Agenda.

Resolution Number R196-11-09-22-D10

PUBLIC HEARINGS

- E.1 (Z-11-006) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 92.436 Acres Of Land And To Rezone Approximately 1.20 Acres From Single Family (SF) To Open Space Recreation (OSR) For Property Located Within Brushy Creek Lake Park On Brushy Creek Road (Z-11-006) **The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of The Assignment Of Open Space Recreation (OSR) On The Subject Tract.**

Rawls Howard, Planning and Development Services Director, stated this item is a City initiated request. The purpose of this agenda item is to assign original zoning of Open Space Recreation (OSR) to approximately 92.436 acres and to rezone approximately 1.20 acres from Single Family (SF) to Open Space Recreation (OSR) for property located on Brushy Creek Road within Brushy Creek Lake Park.

Mayor Lemon commented on the absence of three P&Z members and inquired if this needed to be addressed by Council.

Mayor Lemon opened the Public Hearing.

Public Comment:

Mr. Will Willis supports the zoning request.

Mayor Lemon closed the Public Hearing.

- E.2 (Z-11-014) First Reading And Public Hearing On A Ordinance To Rezone Approximately 1.57 Acres From Transitional Office (TO) to Local Retail-Conditional Overlay (LR-CO), By Adrian Barron, For Property Located At 210 North Lakeline. **The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of Local Retail-Conditional Overlay (LR-CO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated the purpose of this agenda item is to consider rezoning approximately 1.57 acres from Transitional Office (TO) to Local Retail-Conditional Overlay (LR-CO) for property located at 210 North Lakeline Boulevard. The conditional overlay includes building height restrictions, pitched roof requirements, limited hours of operation, window and door fenestrations, and prohibitions of certain business.

Mayor Lemon opened the Public Hearing.

Public Comment:

Joe Konopka, Cedar Park, addressed Council regarding his concerns of the zoning area that include shared driveway with multiple tenants, spillover parking with retail, and safety. He is against the zoning request.

General discussion followed regarding shared driveway access, parking requirements for each use or building and current parking standards with the current codes.

Samir Desai addressed the Council regarding his efforts towards notifying the neighbors in the immediate area. He collected comments from all the neighbors, surveys and used a website to collect information. He is willing to address the concerns raised in Public Comment concerning the common driveway; parking spaces are being defined in the zoning process and the building will be built to code under the Corridor Overlay.

Mayor Lemon closed the Public Hearing.

- E.3 (Z-11-017) First Reading And Public Hearing On An Ordinance To Rezone Approximately 5.25 Acres From Single Family Large Urban Lot (SF-2) To Transitional Commercial-Conditional Overlay (TC-CO) For Property Located At 13406 Anderson Mill Road, In Travis County, Texas.

(Z-11-017, City-Initiated). **The Planning And Zoning Commission Voted 4-0 To Recommend Transitional Commercial-Conditional Overlay (TC-CO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated the purpose of this item is to consider a City-initiated request to rezone approximately 5.25 acres from Single Family-Large Urban Lot (SF-2) to Transitional Commercial-Conditional Overlay (TC-TO) for property located at 13406 Anderson Mill Road. The conditional overlay includes the following condition: limit the hours of operation to between the hours of 7am and 8pm.

Mayor Lemon commented on the area to the south with the TO zoning and the concerns of the neighbors, and if the hours could be moved back to 10pm if an applicant wanted to change.

Mayor Lemon opened the Public Hearing.

Public Comment:

Caleb Magee, addressed the Council regarding support of the rezoning with the conditional overlay and limited hours of operation.

Mayor Lemon closed the Public Hearing.

- E.4 **Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2011-12 Operations And Maintenance Expenditures Budget For The City Hall Finish Out Project, With An Increase of \$4,671,167 and Increasing And Amending The Fiscal Year 2011-12 Capital Improvements Revenues and Expenditures By An Increase Of \$4,437,578. Agenda Item E.4 and Agenda Item F.1 called together.**

Agenda Item F.1

Consideration To Approve A Resolution Authorizing And Directing The City Manager Upon Approval By The City Attorney To Execute The Guaranteed Maximum Price (“GMP”) Proposal As Amendment #1 To The Construction Manager At Risk Contract With Harvey-Cleary Builders For The Construction Of The Finish Out Improvements to The New City Hall Complex.

Sam Roberts, Assistant City Manager, addressed Council regarding approval of the Guaranteed Maximum Price Proposal for the construction of the finish out improvements to the New City Hall Complex. The project consists of building out the interiors of four buildings at 450 Cypress Creek Road. Using the Construction Manager at Risk process, the Guaranteed Maximum Price (GMP) was negotiated concurrent with construction plan preparation and the resultant recommended GMP is \$3,971,892. This GMP is based on 90% construction drawings. A 2.5% Construction Manager contingency (\$92,859) is included in the GMP. The project budget also includes a 5% or \$183,626 Owner’s contingency. The proposal specified a five (5) month construction schedule with a February 27, 2011 substantial completion date which would allow for a March 2012 move-in.

Agenda Item E.4

Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2011-12 Operations And Maintenance Expenditures Budget For The City Hall Finish Out Project, With An Increase of \$4,671,167 and Increasing And Amending The Fiscal Year 2011-12 Capital Improvements Revenues and Expenditures By An Increase Of \$4,437,578.

Josh Selleck, Finance Director, stated this amendment provides funding for the finish-out of the City-Hall campus capital project and will allow the required transfers of \$4,437,578 to the Facilities Capital Project Fund from various funds. The Utility, 4A-Economic Development, 4B-Community Development, and Tourism Advisory Board Funds will fund construction/finish-out related to the cost of their pro-rata share of office. Mr. Selleck addressed the Utility Fund transfer and the use of a short term bridge loan.

Discussion followed regarding the 4A and 4B funding sources and the concept of sharing costs, no new taxes to fund the project and one-time expenditures.

Mayor Lemon opened the Public Hearing.

No Public Comment

Mayor Lemon closed the Public Hearing.

Motion to approve a Resolution amending the Fiscal Year 2011-12 Operations and Maintenance Expenditures Budget for the City Hall Finish Out Project, with an increase of \$4,671,167 and increasing and amending the Fiscal Year 2011-12 Capital Improvements Revenues and Expenditures by an increase Of \$4,437,578.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

Resolution Number R197-11-09-22-E4

Motion to approve a Resolution Authorizing And Directing The City Manager Upon Approval By The City Attorney To Execute The Guaranteed Maximum Price Proposal As Amendment #1 To The Construction Manager At Risk Contract With Harvey-Cleary Builders For The Construction Of The Finish Out Improvements to The New City Hall Complex.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 7:0

Resolution Number R198-11-09-22-F1

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Authorizing And Directing The City Manager Upon Approval By The City Attorney To Execute The Guaranteed Maximum Price Proposal As Amendment #1 To The Construction Manager At Risk Contract With Harvey-Cleary Builders For The Construction Of The Finish Out Improvements to The New City Hall Complex.

Agenda Item E.4 and Agenda Item F.1 called together.

Refer to Agenda Item E.4 for discussion and action taken.

F.2 Consideration To Approve A Resolution Authorizing The Purchase Of Replacement Civilian Vehicles Fueled By Propane Approved In The FY12 Budget And Propane Equipment Related To The Low Emission Propane Equipment Grant Initiative.

Katherine Woerner, Utility Program Manager, stated the VES fund provides for replacement of the City's vehicle and equipment fleet. In FY11, the City purchased eight (8) trucks fueled by propane and one 2,000 gallon propane fueling station. In order to complete the grant requirements, two additional propane vehicles need to be purchased. The purchase was placed in the FY12 VES budget. One van will be used by the Parks and Recreation Department and the other van will be used by Field Operations.

Motion to Approve A Resolution Authorizing The Purchase Of Replacement Civilian Vehicles Fueled By Propane Approved In The FY12 Budget And Propane Equipment Related To The Low Emission Propane Equipment Grant Initiative.

Movant: Councilmember Powell

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R199-11-09-22-F2

F.3 Consideration For The Approval Of A Resolution Authorizing And Directing The City Manager To Execute A Contract With Aetna For Employee Group Medical Insurance, Dental Insurance, Life And AD&D Insurance, And Long Term Disability Insurance And Blue Cross Blue Shield For Medicare Supplemental Insurance.

Miguel Ozuna, Human Resources Director, addressed Council on the City's benefit plan year that begins November 1, 2011. The City requested proposals for Employee Group Medical Insurance, Life and AD&D, Dental, Long Term Disability, and Medicare Supplement Insurance. The City's insurance committee, comprised of employees from different departments, along with our benefits consultants, Holmes Murphy and Associates, carefully reviewed and evaluated each proposal for Plan Design, Rates (premiums), Geo Access Results, and Customer Service to include claim and coverage administration. Mr. Ozuna reviewed the changes to the future plan.

Staff recommends, entering into a contract with Aetna to provide Health Insurance with a dual plans, BCBS Medicare Supplement Insurance, and Aetna as the provider for Dental, Life and AD&D, and Long Term Disability

Motion to approve a resolution authorizing and directing the City Manager to execute a contract with Aetna for employee group medical insurance, dental insurance, life and AD&D, and long term disability, and Blue Cross Blue Shield for Medicare Supplemental Insurance.

Movant: Mayor Pro Tem Moore

Second: Councilmember Fuller

Vote: 7:0

Resolution Number R200-11-09-22-F3

- F.4 Discussion Of A Financial Management Policy Update For The City Of Cedar Park, Texas
Josh Selleck, Finance Director, addressed Council regarding the Financial Management Policy for the City of Cedar Park.

General discussion followed regarding using general fund excess to pay down debt service in order not to increase future tax rates, the proposed policy regarding debt collection and general fund balance.

No action taken.

- F.5 Consideration Of Appointment To Place Two On The Arts Advisory Board. (Fuller)

Motion to reappoint Bob Carter to Place Two on the Arts Advisory Board.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Moore

Vote: 7:0

- F.6 Consideration Of Appointment To Place Three On The Tourism Advisory Board. (Mitchell)

Motion to appoint Patricia Yore to Place Three on the Tourism Advisory Board.

Movant: Councilmember Mitchell

Second: Councilmember Dale

Vote: 7:0

- F.7 Consideration Of Appointment To Place Three On The Planning And Zoning Commission. (Mitchell)

Motion to appoint Alain O'Tool to Pace Three on the Planning and Zoning Commission.

Movant: Councilmember Mitchell

Second: Councilmember Tracy
Vote: 7:0

Motion to reconsider appointment of Alain O'Tool to Pace Three on the Planning and Zoning Commission.

Movant: Councilmember Dale
Second: Councilmember Tracy
Vote: 7:0

Councilmember Dale Tony questioned if Alain O'Tool was currently serving on a board.

Councilmember Mitchell clarified his appointments. Alan Yore, who occupied Place Three on the P&Z stated he is unable to commit the time needed for the Commission. Ms. O'Tool had expressed an interest with something more challenging. Ms. Patricia Yore replaced Alain O'Tool on the Tourism Board.

Motion to appoint Alain O'Tool to Pace Three on the Planning and Zoning Commission.

Movant: Councilmember Mitchell
Second: Councilmember Tracy
Vote: 7:0

F.8 Consideration Of Appointments To A Charter Review Committee.

Motion to appoint Dale Vannoy to the Charter Review Committee.

Movant: Mayor Lemon
Second: Mayor Pro Tem Moore
Vote: 7:0

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 10:16 p.m.

G.0 Executive Session

G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
A. Legal Issues Concerning The 4B Project Agreement with Pecan Grove-SPVEF, L.P.
B. Legal Issus Concerning A Procurement Agreement With Excel Construction Pertaining To The Floating Intake Drought Contingency Project.

- G.2 Section 551.087 Deliberation Regarding Economic Development Negotiations
A. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

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 10:50 p.m.

No action taken on any items discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.

Councilmember Powell requested a future agenda item for the second meeting in October for appointment to Place One on the P&Z.

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:52 p.m.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, OCTOBER 6, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
All Council present.
- A.2 Invocation.
Mayor Lemon gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Adam Story, Cedar Park Fire Fighters Local 4233, addressed Council regarding raising awareness for Breast Cancer Awareness Month. The entire Cedar Park Fire Department will be wearing pink shirts the entire month of October and will also be selling pink shirts to raise money for local cancer charities.
- A.5 Mayor and Council Opening Comments.
Mayor Lemon commented on the recent Inter-city visit to North Carolina with the Austin Chamber of Commerce.

Councilmember Tracy also commented on the Inter-city trip.

Councilmember Dale commented on the Fable Fest Event being well attended, and congratulated the three new officers recently sworn in at the Police Department.

Mayor Pro Tem Moore commented on the Inter-city visit last year and stated it is a very beneficial trip.

Councilmember Mitchell commented on the Inter-city visit he attended to Mississippi, and a CAPCOG pamphlet available on environmental law enforcement.

Councilmember Fuller commented on the Fable Fest, the Cedar Park Chamber of Commerce Leadership Cedar Park program, and the Heroes Night Out grand opening event in their new facility. He also requested two future agenda items for updates on the science/education center, and the Williamson County Transportation Conference.

Councilmember Powell commented on the start of the season for professional sports with the Texas Stars, growth of his daughter being 18 months old today, and the Inter-city visit. He also inquired about the striping on Parmer Lane and the inability to see the lines.

A.6 City Manager Report: Update On The Parks And Recreation Department Fall Special Events - Curt Randa, Parks And Recreation Director.

Curt Randa, Parks and Recreation Director updated Council on the upcoming events: Movies in the Park, Concerts in the Park, Veterans Day Ceremony and dedication of the Memorial, Golf Tournament, and Tree Lighting and Santa's Workshop.

A.7 City Manager Report: Update On Stage 2 Water Restrictions - Katherine Woerner, Utility Program Manager. (Dale)

Katherine Woerner, Utility Program Manager, updated Council on the Stage 2 Water Restrictions and efforts for water conservation. There has been 13% decline in water usage since the implementation of Stage 2 restrictions.

Councilmember Fuller inquired about the future decrease of utility revenues and the impact with funding for the City Hall finish out.

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.

Agenda Items C.2, C.4 and D.4 removed from the Consent Agenda by Staff.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D, excluding C.2, C.4 and D.4.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 7:0

- B.1 Approval Of The City Council Minutes From The Special Called Joint Meeting With Leander Independent School District Of August 30, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of The City Council Minutes From The Regular Scheduled Meeting Of September 8, 2011.
Approved under the Consent Agenda.
- B.3 Receipt Of Minutes From The Economic Development Corporation ("4A") Meeting Of June 20, 2011.
Received under the Consent Agenda.
- B.4 Receipt Of Minutes From The Cedar Park Community Development Corporation ("4B") Meeting Of July 12, 2011.
Received under the Consent Agenda.
- B.5 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of August 16, 2011.
Received under the Consent Agenda.
- B.6 Receipt Of Minutes From The Tourism Advisory Board Meeting Of July 18, 2011.
Received under the Consent Agenda.
- B.7 Receipt Of Minutes From The Tourism Advisory Board Meeting Of August 1, 2011.
Received under the Consent Agenda.
- B.8 Receipt Of Minutes From The Board Of Adjustments Meeting Of May 17, 2011.
Received under the Consent Agenda.
- C.1 (Z-11-006) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) On Approximately 92.436 Acres Of Land And To Rezone Approximately 1.20 Acres From Single Family (SF) To Open Space Recreation (OSR) For Property Located Within Brushy Creek Lake Park On Brushy Creek Road (Z-11-006) **The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of The Assignment Of Open Space Recreation (OSR) On The Subject Tract.**

Approved under the Consent Agenda.
- Ordinance Number Z01.11.10.06.C1**
- C.2 (Z-11-014) Second Reading And Approval Of An Ordinance To Rezone Approximately 1.57 Acres From Transitional Office (TO) To Local Retail-Conditional Overlay (LR-CO) For Property Located At 210 North Lakeline Boulevard. **The Planning And Zoning Commission Voted 4-0 To Recommend Approval Of Local Retail-Conditional Overlay (LR-CO) For This Tract.**

Rawls Howard, Planning & Development Services Director, stated the Applicant has requested postponement until the meeting of December 8th.

Mayor Lemon inquired why the postponement. The Applicant stated there are still concerns and he is trying to work thru the issues and is requesting the two month postponement.

General discussion followed regarding the postponement request.

Motion to table Agenda Item C.2 until December 8th.

Movant: Councilmember Mitchell

Second: Councilmember Dale

Vote: 5:2 with Mayor Lemon and Councilmember Powell voting against the postponement.

- C.3 (Z-11-017) Second Reading And Approval Of An Ordinance To Rezone Approximately 5.25 Acres From Single Family Large Urban Lot (SF-2) To Transitional Commercial-Conditional Overlay (TC-CO) For Property Located At 13406 Anderson Mill Road (City Initiated). **The Planning And Zoning Commission Voted 4-0 To Recommend Transitional Commercial-Conditional Overlay (TC-CO) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z02.11.10.06.C3

- C.4 (Z-11-015) Second Reading And Approval Of An Ordinance To Rezone Approximately 79.06 Acres From General Retail (GR) To 22.02 Acres From General Retail (GR) To General Retail With A Conditional Overlay (GR-CO); 20.52 Acres From General Retail (GR) To Single Family Residential, Urban Lot (SF-3); 22.51 Acres From General Retail (GR) To General Office (GO); And 14.01 Acres From General Retail (GR) To Light Industrial (LI) Located On 183A Northeast Of The Intersection Of 183A And Scottsdale, In Williamson County, Texas. **The Planning And Zoning Commission Voted 4-1 To Recommend Approval Of The Applicant's Request.**

**Removed from the Consent Agenda by Staff.
Agenda Items C.4 and D.4 called together.**

Rawls Howard, Planning and Development Services Director, addressed Council regarding Staff's original recommendation to the Planning and Zoning Commission in support of approval being based heavily on the ability of the applicant to phase in non-residential portions of the development ahead of residential. In light of the economic development agreement and questions raised there are currently three options for Council to consider: (1) approve as submitted; (2) deny entire zoning; or (3) approve variation of request – to include possible denial of residential aspect.

Paul Linehan, Applicant, addressed the Council regarding approval of his application. He encouraged Council to approve his request and is ready to begin the development of this project.

General discussion followed regarding staff's redirection to deny the request, specific changes to the area, and the economic development aspect of the area as opposed to only development of residential.

Phil Brewer, Economic Development Director, addressed the Council regarding the agreement and stated there are concerns regarding the agreement and development of the area in accordance with the agreement.

Motion to approve Agenda Items C.4 and D.4.

**Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0**

Ordinance Number Z03.11.10.06.C4

- D.1 A Resolution Authorizing And Directing The City Manager To Execute An Easement Document Granting Southwestern Bell Telephone Company Right-Of-Way To Construct Communication Infrastructure Across Lot 21, Block I, Ranch At Brushy Creek Section 7D, A Lot Owned By The City Of Cedar Park.
Approved under the Consent Agenda.

Resolution Number R01.11.10.06.D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Canine Halloween Event At Veterans Memorial Park.
Approved under the Consent Agenda.

Resolution Number R02.11.10.06.D2

- D.3 A Resolution Authorizing A Special Permit To Hold A Holiday Festival At Elizabeth Milburn Park.
Approved under the Consent Agenda.

Resolution Number R03.11.10.06.D3

- D.4 A Resolution Amending The Future Land Use Plan For Property Located On 183A Known As Tracts Two And Four Of Pecan Grove From Neighborhood Office/Retail/Commercial To Low Density Residential For Tract Two And Industrial For Tract Four. **The Planning And Zoning Commission Voted 5-0 To Approve This Amendment.**

Removed from the Consent Agenda by Staff.

**Agenda Items C.4 and D.4 called together.
Refer to Agenda Item C.4 for discussion and action taken.**

Resolution Number R04.11.10.06.D4

- D.5 A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Emergency Service Organizations Agreement For Providing Emergency Medical Services ("EMS") First Responder Services Within The City Limits Of Cedar Park.
Approved under the Consent Agenda.

Resolution Number R05.11.10.06.D5

PUBLIC HEARINGS

- E.1 First Public Hearing And Commentary On The Petition By Property Owners Within Williamson-Travis Counties Water Control Improvement District 1-D For Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D.
Rawls Howard, Planning and Development Services Director, stated this is the first of two required statutory public hearings on the proposed voluntary annexation of approximately 415 acres of land located along Anderson Mill Road, north of Cypress Creek Road, known as Williamson-Travis Counties Water Control Improvement District (WCID) 1-D.

Mayor Lemon opened the Public Hearing

Public Comment:

Scott Foster, spoke in favor of the annexation.

John Jantzen, spoke about the Ranch at Cypress Creek MUD and would like this area to be annexed at the same.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Consideration Of Nomination For The Board Of Directors For Williamson Central Appraisal District.
Josh Selleck, Finance Director, addressed the Council regarding the City's nomination for Board Directors.

Motion to nominate Deborah Hunt.

Movant: Councilmember Powell

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R06.11.10.06.F1

- F.2 Consideration Of A Resolution Approving A Financial Management Policy For The City Of Cedar Park, Texas.

Josh Selleck, Finance Director, addressed the Council regarding the updated Financial Management Policy.

Motion to approve the Resolution approving a Financial Management Policy for the City of Cedar Park.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 7:0

Resolution Number R07.11.10.06.F2

- F.3 Consideration Of Appointment To Place Two On The Cedar Park Community Development Board ("4B"). (Fuller)

Motion to appoint David Scott Berger to Place Two on the 4B Board.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 7:0

Councilmember Fuller thanked Maria Talamo for her many years of service on the Board.

- F.4 Consideration Of Appointment To Place Five On The Planning And Zoning Commission. (Dale)

Motion to appoint Nick Kauffman to Place Five on the P&Z Commission.

Movant: Councilmember Dale

Second: Councilmember Tracy

Vote: 7:0

- F.5 Consideration To Confirm An Appointment To Place One On The Civil Service Commission With A Term To Expire January 2014.

Withdrawn from the Agenda by Staff.

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 8:07 p.m.

G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- A. Legal Issue Concerning A Procurement Agreement With Excel Construction Pertaining To The Floating Intake Drought Contingency Project.
 - B. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

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 8:31 p.m.

Agenda Item G.1a

Motion to approve a Resolution authorizing and directing the City Manager with the approval of the City Attorney to negotiate and execute all agreements and other procurement actions as necessary for the design and construction of a temporary floating raw water intake system in an amount not to exceed \$3M.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Moore

Vote: 7:0

Resolution Number R08.11.10.06.G1a

- H.1 Mayor And Council Closing Comments.

Mayor Lemon requested a future agenda item for the appointment of Place Seven on the Planning and Zoning Commission.

Councilmember Dale commented he would not be able to attend the TML conference due to business.

Councilmember Tracy requested a future Executive Session item for a update on the water park.

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 8:35 p.m.

PASSED AND APPROVED THIS 3RD OF NOVEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, OCTOBER 20, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:30 p.m.
All present.
- A.2 Invocation.
Mayor Lemon 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 Honoring Janet Bartles For Her Community Service To Cedar Park.
Mayor Lemon read and presented a Proclamation honoring Janet Bartles for her many years of service to the City of Cedar Park. Former Mayor George Denny read a letter from Senator Kirk Watson.
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
None.
- A.6 Mayor and Council Opening Comments.

Councilmember Tracy commented on recent events he attended for Texas Alliance for Life and the Texas Association of Businesses. He also requested a future agenda item related to partnering with Hope Alliance, and requested for Agenda Items F.2, F.3 F.4 and F.6 to be pulled forward in the meeting in order to accommodate guests in attendance.

Councilmember Dale commented on the Heroes Night Out Grand Opening Event, and Williamson County's report pertaining to endangered species located in Williamson County. He requested a future agenda item for the County to give an overview on this issue.

Mayor Pro Tem Moore commented on attending the TML Conference in Houston.

Councilmember Fuller thanked Councilmember Dale for his work on the endangered species concerns, and thanked staff for the quick turnaround on the strategic plan update and the document being placed online. He requested future agenda items for a presentation on the Veteran Day Program and Memorial Dedication, and a presentation for the Deep Water Intake Due Diligence report given to the BCRUA Board.

Councilmember Mitchell commented on the Stage 3 rationing for Georgetown and Round Rock being due to pumps going out at the same time.

Councilmember Powell commented on attending the TML conference and stated he would be bringing back ideas to improve the quality of life for Cedar Park citizens.

- A.7 **City Manager Report: Update On Single Stream Recycling Program And Presentation Of Newly Opened Materials Recovery Facility Owned And Operated By Central Texas Refuse. Nanette McCarten presented Council with a brief overview of the current recycling program offered with the City and Central Texas Refuse.**

Ralph Rocco, Central Texas, General Manager, stated Cedar Park is above average in every category in participation and the amount recycled. He presented a check to Council in the amount of \$7879 for revenue shares.

- A.8 **City Manager Report: Review of Quarterly Capital Improvement Program Progress Report - Katherine Woerner, Utility Program Manager. Katherine Woerner, Utility Program Manager, updated Council on the four categories of projects which include Facilities, Parks & Recreation, Streets, and Utilities. There are currently 39 projects under construction, ongoing, or in design. Ms. Woerner provided updates on the major projects.**

- A.9 **City Manager Report: Update On Development Of Policy For Enforcement Of Uninsured Motorist Violations. (Dale) J.P. LeCompte, Assistant City Attorney, addressed Council regarding the enforcement of uninsured motorist violations. The proposed policy will include verification of insurance coverage at every traffic stop and accident investigation, eliminating warnings for alleged FDPFR/FMFR violations, cite for enhanced subsequent insurance violations, report**

convictions to the Texas Driver Responsibility Program, limiting dismissals and eliminating Prosecutor requests for deferred disposition, and develop a Public Information Campaign.

Councilmember Dale stated he would like additional statistical information on the ranking of uninsured motorist citations in relations to other citations.

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 Tracy

Second: Mayor Pro Tem Moore

Vote: 7:0

B.1 Approval Of The City Council Minutes From The Meeting Of September 22, 2011.
Approved under the Consent Agenda.

C.0 Second Reading Of An Ordinance: No Items For Consideration.

D.1 A Resolution Authorizing The Purchase Of Technology Infrastructure Items In Relation To The City Hall Data Center From CDW In The Amount Of \$152,342.10.
Approved under the Consent Agenda.

Resolution Number R09.11.10.20.D1

D.2 A Resolution Authorizing The Purchase Of An Articulated Loader And Asphalt Crack Seal Machine And Authorizing The Sale The City's Retired Civilian Vehicles And Equipment.
Approved under the Consent Agenda.

Resolution Number R10.11.10.20.D2

D.3 A Resolution Authorizing And Directing The City Manager To Execute A Fiber Lease Agreement Between Time Warner Cable Inc. And The City Of Cedar Park.
Approved under the Consent Agenda.

Resolution Number R11.11.10.20.D3

PUBLIC HEARINGS

E.1 Second Public Hearing And Commentary On The Petition By Property Owners Within Williamson-Travis Counties Water Control Improvement District 1-D For Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D.

Rawls Howard, Planning and Development Services Director, stated this is the second of two required statutory public hearings on the proposed voluntary annexation of

approximately 415 acres of land located along Anderson Mill Road, north of Cypress Creek Road, known as Williamson-Travis Counties Water Control Improvement District (WCID) 1-D. Council approved the resolution accepting the petition in full support of the annexation at the September 8, 2011 Council Meeting.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.2 (Z-11-010) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 24.308 Acres And Light Industrial (LI) To Approximately 95.53 Acres For Property Located On Brushy Creek Road Just West Of The Brushy Creek Sports Park. **Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Assignment Of Local Retail (LR) And Light Industrial (LI) On The Subject Tracts.**

Rawls Howard, Planning and Development Services Director, stated this is a City initiated request for the purpose to assign original zoning of Local Retail (LR) to approximately 24.308 acres and Light Industrial (LI) to approximately 95.53 acres for property located on Brushy Creek Road just west of Brushy Creek Sports Park.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.3 (Z-11-019) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 6.92 Acres Located At 203 And 221 E. New Hope Drive. **Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tracts.**

Rawls Howard, Planning and Development Services Director, stated this is a City initiated request to assign original zoning of General Retail (GR) to approximately 6.92 acres for property located at 203 and 221 E. New Hope Drive.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.4 (Z-11-020) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 24.08 Acres From Planned Development (PD) To Multi Family-Conditional Overlay (MF-CO) For Property Located At 335 Cypress Creek Road (City-Initiated). **Planning And Zoning Commission Voted 7-0 To Approve Multi Family-Conditional Overlay (MF-CO) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City-initiated request to rezone approximately 24.08 acres from Planned Development

(PD) to Multi Family-Conditional Overlay (MF-CO) for property located at 335 Cypress Creek Road. Mr. Howard reviewed the specifics of the Conditional Overlay.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.5 (Z-11-024) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 2.83 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northwest Corner Of 183A Toll Road And East New Hope Drive. **Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Rawls Howard, Planning and Development Services Director, stated Staff is recommending postponement of this item to the November 17, 2011 City Council Meeting.

Motion to postpone item until the November 17th Council Meeting.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 7:0

- E.6 (Z-11-023) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 5.484 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Southwest Corner Of 183A Toll Road And East New Hope Drive. **Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Agenda Items E. 6, 7 and 8 called together

Rawls Howard, Planning and Development Services Director, stated this item is to consider a request by Cedar Park Town Center LP to rezone approximately 5.484 acres from Downtown District (DD) to General Retail (GR) for property located at the southwest corner of East New Hope Drive and 183A Toll Road.

Mayor Lemon opened the Public Hearings.

No Public Comment.

Mayor Lemon closed the Public Hearings.

- E.7 (Z-11-025) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 8.978 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northeast Corner Of 183A Toll Road And East New Hope Drive. **Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Agenda Items E. 6, 7 and 8 called together

The purpose of this agenda item is to consider a request by Cedar Park Town Center LP to rezone approximately 8.978 acres from Downtown District (DD) to General Retail (GR) for property located at the northeast corner of East New Hope Drive and 183A Toll Road.

Public Hearing held under Agenda Item E.6

- E.8 (Z-11-026) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 8.24 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Southeast Corner Of 183A Toll Road And East New Hope Drive. **Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Agenda Items E. 6, 7 and 8 called together

This item is to consider a request by Cedar Park Town Center LP to rezone approximately 8.24 acres from Downtown District (DD) to General Retail (GR) for property located at the southeast corner of East New Hope Drive and 183A Toll Road.

Public Hearing held under Agenda Item E.6

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Update And Presentation From The ICMA Center Of Public Safety Report On Police Operations And Workload And Deployment Analysis On The Cedar Park Police Department: Dr. Jim McCabe.

Brenda Eivens, City Manager, addressed Council regarding the history of the Police Department operational analysis and the reasons for the study. The Police Department is the largest department and the most visible department in the City.

Dr. McCabe addressed Council regarding the study. Dr. McCabe reviewed the methodology: data analysis, interviews, focus groups, document review and operational and administrative observations. The current crime rate data was also reviewed.

Dr. McCabe continued his review for the philosophy regarding calls for service, deployment of patrol staffing, adequate patrol staffing levels and saturation basis in relation to calls for service and the times. A 60% saturation is used in the industry and is considered to be the standard. The review also included patrol response times, creation of a fifth platoon to work 2am to 2pm, and redeployment of staff from within the departments of Special Events, Traffic, Investigations, Warrants and K-9.

Dr. McCabe addressed Demand Management and reviewed the types of calls for service. In order to improve response times and efficiency of patrol, the Department needs to consider call screening and development of policies.

Dr. McCabe addressed Crime Prevention and Community Service and cooperation with LISD, civilization of the Special Events Sergeant and Forensics Technician, and the modification of hours and coverage for the Animal Control Officers to include seven day coverage for nights and weekend coverage.

The review ended with Organizational Communications, visibility of the command staff, two way communication, shared goals, leverage of the employee association, and a fitness committee

Brenda Eivens stated Captain Hayes will working as the Implementation Coordinator.

General discussion followed regarding the two-way communications and possible recommendations, Command Staff presence during the second shift and the adequate staffing of the Police Department.

- F.2 Consideration For Appointment To Place Six On The Arts Advisory Board With A Term To Expire July 31, 2013. (Tracy)

Agenda Item F. 2 called after the Consent Agenda.

Motion to appoint Maria Talamo to Place Six on the Arts Advisory Board.

Movant: Councilmember Tracy

Second: Councilmember Fuller

Vote: 7:0

- F.3 Consideration For Appointment To Place One On The Planning And Zoning Commission With A Term To Expire July 31, 2013. (Powell)

Motion to appoint Lorena Echeverria to Place One on the Planning and Zoning Commission.

Movant: Councilmember Powell

Second: Councilmember Tracy 7:0

Vote:

- F.4 Consideration To Confirm An Appointment To Place One On The Civil Service Commission With A Term To Expire January 2014.

Motion to confirm the appointment of Barbara Boulware Wells to Place One on the Civil Service Commission.

Movant: Councilmember Powell

Second: Mayor Pro Tem Moore

Vote: 7:0

- F.5 Update On The Council Strategic Goal For A Science Center. (Fuller)

Councilmember Fuller requested this item in order to receive an update on the progress of the Committee.

Mayor Lemon addressed the last Committee meeting. The direction the Committee started out with a destination for a planetarium has changed and there appears to no longer be a consensus but rather a different vision by others.

Councilmember Powell Matt commented on the inability to move forward with disagreement and large projects needing a unified vision.

General discussion followed regarding the Committee and interest of members wanting to continue to service, moving forward, Council's strategic goal for a science based destination, the need of anchors for the project, glossary of definitions, and the main focus of what the Committee should be working towards.

The Mayor stated he would remove himself from the Committee and have another Council representative take over project.

Councilmember Dale stated the Committee should getting together and talk about ideas pertaining to a science based destination, however he would like additional information related to how the project will be funded.

F.6 Consideration Of An Education And Entrepreneurship Conference At The Cedar Park Center. (Tracy)

James Weddle, Alumni Charger, addressed Council regarding a proposed conference. Alumni Charge is a software company but wants to use the conference as a venue to assist with college recruitment. Mr. Weddle briefly reviewed a tentative agenda for the two day event. They are seeking the City's assistance with two days of the Cedar Park Center for no charge, promotion of event, and coordination with the Cedar Park business community.

General discussion: followed regarding the legal aspect with the City's current agreement with Hicks Sports Group, if it is type of event is permissible for the City to use for this type of use, and more specific information in relation to the actual event and partnerships with Colleges, Austin Toros and other related businesses, and an actual contract between the necessary parties.

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 9:27 p.m.

G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
 - A. Legal Issues Concerning Agreements For The Water Park Project. (Tracy)
 - B. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - C. Legal Issues Regarding Sale Of The Current City Hall.
 - D. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
 - E. Legal Issues Concerning The Lakeline Village Roadway Phasing Agreement.
 - F. Legal Issues Concerning The Option Agreement For Purchase Of Parkland For The Lakeline Village PUD Park.

- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
 - A. Easement Acquisition From Sandy Creek Marina.

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 10:20 p.m.

Agenda Item G.1C: Legal Issues Regarding Sale Of The Current City Hall.

Motion to authorize the initiation of a competitive bidding process to affect the sale of the current City Hall facility.

Movant: Councilmember Tracy
Second: Councilmember Dale
Vote: 7:0

- H.1 Mayor And Council Closing Comments.
Mayor Lemon requested two future agenda items for the appointment of Place 7 on the 4B Board and Planning and Zoning Commission.

Councilmember Powell commended Brenda Eivens, City Manager and Chief Connealy, Fire Department for their presentation at the TML Conference.

Councilmember Dale reminded everyone of the Cedar Fest Event at the YMCA>.

Councilmember Tracy commended Officer Miller, Police Department for his heroic actions in saving a life.

H.2 Adjournment.
Mayor Lemon adjourned the meeting at 10:25 p.m

PASSED AND APPROVED THIS 17th DAY OF NOVEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



MINUTES

**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE PARKS AND RECREATION ADVISORY BOARD
SPECIAL CALLED JOINT MEETING
THURSDAY, OCTOBER 27, 2011 AT 6:30 P.M.
Cedar Park Public Library - 550 Discovery Boulevard**

CITY COUNCIL

Mayor Bob Lemon	Scott Mitchell, Place 3
Mayor Pro Tem Lowell Moore	Tony Dale, Place 5
Matt Powell, Place 1	Don Tracy, Place 6
Mitch Fuller, Place 2	Brenda Eivens, City Manager

PARKS & RECREATION ADVISORY BOARD

Jesse Holguin, Chair	David Powers, Place 4
Gail Lindholm, Place 1	John Greeley, Place 5
Scott Rogers, Place 2	Janet Bartles, Place 7
Mary Caputo, Place 3	

1. **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
Mayor Lemon called the meeting to order at 6:37 p.m.

Council present: Mayor, Councilmember Mitchell, Fuller, Dale and Powell
Absent: Mayor Pro Tem Moore and Councilmember Tracy.

Chair Jesse Holguin called the Parks Board to order at 6:37 p.m.

Parks Board present: Jesse Holguin, Janet Bartles, Scott Rogers, Gail Lindholm, Mary Caputo, David Powers.
Absent: John Greeley

2. Welcome/Introductions
Roundtable introductions were conducted.
3. Discussion Only:
Agenda Items 3A, B, and C called together.
 - a. Update On Parks Facilities And Programs
 - i. Veterans Memorial Park
 - ii. Neighborhood Park Improvements
 - iii. Trail Projects
 - iv. Open Space Master Plan

James Hemenes, Assistant Parks Director, provided an update on the parks facilities.

Brenda Eivens, City Manager, briefly discussed updating the Open Space Master Plan. Staff is recommending this item to be updated by an outside consultant. This will be discussed more in depth at future meetings.

General discussion followed regarding aspects of the Open Space Master Plan, possible directions to include more program aspects as opposed to development of new parks. Discussion included the Williamson County Regional Park and possibility of cooperative efforts with Williamson County for programming. Council commented large park development is not the direction of the City.

- b. 2007 General Bond Proposed Projects:
 - i. Twin Creeks Historic Park/Log Cabin
 - ii. Trail Projects
 - iii. Parks Maintenance Facility
 - iv. Parkland Purchase

Brenda Eivens, City Manager, briefly addressed the funding available and the outstanding projects.

Councilmember Dale would like further analysis completed on the possibility of trail development and connecting trails to the future Schlitterbahn location.

Councilmember Powell commented on the use of open spaces being used innovatively in the drainage areas, similar to Brushy Creek Sports Park. He commented on future shade structures over existing playground facilities and possibility of basketball courts.

General discussion followed regarding future programming, changes in demographics, maximizing areas available for parks and facilities, senior citizens as opposed to young children programming, facilities for disabled citizens, and citizen input in relation to future programming and facilities.

The Parks Department and Board were tasked with tracking usage of facilities and programming needed to assist with volumes and numbers of participants, future partnerships with local businesses.

- c. Parks Advisory Board Participation With Future City Projects And/Or Initiatives

4. Closing Comments

Round table closing comments were conducted.

Councilmember Fuller requested a future agenda item for the renaming of Bagdad Road.

Councilmember Powell requested a future agenda regarding the directional kiosk signs.

5. Adjournment

Mayor Lemon adjourned the meeting at 8:25 p.m.

PASSED AND APPROVED THIS 17TH DAY OF NOVEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, NOVEMBER 3, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:35 p.m.
All Council present.
- A.2 Invocation.
Invocation given by Larry Sullivan with Shenandoah Baptist Church.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition Of Officer Rodney Wilk, Cedar Park Police Department. (Fuller)
Councilmember Fuller read and presented a Proclamation to Ofc. Rodney Wilk honoring his service to the military and his deployment overseas.
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Doris McDonald addressed the Council regarding a new business opening.
Mark Limmick, Hope Alliance, presented Council with a Certificate of Appreciation.

A.6 Mayor and Council Opening Comments.
Councilmember Powell commented on a Concordia University speaker series event on how to build a community based pro sports team.

Councilmember Fuller commented on the Cypress Creek Medical Plaza grand opening event, and the joint meeting with the Parks Board.

Councilmember Dale commented on meeting with Ed Trevis, CEO of Corvalent, who was featured in the Wall Street Journal.

Councilmember Tracy commented on a recent conference he attended last week and a program that recycles methane gas into energy, and also a program the Boston Museum of Science has for elementary school children.

A.7 City Manager Report: Update And Review Of The Veteran Day Program And Memorial Dedication Event. (Fuller)

Curt Randa, Parks Director, and Lisa Morris, Veteran Advisory Group, updated Council on the activities planned for the Veteran Day Program and Memorial Dedication.

A.8 City Manager Report: Monthly Financial Update For The Period Ending August 31, 2011.

Josh Selleck, Finance Director, provided Council with the monthly Financial Report thru August 2011.

A.9 City Manager Report: Update On Strategic Map Goal 7 Pertaining To Convening of Williamson County Transportation Forum. (Dale)

Brenda Eivens, City Manager, stated this had been discussed at the regional City Manager meeting and there is an interest with all local entities. Council will be updated in the future regarding developments with this.

Councilmember Dale volunteered to participate with any pre-meetings.

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 Tracy

Second: Mayor Pro Tem Moore

Vote: 7:0

B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of October 6, 2011.

Approved under the Consent Agenda.

B.2 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of September 19, 2011.
Received under the Consent Agenda.

B.3 Receipt Of Minutes From The Arts Advisory Board Meeting Of July 6, 2011.
Received under the Consent Agenda.

B.4 Receipt Of Minutes From The Arts Advisory Board Meeting Of August 3, 2011.
Received under the Consent Agenda.

B.5 Receipt Of Minutes From The Arts Advisory Board Meeting Of September 7, 2011.
Received under the Consent Agenda.

C.1 (Z-11-010) Second Reading Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 24.308 Acres And Light Industrial (LI) To Approximately 95.53 Acres For Property Located On Brushy Creek Road Just West Of The Brushy Creek Sports Park. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Assignment Of Local Retail (LR) And Light Industrial (LI) On The Subject Tracts.**

Approved under the Consent Agenda.

Ordinance Number Z04.11.11.03.C1

C.2 (Z-11-019) Second Reading Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 6.92 Acres Located At 203 And 221 E. New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tracts.**

Approved under the Consent Agenda.

Ordinance Number Z05.1111.03.C2

C.3 (Z-11-020) Second Reading Of An Ordinance To Rezone Approximately 24.08 Acres From Planned Development (PD) To Multi Family-Conditional Overlay (MF-CO) For Property Located At 335 Cypress Creek Road (City-Initiated). **The Planning And Zoning Commission Voted 7-0 To Approve Multi Family-Conditional Overlay (MF-CO) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z06.11.11.03.C3

C.4 (Z-11-023) Second Reading Of An Ordinance To Rezone Approximately 5.484 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Southwest Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z07.11.11.03.C4

- C.5 (Z-11-025) Second Reading Of An Ordinance To Rezone Approximately 8.978 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northeast Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z08.11.11.03.C5

- C.6 (Z-11-026) Second Reading Of An Ordinance To Rezone Approximately 8.24 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Southeast Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z09.11.11.03.C6

- D.1 A Resolution Authorizing A Special Permit To Hold A Charity Race At Brushy Creek Lake Park.

Approved under the Consent Agenda.

Resolution Number R12.11.11.03.D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Movie Night At Milburn Park.

Approved under the Consent Agenda.

Resolution Number R13.11.11.03.D2

- D.3 A Resolution Authorizing The Cedar Park Police Department To Purchase One Replacement Special Response Team Vehicle From Chastang Ford.

Approved under the Consent Agenda.

Resolution Number R14.11.11.03.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute The Emergency Notification System ("ENS") Agreement With The Capital Area Council Of Governments ("CAPCOG").

Approved under the Consent Agenda.

Resolution Number R15.11.11.03.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Purchasing Agreement Between The City Of Cedar Park And Capital Metropolitan Transit Authority.

Approved under the Consent Agenda.

Resolution Number R16.11.11.03.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Purchasing Agreement Between The City Of Cedar Park, The City Of Austin, And Travis County.

Approved under the Consent Agenda.

Resolution Number R17.11.11.03.D6

- D.7 A Resolution Adopting Ethical And Training Standards For Juvenile Case Managers Employed By The City Of Cedar Park, Providing For Implementation Of Said Standards, And Providing For Periodic Review To Ensure Implementation Of The Requisite Standards.

Approved under the Consent Agenda.

Resolution Number R18.11.1.03.D7

- D.8 A Resolution To Authorize And Direct The City Manager To Execute A Professional Services Agreement With Freese and Nichols, Inc.

Approved under the Consent Agenda.

Resolution Number R19.11.11.03.D8

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing: *No Items For Consideration.*

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration Of Appointment To Place Seven On The Cedar Park Community Development Corporation ("4B") With A Term To Expire October 31, 2012. (Mayor)
Motion to reappoint Mo Johadi to Place Seven on the 4B Board.

Movant: Mayor Lemon
Second: Councilmember Fuller
Vote: 7:0

- F.2 Consideration Of Appointment To Place Seven On The Planning And Zoning Commission With A Term To Expire July 31, 2013. (Mayor)
Motion to reappoint Stephen Thomas to Place Seven on the Planning and Zoning Commission.

Movant: Mayor Lemon
Second: Councilmember Powell
Vote: 7:0

- F.3 Update On The Deep Water Intake Due Diligence Study For The Brushy Creek Regional Utility Authority - Drew Hardin. (Fuller)
Drew Hardin addressed the Council regarding the findings and conclusion for the Deep Water Intake Due Diligence Study. Mr. Hardin provided a brief review of the history of the project. The site selection for the project has been deemed Site 4. The next step is acquisition of the property. The constraints for the alternatives were discussed.

Sam Roberts, Assistant City Manager, stated with the current drought status the project has been pushed up and needs to go forward.

General discussion followed regarding the depth of the project, estimated construction timeline, and costs associated with the project.

No action taken.

- F.4 Presentation And Consideration Of Hope Alliance's Request For Partnership With The City Of Cedar Park. (Tracy)

Mark Lehnick, addressed the Council regarding the services offered by Hope Alliance. Mr. Lehnick reviewed the mission, goals and history for Hope Alliance. The programs offered are seeing an increase in usage and additional funding is needed to continue services.

General discussion followed regarding the emergency shelter, need for additional space, funding resources, grant opportunities, and possibility of local churches assisting with the program.

No action taken.

- F.5 Consideration Of An Appeal Of The Planning And Zoning Commission's Denial Of A Variance Request By Robert Tesch Of Strategic Texas Investments, LP To City Code Of Ordinances Chapter 12, Subdivision Ordinance, Section 12.12.010(A)(7) Lot Arrangements Regarding Flag Lots For Property Located On East Whitestone Boulevard, Otherwise Described As Lot 1 Block

A, Tower Centre Section 1 in Williamson County, Texas. The Planning Commission Voted 7-0 To Deny The Variance Request.

Rawls Howard, Planning and Development Services Director, addressed Council regarding the appeal submitted by Bob Tesch for a variance request denied by the P&Z. The applicant wishes to subdivide an existing lot that would create a lot not in conformance with the City's development code. Mr. Howard reviewed the flag lot definition and parameters, in addition to private versus public access easements, and the ordinance which requires 50' for the minimal allowable width at the street. The lot under question only offers 30' of frontage.

Mr. Howard summarized the criteria needing to be met in order to receive a variance to allow for a flag lot. Staff and P&Z (7-0) does not recommend the variance due to the following reasons: it does not meet the findings to grant the variance, the Applicant was informed of ramifications at time of initial subdivision, the Applicant created own constraint, makes access for surrounding sites dependent on neighbors, and the existing site is developable and other options exist.

Mr. Tesch, Applicant, addressed the Council regarding his variance request. Mr. Tesch stated the easements have been conveyed by deed and presented Council with the proposed configuration for the area. This area will be developed by Chris Whitworth who is a retail developer. The site development permit for this area has been submitted and loan commitments have been made. Construction for the development has been bid out and awarded. Mr. Tesch also addressed the building setback issues, public drainage, and driveway entrance and stated the development will meet the intent of the ordinance.

Mr. Whitworth, Developer, addressed the Council regarding his proposed development. Mr. Whitworth addressed the site constraints, Spanish Oak Estates Drive, drainage and retention ponds, and the inability to access the property from 183A in any other area. Mr. Whitworth seeks Council's support to grant the variance in order to allow him to complete the development.

General discussion followed regarding documentation for the easements, development of a unified development access agreement, specifics of flag lots, and land attributes of the surrounding area.

Motion to approve the variance subject to the verification of the documentation related to the site plan.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Mayor Pro Tem Moore off dais during the vote

F.6 Consideration Of Amendments To Chapter 12, Subdivision Ordinance, Related To Lot Arrangements And Variances.

Rawls Howard, Planning and Development Services Director, addressed Council regarding the flag lot requirements for Cedar Park and the benchmark cities. Mr. Howard reviewed the ordinance and the requirements for appeals.

General discussion followed regarding reviewing the current ordinance, levels of discretion, Planning and Zoning variances, Council's discretion to review and approve or deny, and simplicity in the ordinance.

No action taken.

- F.7 **Consideration For Approval Of The 2012 City Of Cedar Park Meeting Calendar. Brenda Eivens, City Manager, reviewed the proposed calendar for 2012. A joint meeting with the Leander ISD School Board has been added to the calendar.**

General discussion followed regarding dates and possible conflicts with joint meetings.

Motion to approve the presented calendar with the exceptions of moving the February 9th meeting to February 2nd and moving the joint meeting with Leander ISD to another date to be determined.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore off the dais during vote.

- F.8 **Consideration Of An Education And Entrepreneurship Conference At The Cedar Park Center. (Tracy)**
Councilmember Tracy introduced James Weddle from Group Charger, Inc. Mr. Weddle addressed the Council regarding the conference concept he presented to the Council previously. The event is proposed for March 23-24, 2012 and is focused to provide high school aged students and their parents an opportunity to visit with colleges and recruiters.

Councilmember Tracy commented on the project and its attributes.

General discussion followed regarding the use of the Cedar Park Center, the contract with the Hicks Sports Group, profit versus non-profit uses, and partnerships with other entities.

No action taken.

- F.9 **Discussion And Consideration Of A Science Based Destination, Including A Task Force And Possible Appointments. (Powell)**
Mayor Lemon provided a history of the original concept for a planetarium and the task force established to work on the project. Mayor Lemon recommended having two committees that would work on the original concept and the second committee to work with Councilmember Tracy's concept for a science based destination.

General discussion followed regarding interest in current task force members continuing to serve, expansion of current committee being split into two subcommittees, validation of need and possible funding sources, and review of work already completed.

Councilmember Fuller offered to serve on the task force.

Motion to appoint Councilmember Fuller to serve on the science center task force.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore off dais during vote.

F.10 Consideration To Rename Bagdad Road In Cedar Park. (Fuller)

Councilmember Fuller requested this agenda item to consider renaming Bagdad Road in Cedar Park. He would like to follow the same process that was used with Parmer Lane and utilize a survey to those impacted by a possible name change.

General discussion followed regarding possible names that included Victory, Freedom or Veterans, additional information needed prior to sending out surveys, and the potential costs estimates.

No action taken.

F.11 Consideration On Directional Kiosk Signage. (Powell)

Councilmember Powell stated he is very proud the City did away with bandit signs and utilized a kiosk signage system. However, the signs are not out of date or even empty and in some cases sandbags are being used to keep the signs in place. He inquired if the current system was meeting the purpose it was intended for.

Mark Lewis, Building Inspections Director, stated the City is in the fourth year of a five year contract. There has been under-utilization of the signs and due to recent road construction sandbags have been used.

Councilmember Powell suggested taking pictures of the current signs and arranging a meeting with the company to remedy any existing issues or problems.

No action taken.

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 10:39 p.m.

G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- A. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - B. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
 - C. Legal Issues Concerning The Use Of City Owned Property Located At 451 Cypress Creek Road.
 - D. Legal Issues Concerning The Possible Sale Of City Owned Property Resulting From The Realignment Of New Hope Drive.
 - E. Legal Issues Concerning The Twin Creek Raw Water Supply Agreement.
 - F. Legal Issues Concerning The Deer Creek Homeowner Association License Agreement.

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 11:02 p.m.

Motion to authorize the City Manager to execute documents necessary to cause the sale of a .7 acre tract at the intersection of New Hope and the 183A Tollway upon the final approval of the City Attorney.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore off dais during vote.

Motion to authorize the City Manager to execute a License Agreement with the Deer Creek Ranch Property Owners Association upon the final approval of the City Attorney.

Movant: Councilmember Mitchell

Second: Councilmember Powell

Vote: 6:0 with Mayor Pro Tem Moore off dais during vote.

- H.1 Mayor And Council Closing Comments.

Councilmember Powell requested a future agenda item for the next meeting regarding masonry requirements in the City.

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 11: 08 p.m.

PASSED AND APPROVED THIS 8TH DAY OF DECEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, NOVEMBER 10, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Pro Tem Moore called the meeting to order at 6:30 p.m.**

Mayor Lemon absent from meeting, all others present

- B. Pledges of Allegiance.**

Council led in the Pledges of Allegiance.

- C. Mayor and Council Opening Comments.**

Councilmember Tracy provided a brief update on the Website Redesign and stated Council input is needed on the survey. He also commented on the recent Cedar Park Citizen article written by Alain O'Tool.

- D. First Reading And Public Hearing:**

- 1. On An Ordinance For Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D. (ANX-11-002)**

Rawls Howard, Planning and Development Services Director, addressed Council regarding the annexation. An effective date has been added to the proposed ordinance.

Mayor Pro Tem Moore opened the Public Hearing.

No Public Comment.

Mayor Pro Tem Moore closed the Public Hearing.

E. Discussion And Possible Action:

1. Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute Documents As Necessary To Cause The Sale Of A 0.59 Acre Tract Near The Intersection Of New Hope Road And US 183A Toll Road Upon Final Approval Of The City Attorney.

Sam Roberts, Assistant City Manager, addressed Council regarding the Resolution. This is a correction from the resolution authorized by Council at the November 3rd meeting. This Resolution correctly identifies the appropriate tract of land.

Motion to approve the Resolution as presented by staff.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 6:0 with Mayor Lemon absent from meeting.

F. Mayor And Council Closing Comments.

Councilmember Tracy reminded everyone of the Veteran Memorial dedication on Saturday.

Councilmember Fuller thanked the Texas Stars for their contributions to the Memorial and the Military Appreciation Night recognitions.

G. Adjournment.

Mayor Pro Tem Moore adjourned the meeting at 6:36 p.m.

PASSED AND APPROVED THIS 8th DAY OF DECEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, NOVEMBER 17, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
Mayor Pro Tem Moore absent from meeting. All others present.
- A.2 Invocation.
Invocation given by Councilmember Mitchell
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Report On The US Fish and Wildlife Service Endangered Species Act Report As It Impacts Williamson County - Commissioners Birkman And Covey. (Dale)
Commissioner Covey and Commissioner Birkman, Williamson County, addressed the Council regarding the US Fish and Wildlife Service Endangered Species Act report as it impacts Williamson County. There are three specimens identified in Williamson County.

Commissioner Covey stated the creation of the Williamson County Conservation Foundation (WCCF) was established as a pro-active measure to further the conservation of endangered species in Williamson County while helping to further responsible development. The study was to be conducted over a period of five years.

The area of concern is the US Fish and Wildlife Lawsuit Settlement with Wildlife Guardians and Center for Biological Diversity was recently settled and covers over 251 species, that includes 20 species in Texas, and four of which are to Williamson County/Central Texas. Many of the 251 species have been on the US Fish and Wildlife review list for several years. The FWS claimed lack of funding prevented a timely review. Under the September settlement, FWS agreed to complete the review on most of the 251 by the end of FY 2012

The impact to Williamson County could be great. Williamson County agreed to fund a five year study of the Georgetown salamander to develop a plan to help preclude listing under the Endangered Species act. The study is only in its second year. A full five year study will allow an action plan to be developed to keep the Georgetown salamander from being listed. Commissioner Covey reviewed the consequences to development if the salamander is listed.

The options for Williamson County and local entities include the following: take no action see what happens with the 2012 deadline; or work with US Fish and Wildlife and request additional time based on the current study plan; i.e. wait until the 5-year study is complete; or formulate a recovery plan based on research today and incorporate into the current Habitat Conservation Plan; and lastly try to stop or delay current process.

Williamson County is currently working on comments for US Fish and Wildlife to be submitted by December 31st. Support is sought from each entity located in Williamson County to prepare comments for submission in support of the County's efforts.

Commissioner Birkman briefly addressed Council encouraging cooperation. Local control needs to be the key.

Councilmember Dale addressed the danger of this happening. It will impacts homeowners if cities have to raise taxes or areas can't be developed.

A.5 Presentation: A Proclamation Honoring The Cedar Park High School UIL State Champions Marching Band.

Mayor Lemon stated the Cedar Park High School Band was not able to be in attendance tonight and would be receiving the Proclamation in the future.

A.6 Presentation: A Proclamation Recognizing The Efforts Of The Cedar Park Veterans Memorial Citizen Advisory Group.

Mayor Lemon read and presented a Proclamation to the participants in the Veterans Memorial Citizen Advisory Group.

Bob Carter and Lisa Morris addressed the Council regarding the Memorial Event.

A.7 Presentation: Cedar Park Fire Fighters And Local 4233 Check Presentation To The Muscular Dystrophy And The Breast Cancer Resource Center Of Austin.

Adam Story, Local 4233, addressed Council and presented a check to representatives of the Breast Cancer Resource Center of Austin. The amount raised was \$15,000.

A check in the amount of \$18,394 was also presented to representatives from the Muscular Dystrophy Association.

A.8 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Laura Baughman and Michael Larhkeni, Harmony School, addressed Council regarding their school and students presented a water color of the City logo to the Mayor.

A.9 Mayor And Council Opening Comments.
Mayor Lemon commented on Cedar Park High School Volleyball loss to Lake Travis in Regionals. He also stated at the last CAMPO meeting funding for Bagdad Road will probably be awarded and how Williamson County and local cities are working together to get transportation projects to the region.

Councilmember Fuller commented on the Veteran Memorial Event and Dedication. He also stated the Post Office in Cedar Park will be re-dedicated to honor Army Specialist Matthew Troy Morris. He also commented on the Principal For A Day Program with the Leander ISD Leadership Program.

Councilmember Powell commented on the Veteran Memorial Event and the recent article on the TCEQ report erroneously stating the City of Cedar Park will run out of water on March 2nd. He also recognized the Animal Control staff for their assistance with a skunk problem at his house. A future agenda item was requested for an update on the entrance sign program.

Councilmember Tracy commented the Veteran Memorial. He also requested an agenda from the December 8th meeting regarding a City partnership with the Boy Scouts of America.

Councilmember Dale commented on the Veteran Memorial Event and the transportation meeting held with entities in Williamson County. He also commented on the City of Austin's Proclamation presented to Cedar Park for recognition of Veterans Day.

Mayor Lemon read the Proclamation from the City of Austin.

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 Powell

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore absent from meeting

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of October 20, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Joint Meeting With The Parks Advisory Board On October 27, 2011.
Approved under the Consent Agenda.
- C.0 Second Reading Of An Ordinance: *No Items For Consideration.*
No Items For Consideration.
- D.1 A Resolution Authorizing A Special Permit To Hold A 5K Fun Run At Brushy Creek Lake Park.
Approved under the Consent Agenda.
- Resolution Number R21.11.11.17.D1**
- D.2 A Resolution Authorizing A Special Permit To Hold A Kids Triathlon At Milburn Park.
Approved under the Consent Agenda.
- Resolution Number R22.11.11.17.D2**
- D.3 A Resolution Authorizing And Directing The City Manager To Execute A Contract Between The City Of Cedar Park And McCreary, Veselka, Bragg & Allen, P.C., Attorneys at Law, For Collection Services For Delinquent Court Fines, Fees And Court Costs.
Approved under the Consent Agenda.
- Resolution Number R23.11.11.17.D3**
- D.4 A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Emergency Medical First Responder Organization Agreement, Effective From January 31, 2012 Through January 31, 2014.
Approved under the Consent Agenda.
- Resolution Number R24.11.11.17.D4**
- D.5 A Resolution Authorizing The Purchase Of New Municipal Vehicles And Equipment Approved In The FY12 Budget, The Purchase Of Replacement Municipal Vehicles And Equipment Approved In The FY12 Vehicle And Equipment Replacement Fund ("VES") Budget, The Sale Of Existing Municipal Vehicles And Equipment, Authorize Gaston Sheehan Auctioneers To Represent The City In The Sale Of Retired Municipal Vehicles And Equipment; And Authorizing And Directing The City Manager To Appoint The Fleet Manager To Determine Type Of Registration Appropriate, Obtain Title, And Take Delivery Of Municipal Vehicles And Equipment.
Approved under the Consent Agenda.
- Resolution Number R25.11.11.17.D5**

- D.6 A Resolution Authorizing The Liability Release For Armstrong Buttercup Creek, L.P And D.T. Land Group, Inc., In Conjunction With The 2011 Blue Santa Program.
Approved under the Consent Agenda.

Resolution Number R26.11.11.7.D6

- D.7 Authorization To Disband The Cedar Park Veterans Memorial Citizen Advisory Group And Allocate All Remaining Funds To The City Of Cedar Park For The Purpose Of Maintenance And Enhancement To The Veterans Memorial Located At 2525 New Hope Drive.
Approved under the Consent Agenda.

No Resolution Number Assigned.

PUBLIC HEARINGS

- E.1 (Z-11-033) First Reading And Public Hearing On An Ordinance To Rezone Approximately 4.00 Acres From Single Family Large Lot (SF) To Local Retail-Conditional Overlay (LR-CO) For Property Located At The Southeast Corner Of North Lakeline Boulevard And West Park Street.
The Planning And Zoning Commission Voted 5-2 To Approve The Request.

Rawls Howard, Planning and Development Services Director, addressed Council regarding the requested rezoning. The request is to rezone approximately 4.00 acres from Single Family Large Lot (SF) to Local Retail-Conditional Overlay (LR-CO) for property located at the southeast corner of North Lakeline Boulevard and West Park Street.

The Conditional Overlay would include the following conditions:

- 1) Limit the building height to 35 feet;**
- 2) Require pitched roofs for all buildings, with a slope at a minimum ratio of 4:12;**
- 3) Limit hours of operation to between the hours of 7am and 10pm;**
- 4) Require window and door fenestration on a minimum of twenty-five (25) percent of the overall wall surface on walls fronting a public street;**
- 5) Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings; and**
- 6) Restrict access to Amelia Drive to pedestrian access only.**

Staff received a protest petition for the rezoning request. Staff has validated the petition, as it represents approximately 40% of the land area within 200 feet of the subject tract. Therefore, an affirmative vote of at least three-fourths (6 out of 7) of all Council members is required to overrule a recommendation of the Planning and Zoning Commission. The Planning and Zoning Commission voted 5-2 to approve the request.

Commission Jon Lux, Planning and Zoning Commission, addressed Council regarding the split vote.

Samir Desai, Applicant, addressed the Council regarding the rezoning request and the history of what he has done for the zoning.

Mayor commented on the SF original zoning and the interim zoning designation that was not intended to be developed as single family.

Mayor Lemon opened the Public Hearing

Public Comment:

The following citizens spoke in opposition to the rezoning request.

Deborah Porter is opposed to the rezoning. She commented on Lakeline Blvd. and the lack of visibility to Park Street, and not allowing an entrance from the tract to Amelia Drive.

Karen Maggio is opposed to the rezoning. She commented on the lack of distance from the development to residential and prefers transitional office. She also objects to a pedestrian entrance to the neighborhood.

Barry Taylor is opposed to the rezoning. He commented on a better uses for the area that is less intrusive. Access should be completely blocked even to foot traffic.

Eric Litton is opposed to rezoning and prefers transitional office with a conditional overlay.

Gary Jones is in favor of the rezoning request. He commented on capturing the sales tax in Cedar Park from those who are traveling thru area. He also commented on the Future Land Use Plan.

Dave Hoffman commented on the survey that was done by the Applicant and does not support amending to LR.

Keith Bright commented on the potential flooding issues on this tract of land. He supports transitional office.

Ed Campos commented on Lakeline Blvd winning awards for its beauty and encouraged Council to continue with this beatification. TO is the perfect zoning. He commented on the speed limit on Lakeline and the safety of the intersection of Lakeline and Park Street.

Phil Laurence commented on the drainage and water flow patterns with new parking lots with development on Lakeline.

The following citizens registered their opposition to the rezoning.

Jennifer Widmer

William Sansiski

Greg Merrell

Samir Desai , Applicant, addressed the Council regarding the neighborhood concerns.

Mayor Lemon inquired from staff what options Council had to consider.

Mr. Howard stated the Council can approve or deny the request for rezoning, or approve a zoning that is a less intensive use.

Councilmember Dale asked for staff to explain the Council process and procedure for Public Hearings and First Readings.

Mr. Howard stated the process is for staff to review the staff report and recommendation o of the Planning Commission. The applicant addresses Council then the Public Hearing is opened for Public Comment. The applicant is given a last opportunity to address the Council, and then Council will discuss the item.

Mayor Lemon closed the Public Hearing

General discussion followed:

Councilmember Powell thanked the neighborhood for their input. The neighborhood presented opinions, facts and pictures of the area and he appreciated the input. He addressed the applicant trying to receive feedback from the surrounding community. He commented on the distinction of what someone prefers as opposed to supporting full out retail and inquired if TO is more appropriate for the area.

Councilmember Fuller stated zoning is a balance and trying to find the highest and best use for each property. He stated he would be walking the property and is troubled by the survey.

Councilmember Mitchell stated he is familiar with the property and sees a reoccurrence and addressed the single family interim zoning.

Councilmember Dale appreciates the input and information which assists him with making a decision. He has issues with the proximity to homes.

Councilmember Tray stated he would like to see property.

Mayor Lemon thanked everyone for attending.

E.2 (Z-11-024) First Reading And Public Hearing On An Ordinance To Rezone Approximately 2.83 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northwest Corner Of East New Hope Road And 183A Toll Road, In Williamson County, Texas. The Planning And Zoning Commission Voted 7-0 To Approve The Request.

Agenda Item E.2 called after Agenda Item E.3

Rawls Howard, Planning and Development Services Director, addressed Council regarding the request to rezone approximately 2.83 acres from Downtown District (DD) to General Retail (GR) for property located at the northwest corner of East New Hope Drive and 183A Toll Road. P&Z has recommended approval of the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.3 (Z-11-027) First Reading And Public Hearing On An Ordinance To Rezone Approximately 49.114 Acres From Downtown District (DD) To Planned Development (PD) For Property Located At The Northwest Corner Of 183A Toll Road And East Whitestone Boulevard. The Planning And Zoning Commission Voted 6-1 To Approve The Request. (Z-11-027)**

Agenda Item E.3 called after Agenda Item E.1

Rawls Howard, Planning and Development Services Director, addressed Council regarding the request by Cedar Park Town Center LP to rezone approximately 49.114 acres from Downtown District (DD) to Planned Development (PD) for property located at the northwest corner of 183A Toll Road and East Whitestone Boulevard. The P&Z voted 6-1 to approve the request.

Applicant: Michael Ainbinder, addressed Council regarding the Downtown District. He stated due to the economy the original plan for the area will not work. The rezoning is for uses that are currently allowed and is actually a lower intensity with townhomes or condos as opposed to multi-family.

Councilmember Dale inquired why the area was not destined to develop as originally proposed.

Charles Rowland, City Attorney, inquired if the applicant understood the area would be developed in accordance with the applicable current code at which time the permits were pulled.

Mayor Lemon opened the Public Hearing

Public Comment:

Mary Mealy addressed Council about not abandoning the original concept for the Downtown District.

Mollie Francis stated she is disappointed the City is not keeping the original plan for the area. A balance of commercial and residential is still needed for smart growth.

David Francis stated he is concerned how the area will be developed. The applicant claims it is for the same usage and density so then why does it need to be rezoned. Bob Ingram – don't cheapen the area and keep the high quality.

Lynda Haynes Heerdark is disappointed the area will not be built as planned and would like more information on how the area is going to be developed and where the traffic will be going.

General discussion followed:

Mayor Lemon addressed the same uses being proposed but not vertical uses. He inquired about the backing of the buildings on Discovery.

Councilmember Dale inquired if the impact to not move City Hall to the area impacted the development of the area.

Mayor Lemon addressed the expense for building a City Hall in the area.

Mayor Lemon closed the Public Hearing

- E.4 (Z-11-028) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 2.760 Acres Located At 1310 Cottonwood Creek Trail. The Planning And Zoning Commission Voted 7-0 To Approve The Request.**

Rawls Howard, Planning and Development Services Director, stated this is a City initiated request. The purpose of this agenda item is to assign original zoning of Local Retail (LR) to approximately 2.760 acres for property located at 1310 Cottonwood Creek Trail.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.5 (Z-11-029) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 49.987 Acres Located At 3975 E Whitestone Boulevard. The Planning And Zoning Commission Voted 7-0 To Approve The Request.**

Rawls Howard, Planning and Development Services Director, stated this is a City initiated request. The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 69.987 acres for property located at 3975 E. Whitestone Boulevard.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.6 (Z-11-030) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 0.517 Acres Located At 1403 W Whitestone Boulevard. **The Planning And Zoning Commission Voted 7-0 To Approve The Request.**

Rawls Howard, Planning and Development Services Director, stated this is a City initiated request. The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 0.517 acres for property located at 1403 W Whitestone Boulevard.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.7 (Z-11-031) First Reading And Public Hearing On An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 14.286 Acres Located At 1505 Medical Parkway. **The Planning And Zoning Commission Voted 7-0 To Approve The Request.**

Rawls Howard, Planning and Development Services Director, stated this is a City initiated request. The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 14.286 acres for property located at 1505 Medical Parkway.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.8 (Z-11-034) First Reading And Public Hearing On An Ordinance To Rezone Approximately 22.84 Acres From Planned Development (PD) To Multi-Family (MF) For Property Located At 2000 South Lakeline Boulevard (City-Initiated). **The Planning And Zoning Commission Voted 7-0 To Approve This Request.**

Rawls Howard, Planning and Development Services Director, stated this is a City-initiated request to rezone approximately 22.84 acres from Planned Development (PD) to Multi Family (MF) for property located at 2000 South Lakeline Boulevard.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Authorizing And Directing The City Manager Upon Approval By The City Attorney To Execute The Guaranteed Maximum Price Proposal As Amendment #1 To The Construction Manager At Risk Contract With SpawGlass For The Construction Of The New Field Operations Buildings.

Emily Truman, Project Manager, stated this item is for the consideration of approval of the Guaranteed Maximum Price Proposal for the Construction Management at Risk Agreement with SpawGlass for the construction of the new Field Operations Buildings. Using the Construction Manager at Risk process, the Guaranteed Maximum Price (GMP) was negotiated concurrent with construction plan preparation and the resultant recommended GMP is \$2,671,727. The GMP is below the \$2,700,000 construction budget and is being funded by the Utility Fund.

Motion to approve a Resolution Authorizing And Directing The City Manager Upon Approval By The City Attorney To Execute The Guaranteed Maximum Price Proposal As Amendment #1 To The Construction Manager At Risk Contract With SpawGlass For The Construction Of The New Field Operations Buildings

Movant: Councilmember Powell

Second: Councilmember Dale

Vote: 6: 0 with Mayor Pro Moore absent from meeting.

Resolution Number R27.11.11.17.F1

F.2 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute A Software License Agreement With Lucity, Inc. For The Development And Implementation Of Management Software For Utilities And Field Operations.

Katherine Woerner, Utility Program Manager, addressed Council regarding the request for Council's authorization to negotiate and implement a software license agreement with Lucity, Inc. for the design and implementation of management software for Utilities and Field Operations. The primary functions of the software includes: fleet maintenance and fleet management, citizen request tracking, work order management, and inventory and asset management.

Councilmember Powell inquired if the new software was compatible with 311 system.

Motion to approve a Resolution Authorizing And Directing The City Manager To Execute A Software License Agreement With Lucity, Inc. For The Development And Implementation Of Management Software For Utilities And Field Operations.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6: 0 with Mayor Pro Moore absent from meeting.

Resolution Number R28.11.11.17.F2

F.3 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Enter Into Depository And Safekeeping Agreements With Wells Fargo Bank.

Josh Selleck, Finance Director, stated in accordance with Texas Local Government Code, the City is required to evaluate its banking services agreement at least every 5 years. As a result, a Request for Proposal was executed to solicit potential vendors for Bank Depository Services.

Three proposal responses were received on September 14, 2011 and evaluated. Wells Fargo Bank excelled in all grading criteria. Wells Fargo proposal included a guaranteed minimum 1% earnings credit rate of return on deposits. The guaranteed minimum earnings credit rate will allow the City to earn credit which is applied toward the cost of banking service fees. The transition to Wells Fargo will begin immediate with full implementation scheduled for January 2012.

Mayor Lemon inquired if the City would be dealing with local branches.

Motion to approve A Resolution Authorizing And Directing The City Manager To Enter Into Depository And Safekeeping Agreements With Wells Fargo Bank.

Movant: Councilmember Powell

Second: Councilmember Fuller

Vote: 6: 0 with Mayor Pro Moore absent from meeting.

Resolution Number R29.1.11.17.F3

F.4 Report On The Quiet Zone Suspension On A Private Crossing Located On Brushy Creek Road In Cedar Park - Tom Gdala.

Tom Gdala, Transportation Planned, addressed Council regarding the train horns at private crossings. There are safety concerns regarding a private crossing and there has been one accident and two near misses involving the CapMetro train. Safety Improvements to be consider include a Public Outreach Plan, additional signage, improvement of sight distance with vegetation identified for removal, and the possibility of a Train Activated Crossing Gate.

Mayor Lemon inquired about the options.

Councilmember Powell stated there are good options, and the conditions have changed and there are more trains. The City may have to consider the cost for gates and encouraged exploring lower cost options first.

Councilmember Dale inquired if 5307 funds could be used towards the installation of the gates.

Mayor Lemon asked about an immediate solution using flashing lights.

F.5 Update On The Drought Status And Lower Colorado River Authority ("LCRA") Pro Rata Process.

Katherine Woerner, Utility Program Manager, addressed Council regarding the pro rata curtailment and the current ordinance needing to be changed for Stage 3 conditions.

Sam Roberts, Assistant City Manager, addressed Council regarding the floating raw water intake contingency project.

Councilmember Fuller commented on the TCEQ report and commended Staff on their quick reaction to the correct the wrong information. He stated this is a very grave error on TCEQ's behalf.

Councilmember Dale commented on the public reaction from the article.

Councilmember Powell stated a public outreach program is needed to inform the public of the correct message.

F.6 Consideration To Rename Bagdad Road In Cedar Park. (Fuller)

Tom Gdala, Transportation Planner, addressed Council regarding the renaming of Bagdad Road. Bagdad Road, a 4-lane arterial roadway, begins in Cedar Park at RM1431 and extends approximately 1.3 miles northward to the city limits at Kettering Drive. It continues through Leander for 3.7 miles to where it becomes CR279 north of the intersection with RM2243 and continues on as CR279 through Liberty Hill to intersect with SH29. Staff determined that there are thirty (30) properties that have Bagdad Road frontage, twelve (12) of which are occupied. The remaining eighteen (18) are undeveloped lots. None of the businesses use Bagdad in their title or have Bagdad Road on their sign.

Councilmember Fuller encouraged staff to do a survey and see what the outcome is. He prefers the name of Victory. He will speak with the City of Leander to determine their interest in a name change.

Councilmember Powell commented on trying to rename New Hope Driver to Veterans. He supports a survey being sent out after CM Fuller has spoken with the City of Leander.

Councilmember Fuller will speak with Leander first and will contact staff to send out the survey.

Mayor Lemon asked for Leander ISD to also be contacted.

F.7 Report And Consideration Of The City Of Cedar Park Masonry Requirements. (Powell)

Rawls Howard, Planning and Development Services Director, addressed Council regarding the City's current requirements for masonry on residential and commercial buildings. He also presented the requirements for surrounding cities.

Councilmember Powell commented on trying to notice aspects of good looking areas and stated a higher level of masonry sets areas out from others. He supports the City of Pflugerville and also commented on the safety aspects. He would like staff to research amendments to the ordinance.

G.1 Mayor And Council Closing Comments.

Councilmember Dale thanked Council Tracy for participating in a recent meeting with home school parents concerning the daytime curfew ordinance. He would like to have a review of the current curfew ordinance and repeal where State law may be duplicated.

Councilmember Powell would like to improve the City's Proclamation look by the time the new City Hall is opened.

G.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:38 p.m.

PASSED AND APPROVED THIS 22ND DAY OF DECEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, DECEMBER 8, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:34 p.m.
Councilmember Tracy arrived at 6:37 p.m.
- A.2 Invocation.
Invocation given by Mayor Pro Tem Moore.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Diane Pascoe addressed Council regarding the clock tower in the Town Center. The time is not accurate and she would like to know who is in charge of it.
- A.5 Mayor and Council Opening Comments.
Councilmember Fuller thanked the Parks staff for the golf tournament and tour of King Log Cabin. He also commented on the state of the school district speech given by Bret Champion.

Councilmember Powell commented on the great aspects of the King Log Cabin and also the Tree Lighting and Santa's workshop events. He also commented on his conversations with TCEQ and increasing communications so wrong information is not reported.

Councilmember Dale congratulated Rachael Cook for winning the Tree Lighting contest.

- A.6 City Manager Report: Update On The Gateway Sign Project. (Powell)
Emily Truman, Project Manager, provided a brief update on the project status. The Steering Committee, which is comprised of staff, Council, 4B and Arts Board members, have been interviewed and surveyed in relation to locations and the design aspects. These comments will be developed into a concept plan. Four visions will be presented at first then narrowed down to two which will then be available for public comment. After this period, the plan will go to the 4B Board for recommendation and then Council for final approval. A December 20th meeting has been scheduled with the Steering Committee to show the four developed concepts.
- A.7 City Manager Report: Monthly Financial Update For The Period Ending September 30, 2011.
Josh Selleck, Finance Director, provided Council with the financial report.

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.

Agenda Items C.1 and D.3 removed from the Consent Agenda by Councilmember Fuller.

Agenda Items C.2 and C.4 removed from the Consent Agenda by Councilmember Mitchell.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding C.1, C.2, C.4 and D.3.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Moore

Vote: 7:0

- B.1 Approval Of Council Minutes From The Regular Scheduled Meeting Of November 3, 2011.
Approved under the Consent Agenda.
- B.2 Approval Of Council Minutes From The Special Called Meeting Of November 10, 2011.
Approved under the Consent Agenda.
- C.1 (Z-11-033) Second Reading And Approval Of An Ordinance To Rezone Approximately 4.00 Acres From Single Family Large Lot (SF) To Local Retail-Conditional Overlay (LR-CO) For Property Located At The Southeast Corner Of North Lakeline Boulevard And West Park Street.
The Planning And Zoning Commission Voted 5-2 To Approve.

Agenda Item C.1 removed from the Consent Agenda by Councilmember Fuller.

Rawls Howard, Planning and Development Services Director, addressed the Council regarding the amendments made by the applicant. They include: prohibiting all access to Amelia Drive, limits for freestanding light poles and height, and the landscaping buffer to add more robust plantings. Mr. Rawls addressed the uses agreed to by the applicant and stated laundromats or hardware stores would not be allowed.

Samir Desai, Applicant, addressed the Council, and stated he did make additional restrictions to the application after hearing the citizens' concerns at the last meeting.

Mayor Lemon allowed Public Comment.

The following citizens spoke in opposition to the rezoning request:

**Deborah Porter
David Hoffman
Ed Campos
Keith Bright**

The following citizens registered their opposition to the rezoning request, but did not address Council:

Tiffany Messner	Kim Shepard
Robert Johnston	Marilyn Kaindl
David Donovan	Sherrilyn Miele Davi
Lisa Maggio	Mark McHugh
Deborah Figueroa	Greg Merrell
Linda Dickey	Dallas Messner

The following citizen spoke in favor of the rezoning request:

Gary Jones

Samir Desai addressed the Council with closing comments regarding his rezoning request.

General discussion followed:

Mayor Lemon inquired what options Council could consider for action.

Councilmember Powell stated he would like to see a vote on the item and not a withdrawal of the request. He is opposed to the LR-CO and inquired if a lesser zoning should be considered.

Councilmember Mitchell clarified the SF was just a holding zoning and was not ever considered to be single family.

Councilmember Dale commented on the chart presented to Council. He is in agreement with voting for a less intense use.

Mayor stated TO and TC was designed to abut residential areas or developments.

Motion to deny the LR-CO request in Agenda Item C.1

**Movant: Councilmember Fuller
Second: Councilmember Mitchell**

Councilmember Powell offered a friendly amendment to deny C1 and rezone TO. Friendly amendment not accepted by movant or second. Friendly amendment withdrawn.

Discussion continued:

Councilmember Fuller stated the zoning cases will get harder going forward. This zoning request is not compatible with SF and the areas around it. He commented on Lakeline Blvd. and Park Street and the curve and speed limit on Lakeline.

Councilmember Mitchell also commented on the problems with Lakeline Blvd and the visibility issues.

Councilmember Tracy thanked the Applicant for his work with the surrounding community. He concurred with the issues with the property and problems with LR.

Mayor Pro Tem Moore encouraged the neighborhood to see what would really work in the area and determine what would be supported.

Mayor Lemon stated he does not support LR on the property and stated it should be left as it is currently zoned until a compatible zoning could be determined.

Councilmember Dale commented on delaying the inevitable and stated there appears to already be a decision in relation to future zoning of TO or TC.

Councilmember Powell commented on wanting to protect the neighborhood from future rezoning requests not compatible with the area.

Charles Rowland, City Attorney, reviewed the process for approving a different zoning other than what was being proposed.

Mayor called the question.

Motion to deny the LR-CO request in Agenda Item C.1

**Movant: Councilmember Fuller
Second: Councilmember Mitchell
Vote: 7:0**

C.2 (Z-11-014) Second Reading And Approval Of An Ordinance To Rezone Approximately 1.57 Acres From Transitional Office (TO) To Local Retail-Conditional Overlay (LR-CO) For Property Located At 210 North Lakeline Boulevard. **The Planning And Zoning Commission Voted 4-0 To Approve.**

Agenda Item C.2 removed from the Consent Agenda by Councilmember Mitchell.

Rawls Howard, Planning and Development Services Director, addressed the Council regarding the requested zoning.

Samir Desai, Applicant, addressed Council and stated there is no additional information on the request.

Councilmember Powell inquired if the applicant had met with the local area and was able to find a common ground.

Mayor Lemon allowed Public Comment:

Joe Koncska is opposed to the rezoning request.

Ed Campos stated he has the same concerns as with C1 and is opposed to the rezoning.

Samir Desai, Applicant, closed his request stating the rezoning request was done with the intention of what the neighbors wanted.

General discussion followed:

Mayor Lemon stated he has some of the same concerns with LR in this area.

Councilmember Powell stated there is only one home and doesn't have quite the same concerns as C.1.

Motion to deny the LR-CO request in Agenda Item C.2

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

C.3 (Z-11-024) Second Reading And Approval Of An Ordinance To Rezone Approximately 2.83 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northwest Corner Of East New Hope Road And 183A Toll Road, In Williamson County, Texas. **The Planning and Zoning Commission voted 7-0 to approve.**

Approved under the Consent Agenda.

Ordinance Number Z12.11.12.08.C3

- C.4 (Z-11-027) Second Reading And Approval Of An Ordinance To Rezone Approximately 49.114 Acres From Downtown District (DD) To Planned Development (PD) For Property Located At The Northwest Corner Of 183A Toll Road And East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-1 To Approve.**

Agenda Item removed from the Consent Agenda by Councilmember Mitchell.

Rawls Howard, Planning and Development Services Director, addressed the Council regarding the requested zoning.

Councilmember Dale inquired about connectivity and how this is done.

Michael Ainbinder, Applicant, addressed Council regarding the requested zoning.

Mayor Lemon allowed Public Comment

Robert Pascoe stated he is opposed to zoning request. The Town Center is an identity that needs to be kept.

Michael Ainbinder, Applicant, addressed Council with closing comments and stated he seeks support from the Council. This rezoning is supported by staff and the P&Z and is a good project for the City.

Motion to approve Agenda Item C.4

Movant: Mayor Pro Tem Moore

Second: Councilmember Fuller

Vote: 7:0

General discussion followed prior to the vote.

Councilmember Fuller stated the vision did change and City needs to think big and adapt.

Councilmember Powell commented on the efforts of the Applicant to market the area. The market has not been supportive of the concept. He stated property tax rates for homeowners are always a concern and there are few areas left in Cedar Park to assist with this that can make a major impact.

Mayor Pro Tem Moore supports the zoning request. There was a desire to have a Town Center but financial the reality did not pan out.

Mayor Lemon made general comments about the original discussions and vision of the area.

Ordinance Number Z13.11.12.08.C4

- C.5 (Z-11-028) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 2.760 Acres Located At 1310 Cottonwood Creek Trail. **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Ordinance Number Z14.11.12.08.C5

- C.6 (Z-11-029) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 49.987 Acres Located At 3975 E Whitestone Boulevard. **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Ordinance Number Z15.11.12.08.C6

- C.7 (Z-11-030) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 0.517 Acres Located At 1403 W Whitestone Boulevard. **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Ordinance Number Z16.11.12.08.C7

- C.8 (Z-11-031) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 14.286 Acres Located At 1505 Medical Parkway. **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Ordinance Number Z17.11.12.08.C8

- C.9 (Z-11-034) Second Reading And Approval Of An Ordinance To Rezone Approximately 22.84 Acres From Planned Development (PD) To Multi Family (MF) For Property Located At 2000 South Lakeline Boulevard (City-Initiated). **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Ordinance Number Z18.11.12.08.C9

- D.1 A Resolution Approving And Accepting Revised Rules And Procedures To Amend The Regular Meeting Date For The Tourism Advisory Board From The First Monday Of The Month To The Fourth Tuesday Of The Month Beginning In January 2012.

Approved under the Consent Agenda.

Resolution Number R30.11.12.08.D1

- D.2 A Resolution To Authorize And Direct The City Manager To Purchase Information Technology Items From The Texas Department Of Information Resources Contract And Authorize Installation With Calence LLC, DBA Insight Networking In Accordance With The Statement Of Work.

Approved under the Consent Agenda.

Resolution Number R31.11.12.08.D2

- D.3 A Resolution Ratifying The Filing With The Texas Comptroller Of Public Accounts A List Of All Authorities For The Use Of Eminent Domain By The City Of Cedar Park

Agenda Item D.3 removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller commented on all private and public entities having to declare legal authority to declare eminent domain. There are 45 State Statutes that allow for this, but yet the State requirement is to list what we already know is inherent in the law.

Motion to improve Agenda Item D.3

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R32.11.12.08.D3

- D.4 A Resolution Amending The Future Land Use Plan For Property Located Along East Whitestone Boulevard Between CR 272 And Raley Road From Industrial To 98.76 Acres Of Regional Office/Retail/Commercial And 52.12 Acres Of Employment Center. **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Resolution Number R33.11.12.08.D4

- D.5 A Resolution Amending The Future Land Use Plan For Property Located Along West Whitestone Boulevard Between Walton Way And Lakeline Boulevard From Neighborhood Office/Retail/Commercial, Low Density Residential, And Institutional/Public/Utility To Regional Office/Retail/Commercial And Institutional/Public/Utility. **The Planning And Zoning Commission Voted 7-0 To Approve.**

Approved under the Consent Agenda.

Resolution Number R34.11.12.08.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute Change Order #12 With FTwoods Construction Services Inc. Under The Park Street Reconstruction Project In The Amount Of \$81,880.
Approved under the Consent Agenda.

Resolution Number R35.11.12.08.D6

- D.7 A Resolution Authorizing The City Council Creation Of A Group Insurance Benefits Trust.
Approved under the Consent Agenda.

Resolution Number R36.11.12.08.D7

- D.8 A Resolution Authorizing And Directing The Mayor To Execute The Water Purchase Agreement Between The City Of Cedar Park And Aqua Utilities, Inc. d/b/a Aqua Texas, Inc. For The Indian Springs Subdivision.
Approved under the Consent Agenda.

Resolution Number R37.11.12.08.D8

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance To Amend Chapter 2, Animal Control, Of The City Of Cedar Park Code Of Ordinances By Repealing Current Chapter 2 And Adopting Revised Chapter 2, Animal Control Of The City Of Cedar Park Code Of Ordinances, And Amend Appendix A Fee Schedule, Article 1.000 Animal Control Related Fees.
Captain Jeff Hayes, Police Department, addressed Council regarding the proposed amendments to the Animal Control Ordinance. The proposed revision addresses a multitude of issues to promote statutory compliance, clarity, and compliance/enforcement.

Mayor Pro Tem Moore inquired about large lots or ranches in the City, and if dogs off leash could be controlled by voice command.

Councilmember Powell inquired about outdoor patios for restaurants and being allowed to have animal. He also commented on the Public Input meetings held for citizen input and the City's flexibility and ability to listen to citizens' concerns.

Mayor Lemon inquired if any dogs would be prohibited by breed.

Mayor Lemon opened the Public Hearing

Sharon Krienke addressed Council regarding dogs used for hunting and ranching on her property.

Mayor Lemon closed the Public Hearing

General discussion followed regarding registering animals thru local vets and having a public campaign to let citizens know they need to register animals.

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 ANX-11-002 Second Reading And Consideration To Approve An Ordinance Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D, Otherwise Described By Metes And Bounds In Williamson And Travis Counties, Texas.

Rawls Howard, Planning and Development Services Director, addressed the Council regarding the proposed annexation.

Public Comment:

Scott Foster thanked Council for annexing the area.

Grady Burris thanked Council for annexing the area.

Motion to approve an Ordinance Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D, Otherwise Described By Metes And Bounds In Williamson And Travis Counties, Texas.

Movant: Councilmember Powel

Second: Mayor Pro Tem Moore

Vote: 7:0

General comments followed regarding the great process and analysis completed by staff to depict the financial feasible to annex the area.

Councilmember Powell encouraged staff to assist homeowners with documents that could be for insurance purposes.

F.2 Consideration Of The Official Ballot Of Candidates For The Board Of Directors Of The Williamson Central Appraisal District And Casting Of Votes.

Motion to cast 135 votes for Deborah Hunt

Movant: Councilmember Mitchell

Withdrawn due to lack of a second.

Councilmember Powell commented on the candidates and stated Mr. Honeycutt has proven his service in Round Rock.

Motion to cast 68 votes for Deborah Hunt and 67 votes for Rufus Honeycutt.

Movant: Councilmember Powell

Second: Councilmember Mitchell

Vote: 7:0

- F.3 Consideration Of City Of Cedar Park Partnership With The Boy Scouts Of America. (Tracy)
Agenda Item F.3 called after the City Manager Report

Councilmember Tracy asked for this item to be placed on the Agenda.

David Barnes, District Executive for Boy Scouts of America, addressed the Council. He reviewed the format and activities in the local area, and statistics for local scouting in Cedar Park. The Boy Scouts would like to partner with the City to assist with scouting, and enhancing scouting awareness.

This item was recalled after Agenda Item F.2.

General discussion followed.

Councilmember Tracy addressed Council regarding the opportunities to help with scouting. This can be done with honoring Eagle Scout recipients at Council meetings, and assisting with identifying possible projects for future Eagle Scouts. These projects and accomplishments could be presented to Council. The City can also assist with community awareness thru news media and the website.

General discussion followed regarding concern for staff resources, possible volunteer opportunities, recognition for Eagle Scout recipients, and contacting the Police Department for assistance in relation to the Explorer Program.

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 9:29 p.m.

G.0 Executive Session

- G.1 Section 551.071(2) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

- a. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
- b. Legal Issues Regarding Sale Of The Current City Hall Building.

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 10:05 p.m.

Agenda Item G.1b

Motion to authorize the City Manager to execute a sales contract for the sale of the administration City Hall building located at 600 N. Bell Boulevard upon final approval of the sales contract by the City Attorney.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 7:0

H.1 Mayor And Council Closing Comments.

Councilmember Mitchell requested a future agenda item in relation to political signs and the current Ordinance.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:09 p.m.

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2012.

Robert S. Lemon, Mayor

ATTEST:

**LeAnn M. Quinn, TRMC
City Secretary**



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, DECEMBER 22, 2011 AT 6:30 P.M.

Mayor Bob Lemon
Matt Powell Councilmember Place One
Mitch Fuller, Councilmember Place Two
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Councilmember Place Five
Don Tracy, Councilmember Place Six
Brenda Eivens, City Manager

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:31 p.m.
All Council present.
- A.2 Invocation. (5)
Councilmember Dale gave the Invocation.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentations: Update From Pedernales Electric Cooperative - Tessa S Doehrman Community Development Representative.
Tessa S. Doehrman, Community Development Representative with Pedernales Electric Cooperative, provided Council with an update on the activities of PEC and the “Community of Giving” Program.
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
None.
- A.6 Mayor and Council Opening Comments.
Councilmember Dale thanked the Police Department for the Awards Banquet.

Councilmember Powell commented on the Police Department Awards Banquet, the Gateway Sign Committee Meeting, and touring the new City Hall. He inquired if a font exists with the City Logo and if that could be made available to consultants.

Councilmember Fuller commended Councilmember Tracy for his work on the Science Education Committee and facilitating this committee. Congressman Carter wants to revitalize the Adopt-A-Unit Program. He requested a future Agenda Item at the January 26th meeting for consideration of participation. He also thanked the Police Department and commented on the citizens awards during the banquet. The BCRUA held their last meeting of the year and the projects are on schedule and under budget.

Councilmember Mitchell commented on the CAPCOG meeting he attended.

Mayor Lemon commented on the last CAMPO meeting and Cedar Park being awarded \$3M for the Bagdad Road project.

- A.7 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.
- a. Darwin Marchell - Engineering Director, Fifteen Years Of Service.
Sam Roberts, Assistant City Manager, presented Darwin Marchell, Engineering Director, with a plaque in recognition of fifteen years of service with the City.
 - b. Larry Nance, Community Service Restitution Supervisor - Field Operations, Twenty-Five Years Of Service.
Withdrawn from Agenda.
- A.8 City Manager Report: Review Of Sign Ordinance In Relation To Political Signs. (Mitchell)
Charles Rowland, City Attorney, updated Council on the rules and regulations in relation to political signs for private and public property. TxDOT does regulate public roads and mandates political signs may not be put up until 90 days prior to the election.

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 Fuller

Second: Councilmember Tracy

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of November 17, 2011.
Approved under the Consent Agenda.

- C.1 Second Reading And Approval Of An Ordinance To Amend Chapter 2, Animal Control, Of The City Of Cedar Park Code Of Ordinances By Repealing Current Chapter 2 And Adopting Revised Chapter 2, Animal Control Of The City Of Cedar Park Code Of Ordinances, And Amend Appendix A Fee Schedule, Article 1.000 Animal Control Related Fees.

Approved under the Consent Agenda.

Ordinance Number CO20.11.12.22.C1

- D.1 A Resolution Authorizing And Directing The Mayor To Execute A Corridor Enhancement Project Agreement Between The Cedar Park Community Development (4B) Board And Dr. Mary-Paige Corcoran, Owner Of Buttercup Veterinary Hospital Located At 610 South Bell Boulevard For The Expenditure Of 4B Funds To Provide An Economic Development Incentive For The Construction Of Improvements Through A Corridor Enhancement Project.

Approved under the Consent Agenda.

Resolution Number R38.11.12.22.D1

- D.2 A Resolution Authorizing And Directing The City Manager, Upon Approval By The City Attorney, To Execute An Interlocal Agreement With the Capital Area Council Of Governments For Licensing Of SCPDC Software (MyPermitNow).

Approved under the Consent Agenda.

Resolution Number R39.11.12.22.D2

- D.3 A Resolution Adopting The City Of Cedar Park Title VI And Related Statutes Nondiscrimination Statement And The City Of Cedar Park Title VI Assurances.

Approved under the Consent Agenda.

Resolution Number R40.11.12.22.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Faith In Action Caregivers Northwest.

Approved under the Consent Agenda.

Resolution Number R41.11.12.22.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With The Literacy Council Of Williamson County.

Approved under the Consent Agenda.

Resolution Number R42.11.12.22.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Williamson Burnet County Opportunities, Inc.

Approved under the Consent Agenda.

Resolution Number R43.11.12.22.D6

- D.7 A Resolution Authorizing And Directing The Mayor To Accept A Regional Grant From The 2011 Homeland Security Grant Program For Citizen Corps Programs In The Amount Of \$33,462.
Approved under the Consent Agenda.

Resolution Number R44.11.12.22.D7

- D.8 A Resolution Awarding Construction Bid For The 2012 Water Tank Rehabilitation And Webster's Elevated Storage Tank Rehabilitation To NG Painting, LP For \$445,100.
Approved under the Consent Agenda.

Resolution Number R45.11.12.22.D8

- D.9 A Resolution To Authorize The Purchase Of Furniture, Fixtures And Equipment (FFE) From Office Source Ltd For The New City Hall Complex In The Amount Of \$177,787.
Approved under the Consent Agenda.

Resolution Number R46.11.12.11.D9

- D.10 Authorization To Excuse The Absence Of Mayor Pro Tem Moore From The Regular Scheduled Meeting Of November 17, 2011.
Approved under the Consent Agenda.

No resolution # assigned

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing For Revisions To Chapter 12 Subdivision Ordinance And To Chapter 14 Site Development Regulations To Address New Public Or Private At-Grade Rail Crossings.
Tom Gdala, Transportation Planner, addressed Council regarding the proposed ordinance regarding at-grade rail crossings. The intent of the ordinance amendments is to maintain the City's Quiet Zone without interruption. Developers will be required to obtain and provide the City with written approval from Capital Metro stating that the new public or private at-grade rail crossing provides the necessary Supplemental Safety Measures required by the Federal Railroad Administration to establish a Quiet Zone.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

Councilmember Dale inquired how long it takes to get a permit.

- E.2 (Z-11-040) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 0.268 Acres From Single Family Large Suburban Lot (SF-1) To Manufactured Home Residential (MH)

For Property Located At 2500 Bois D'Arc Lane. **The Planning And Zoning Commission Voted 6-0 To Deny The Request.**

Agenda Item E.2 called after Agenda Item F.1

Rawls Howard, Planning and Development Services Director, stated this item is to consider a request by Oscar Amaya to rezone approximately 0.268 acres from Single Family Large Urban Lot (SF-1) to Manufactured Home Residential (MH) for property located at 2500 Bois D'Arc Lane. The Planning and Zoning Commission voted 6-0 to deny the request. Therefore, an affirmative vote of at least three-fourths (6 out of 7) of all Council members is required in order to overturn the Commission's recommendation of denial.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

General discussion followed regarding single family dwellings and compatibility with the local area.

- E.3 (Z-11-021) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 2.0 Acres And Open Space Greenbelt (OSG) To Approximately 2.9 Acres For Property Located On The Southside Of East Whitestone Boulevard Just East Of Arrowpoint Drive. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 2.0 acres and Open Space Greenbelt (OSG) to approximately 2.9 acres for property located on East Whitestone Boulevard just east of Arrowpoint Drive. The Planning and Zoning Commission voted 6-0 to approve the request.

Councilmember Fuller commented on the Comprehensive Plan and thanked staff for their work.

Councilmember Powell stated he will continue to support city initiated zonings.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.4 (Z-11-035A) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 33.5 Acres For Property Located On The East Side Of 183A Just North Of The Intersection Of New Hope Drive And 183A. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Agenda Items E.4, E.5, E.6 and E.7 called together

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 33.5 acres for property located on the east side of 183A just north of the intersection of New Hope Drive and 183A.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

Mayor Lemon inquired if all the landowners had been notified.

- E.5 (Z-11-035B) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 7.2 Acres For Property Located Near The Northeast Corner Of CR 180 And New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Agenda Items E.4, E.5, E.6 and E.7 called together.

Refer to Agenda Item E.4 for Public Hearing.

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 33.5 acres for property located on the east side of 183A just north of the intersection of New Hope Drive and 183A.

- E.6 (Z-11-035C) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 2.34 Acres For Property Located On The North Side Of New Hope Drive Northwest Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Agenda Items E.4, E.5, E.6 and E.7 called together.

Refer to Agenda Item E.4 for Public Hearing.

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of Local Retail (LR) to approximately 2.34 acres for property located on the north side of New Hope Drive, northwest of the intersection of Cottonwood Creek Trail and New Hope Drive.

- E.7 (Z-11-035D) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of Local Retail With A Conditional Overlay (LR-CO) For Approximately 5.12 Acres For Property Located On The North Side Of New Hope Drive Northeast Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Agenda Items E.4, E.5, E.6 and E.7 called together.

Refer to Agenda Item E.4 for Public Hearing.

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of Local Retail with a conditional overlay (LR-CO) with a condition to increase the buffer from 20' to 50' along the eastern boundary where the site abuts residential for approximately 5.12 acres for property located on the north side of New Hope Drive, northeast of the intersection of Cottonwood Creek Trail and New Hope Drive.

- E.8 (Z-11-036) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 9.50 Acres For Property Located At 14100 And 14050 Ronald Reagan Boulevard. **The Planning And Zoning Commission Voted 5-1 To Approve This Request.**

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 9.50 acres for property located at 14100 and 14050 Ronald Reagan Boulevard. The Planning and Zoning Commission voted 5-1 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

- E.9 (Z-11-037) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 26.313 Acres For Property Located At The Northeast Corner Of Avenue Of The Stars And E. New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

Rawls Howard, Planning and Development Services Director, stated this item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 26.313 acres for property located the northeast corner of Avenue of the Stars and New Hope Drive. The Planning and Zoning Commission voted 6-0 to approve the request.

Mayor Lemon opened the Public Hearing.

No Public Comment.

Mayor Lemon closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:
- F.1 Review Of The Juvenile Curfew Ordinance. (Dale)
Agenda Item F.1 called after Agenda Item E.1

Councilmember Dale stated he had asked for this item to be placed on the Agenda. He provided a brief history of the daytime curfew ordinance and citizens' concerns that arose after the re-adoption of the ordinance.

J.P. LeCompte, Assistant City Attorney, provided a history and review of the Juvenile Curfew Ordinance. The ordinance was originally adopted in 1994.

Chief Henry Fluck, Police Department, addressed Council regarding the enforcement and citation statistics. There are eleven (11) exemptions contained within the current ordinance. In August 2011, homeschooling was added as an exemption to accommodate this type of educational system. The truancy statute requires multiple violations under an extensive period of time, 6 months. The truancy exempts mental health issues and students who have been expelled from schools. Those populations are not covered under the truancy state law. They are covered under the City's daytime curfew ordinance.

General discussion followed:

Mayor Lemon inquired about expelled student and what laws would be applicable.

Councilmember Powell inquired about the homeschool exemption and how this is established. He inquired if identification cards could be implemented.

Councilmember Tracy inquired if there is an obligation or enforcement under State Truancy Law on failure to attend and how the PD would interact with kids.

Councilmember Dale stated under the Daytime Curfew Ordinance an officer can approach juveniles. This can also be done under the State Truancy Law.

General discussion continued in relation to the City's current Daytime Curfew Ordinance versus the State Truancy Law, summer school times, and impact on the absence of the Daytime Curfew Ordinance and what can be done.

Public Comment: The following citizens spoke in opposition to the daytime curfew ordinance.

**Megan McGovern
Justin Louis
Allison Louis
Mike Louis
Laressa Hubbs**

General discussion continued:

Councilmember Dale addressed the State Law and redundancy in the daytime curfew ordinance. He stated under the State Law officers would still be able to approach juveniles.

Motion to have a future agenda item to eliminate the day time curfew.

Movant: Councilmember Dale

Second: Councilmember Mitchell

Vote: 7:0

General Discssion continued:

Councilmember Fuller commented on daytime activities and behavior out of the norm.

Mayor Pro Tem Moore commented on keeping crime low in Cedar Park. He commented on the low citation number however he does not want to take away an effective tool.

Councilmember Powell commented on his experiences on his elementary school interaction with officers in a friendly environment. He suggested a public outreach with programs for homeschoolers. Interaction with law enforcement should not be a fearful thing, but rather have a positive experience.

Mayor commented on his experience and the “fear”. He is in favor of looking at the daytime curfew however he wants further information.

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 8:15 p.m.

G.0 Executive Session:

G.1 Section 551.071(2) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.

b. Legal Issues Concerning The Sale of 0.338 Acre Water Tank Site on Aster Pass to Williamson-Travis Counties Municipal Utility District No. 1.

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 8:29 p.m.

Motion to authorize the City Manager to execute all necessary documents to cause the sale of .338 acre site near intersection of Aster Pass and El Salido to Williamson Travis MUD #1 pending final approval of the City Attorney.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

H.1 Mayor And Council Closing Comments.

Councilmember Powell on the past year and all the development in Cedar Park.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 8:34 p.m.

PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY, 2012

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary